



**An
Phríomh-Oifig
Staidrimh**

Central
Statistics
Office



Coimisiún na Scrúduithe Stáit
State Examinations Commission

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CENTRAL STATISTICS OFFICE

AND

STATE EXAMINATIONS COMMISSION

May 2019

(the Parties)

PREAMBLE	2
Purpose of Agreement	2
State Examinations Commission (SEC) Mandate and Mission.....	2
Central Statistics Office (CSO) Mandate and Mission	2
Statistical Potential of Administrative Records.....	2
Factors contributing to the request for access to SEC data holdings	3
Agreement.....	5
General.....	5
File Security	7
Data Protection	7
Statistical quality	7
Review	7
Communication	7
Signatures.....	8

PREAMBLE

Purpose of Agreement

The purpose of this agreement is to establish the terms and conditions under which the State Examinations Commission (SEC) will provide access to the data required at the request of the Central Statistics Office (CSO). It will also be used to define the controls used to transmit data and to define conditions for the deletion of the data on completion of the research.

State Examinations Commission (SEC) Mandate and Mission

The State Examinations Commission was established by statutory order in March 2003 and has responsibility for the operation of the State Certificate Examinations of behalf of the Department of Education and Skills. The organisation is staffed by civil servants and there are five Commissioners appointed by the Minister for Education and Skills.

The Commission deals with the provision and quality of the Irish State Examinations. The organisation is committed to working in partnership with school authorities and education providers in order to deliver a high quality examination and assessment system that is efficient, fair and accessible and to ensure that the system is operated in an environment of openness, transparency and accountability.

The Mission Statement of the SEC is “to provide a high-quality candidate-centred state examinations service.”

Central Statistics Office (CSO) Mandate and Mission

The CSO’s mandate, as set out in the Statistics Act 1993 is:

“the collection, compilation, extraction and dissemination for statistical purposes of information relating to economic, social and general activities and conditions in the State”.

Statistical Potential of Administrative Records

The CSO is currently in a position to examine student outcomes across a range of different educational variables including field of study, NFQ level, duration, etc. However, individual academic capability, which is likely to have a very strong influence on outcomes, is currently not well represented by the data. Due to varying entry requirements and probabilistic distributions, academic capability is not uniformly distributed across all courses, creating a bias when outcomes are compared. Inclusion of examination data will allow more targeted analysis of the impact of higher/further education and the influence of other factors on outcomes such as sex and socioeconomic background. It will also facilitate an examination of the pathways of students through the education sector generally, and how these vary based on Leaving Certificate performance.

Exam data will be a very useful activity indicator, since data currently available to the CSO shows only whether students were enrolled in an exam year, and does not if they undertook the examinations.

Factors contributing to the request for access to SEC data holdings

- Section 30 of the Statistics Act 1993 which governs the 'Use of Records of Public Authorities for Statistical Purposes'¹.
- Section 31 of the Statistics Act 1993 which governs the 'Co-operation of public authorities with the Office'².
- Article 17(a) of Regulation 223/2009 as amended by Regulation 2015/759 provides 'Access by and involvement of the NSI's, other national authorities and the Commission (Eurostat) pursuant to paragraphs 1 and 2 shall be limited to administrative records within their own respective public administrative system'. In this regard provision should be made for data that concerns another Department³.
- Article 24 of Regulation 223/2009 as amended by Regulation 2015/759: 'In order to reduce the burden on respondents, the NSIs and other national authorities and the Commission (Eurostat) shall have access to administrative data sources, from within their respective public administrative system, to the extent that these data are necessary for the development, production and dissemination of European statistics'⁴.
- Regulation No (EU) 2017/881 implementing Regulation (EC) No 763/2008 – establishes the right to hold a census of population along with the required information to be collected as per section 4.4 part (i) – Educational Attainment, which is to be broken down by sex and broad age groups⁵.
- The CSO Statement of Strategy 2016-2019 (Aim 2) outlines in detail the goal of 'Increase use of secondary data sources including administrative and Big Data'. Access to secondary sources of accurate, detailed and up to date data enhances the value and usefulness of the project outputs vis a vis developing targeted policy interventions⁶.
- The National Statistics Board (NSB) strategy in the "NSB Strategic Priorities for Official Statistics 2015-2020: A World Class Statistical System for Ireland" identifies the following key strategic goal: The production of world class official statistics based on an Irish Statistical System comprising public sector administrative data and a comprehensive programme of surveys to support national user needs. (Page 3)⁷
- National policy in relation to examination outcomes, as given effect in Section 53 of the Education Act 1998 (as amended), is focussed on guarding against the release of information which would enable the compilation of information (that is not otherwise available to the general public) in relation to the comparative performance of schools in respect of the academic achievement of students⁸. The CSO undertakes that examinations performance data analysis will only be presented and/or published on an aggregated, national basis and

