

Section 12 Information databases

- (1) The Secretary of State may for the purpose of arrangements under section 10 or 11 above or under section 175 of the Education Act 2002—
 - (a) by regulations require children’s services authorities in England to establish and operate databases containing information in respect of persons to whom such arrangements relate;
 - (b) himself establish and operate, or make arrangements for the operation and establishment of, one or more databases containing such information.
- (2) The Secretary of State may for the purposes of arrangements under subsection 1)(b) by regulations establish a body corporate to establish and operate one or more databases.
- (3) A database under this section may only include information falling within subsection (4) in relation to a person to whom arrangements specified in subsection (1) relate.
- (4) The information referred to in subsection (3) is information of the following descriptions in relation to a person—
 - (a) his name, address, gender and date of birth;
 - (b) a number identifying him;
 - (c) the name and contact details of any person with parental responsibility for him (within the meaning of section 3 of the Children Act 1989 (c. 41)) or who has care of him at any time;
 - (d) details of any education being received by him (including the name and contact details of any educational institution attended by him);
 - (e) the name and contact details of any person providing primary medical services in relation to him under Part 1 of the National Health Service Act 1977 (c. 49);
 - (f) the name and contact details of any person providing to him services of such description as the Secretary of State may by regulations specify;
 - (g) information as to the existence of any cause for concern in relation to him;
 - (h) information of such other description, not including medical records or other personal records, as the Secretary of State may by regulations specify.
- (5) The Secretary of State may by regulations make provision in relation to the establishment and operation of any database or databases under this section.
- (6) Regulations under subsection (5) may in particular make provision—
 - (a) as to the information which must or may be contained in any database under this section (subject to subsection (3));
 - (b) requiring a person or body specified in subsection (7) to disclose information for inclusion in the database;
 - (c) permitting a person or body specified in subsection (8) to disclose information for inclusion in the database;

- (d) permitting or requiring the disclosure of information included in any such database;
- (e) permitting or requiring any person to be given access to any such database for the purpose of adding or reading information;
- (f) as to the conditions on which such access must or may be given;
- (g) as to the length of time for which information must or may be retained;
- (h) as to procedures for ensuring the accuracy of information included in any such database;
- (i) in a case where a database is established by virtue of subsection (1)(b), requiring children's services authorities in England to participate in the operation of the database.

(7) The persons and bodies referred to in subsection (6)(b) are—

- (a) the persons and bodies specified in section 11(1);
- (b) the Learning and Skills Council for England;
- (c) the governing body of a maintained school in England (within the meaning of section 175 of the Education Act 2002 (c. 32));
- (d) the governing body of an institution in England within the further education sector (within the meaning of that section);
- (e) the proprietor of an independent school in England (within the meaning of the Education Act 1996 (c. 56));
- (f) a person or body of such other description as the Secretary of State may by regulations specify.

(8) The persons and bodies referred to in subsection (6)(c) are—

- (a) a person registered in England for child minding or the provision of day care under Part 10A of the Children Act 1989 (c. 41);
- (b) a voluntary organisation exercising functions or engaged in activities in relation to persons to whom arrangements specified in subsection (1) relate;
- (c) the Commissioners of Inland Revenue;
- (d) a registered social landlord;
- (e) a person or body of such other description as the Secretary of State may by regulations specify.

(9) The Secretary of State may provide information for inclusion in a database under this section.

(10) The provision which may be made under subsection (6)(e) includes provision for a person of a description specified in the regulations