¹ <http://www.irishstatutebook.ie/eli/1993/act/21/enacted/en/html>

² <http://www.irishstatutebook.ie/eli/1993/act/21/enacted/en/html>

³ Regulation 223/2009 as amended by Regulation 2015/759 – <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R0759&from=EN>

⁴ Regulation 223/2009 as amended by Regulation 2015/759 – <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R0759&from=EN>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AAOJ.L.2017.135.01.0006.01.ENG>

⁶ <https://www.cso.ie/en/media/csoie/aboutus/documents/SoS20162019.pdf>

⁷ http://www.nsb.ie/media/nsbie/pdffdocs/NSB_Strategy_2015-2020.pdf

⁸ <http://www.irishstatutebook.ie/eli/1998/act/51/enacted/en/html>

not at any more granular level, including by school but also by school type, geographic location, regional location, etc.

- Section 33 of the Statistics Act, 1993, which prohibits the general release of information which can be related to an identifiable person (such as a student) or undertaking (such as a school) without the express written consent of that person or undertaking⁹.
- Principle 5 of the Irish Statistical System Code of Practice, which states that the CSO shall “ensure that statistical outputs do not lead to the direct or indirect identification of an individual person or entity”¹⁰.
- The Data Protection Act, 2018¹¹.
- The CSO Policy on Access to Research Microdata Files, which sets out the legal framework for use of Microdata files by researchers, and outlines the access policies, IT security and output safeguards that are in place to protect data under this system¹².

The CSO requests individual level data on examinations from the SEC to facilitate this research, to include the following variables:

- Year of exam
- Exam type
- LCVP Indicator
- SEC Exam No
- DPIN/PPOD number
- PPSN
- First name
- Surname
- DOB
- Fee Exemption status (Medical Card Ind.)
- RACE Indicator
- Gender
- Candidate Type (repeat, external, etc.)
- School Roll Number (Base School)
- School Name and Address
- Subject code
- Subject level
- Exam mark
- Percent
- Grade
- LCA credits, grade and score

⁹ <http://www.irishstatutebook.ie/eli/1993/act/21/enacted/en/html>

¹⁰ http://www.isscop.ie/media/isscopie/documents/ISSCOP_leaflet_single_pages.pdf

¹¹ <http://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/print.html>

¹² <https://www.cso.ie/en/aboutus/lgdp/csodatapolicies/dataforresearchers/parm/>

Agreement

General

1. SEC shall provide the data to the CSO for statistical purposes in accordance with the provisions of the Statistics Act 1993. SEC acknowledges the requirement by the CSO to continue to receive these files and undertakes to provide these data at the required frequency.
2. The CSO shall use the data provided by SEC for statistical purposes only, in accordance with the Statistics Act, 1993, EU statistical law and EU and national data protection law. In particular, treatment of data shall be subject to the CSO's Code of Practice on Statistical Confidentiality¹³.
3. The CSO shall ensure that all linking of SEC data with other data sources, both CSO and non-CSO, will be carried out in accordance with the CSO Data Protocol¹⁴.
4. The CSO and the SEC shall both appoint a Liaison Officer to act as a point of contact between the organisations. The CSO's Administrative Data Centre (ADC) and Data Office shall have responsibility for management and use of SEC data within the CSO.
5. As part of its mandate, the CSO serves the specialist needs of the research and academic community for detailed and focussed data. Research Microdata Files (RMFs) are the means through which the CSO grants access to anonymised microdata. RMFs are made available to persons authorised to access such files under the Statistics Act, 1993, subject to strict criteria. The legal framework under which access to RMFs is granted is Section 20(c) of the Statistics Act, 1993. This Section enables the Director General to appoint persons as Officers of Statistics *"to perform for a specified period particular statistical analysis which may necessitate access to data collected under this Act."* Access is granted for research purposes subject to a strict application of Section 20(c). The researcher must complete a Declaration of Secrecy as set out in Section 21 of the Statistics Act before access to an RMF is granted. The researcher is obliged by law to respect the statistical confidentiality of information contained in the RMF and may only use that information for statistical purposes.
6. In certain circumstances, requests for access to SEC-sourced data through the RMF process will be made to the CSO. The CSO will consult with SEC's Liaison Officer on such requests, and the SEC will be consulted for their views on the outputs produced in advance of publication.
7. In using SEC-sourced data the CSO, and any researchers granted access to CSO data under Section 20(c) of the Statistics Act, 1993, will comply with Section 53 of the Education Act, 1998 so as to guard against the development and/or publication of any data which provides comparative performance of schools in terms of state examinations outcomes. The CSO and any researchers granted access to CSO data shall undertake that examinations performance data analysis will only be presented and/or published on an aggregated, national basis and not at any more granular level, including by school but also by school type, geographic location, regional location, etc.
8. In accordance with Section 31 of the Statistics Act, 1993, the SEC shall inform the CSO as early as possible of any proposed changes in the availability or scope of data collected by SEC which could potentially impact on the CSO in carrying out its mandate.
9. A delivery is scheduled to be received each year in relation to information currently collected by SEC for operational purposes.

¹³ <https://www.cso.ie/en/aboutus/lgdp/csodatapolicies/statisticalconfidentiality/codeofpractice/>

¹⁴ <https://www.cso.ie/en/aboutus/lgdp/csodatapolicies/csodataprotocol/>

10. The data requested by the CSO relates to individual level information on students participating in state exams. The information requested includes:

Year of exam
Exam type
LCVP Indicator
SEC Exam No
DPIN/PPOD number
PPSN
First name
Surname
DOB
Fee Exemption status (Medical Card Ind.)
RACE Indicator
Gender
Candidate Type (repeat, external, etc.)
School Roll Number (Base School)
School Name and Address
Subject code
Subject level
Exam mark
Percent
Grade
LCA credits, grade and score

11. This delivery and any amendments to said delivery are being requested by the CSO under Section 30 of the Statistics Act 1993. This MoU serves as a notice request for the purposes of that section of the Act. Changes to this list, and the composition of the data files thereon, shall be agreed between the SEC Liaison Officer and the CSO Liaison Officer.
12. If required, the CSO and SEC will meet to discuss any issues which may be of concern in carrying out statistical processing.
13. Any amendments to the structure or frequency of the existing data transfer between the two organisations shall be submitted through, and considered by both, the Liaison Officers and relevant senior management. Any changes authorised shall take into account the relevant resource implications for both organisations, and shall conform to the criteria of being necessary and proportionate in line with the Data Protection Act 2018¹⁵ and the General Data Protection Regulation¹⁶.

¹⁵ <https://data.oireachtas.ie/ie/oireachtas/act/2018/7/eng/enacted/a0718.pdf>

¹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

File Security

14. The CSO and SEC shall maintain the appropriate infrastructure to ensure the secure transfer of data between the two organisations. In particular, data will first be encrypted then loaded to a password-protected Secure File Transfer Protocol (SFTP) server maintained by the CSO.
15. Microdata will only be exchanged between SEC and the CSO using secure transfer procedures.
16. The CSO shall provide appropriate administrative, technical, and physical safeguards to ensure the confidentiality and security of the data, and reports based upon it, and to prevent unauthorised use or access to it. Access to the data will be restricted to Officers of Statistics.
17. The CSO is committed to the implementation of a data lifecycle, whereby information will be deleted when no longer required for statistical production.
18. In the event of any theft, loss or compromise of any data or any device used to transport the data, the CSO undertakes to inform the SEC without undue delay.

Data Protection

19. The CSO undertakes that all data received from the SEC shall be treated as strictly confidential and shall be used for statistical purposes only, in accordance with national and EU statistical law, and also in conformity with the relevant data protection legislation. In particular, data received by the CSO from SEC will be subject to the relevant safeguards as outlined in Section 5 and 6 of the CSO's "Information for Data Providers" notice¹⁷.

Statistical quality

20. Data files shall be accompanied by the relevant metadata, where available.

Review

21. This MoU may be reviewed at any time at the request of either party. Any changes to the MoU shall be affected only with the mutual agreement of SEC and CSO.

Communication

22. The approval of this MoU and its content and procedures shall be communicated within the CSO and SEC; such communication shall include publication on the respective websites.

¹⁷ <https://www.cso.ie/en/aboutus/lgdp/csodatapolicies/informationfordataproviders/>

Signatures

Signed: 

Pádraig Dalton

Director General

Central Statistics Office

Skehard Road

Cork.

Signed: 

Aidan Farrell

Chief Executive Officer

State Examinations Commission

Cornamaddy

Athlone.

Date: 21/5/19

Date: 17/7/19

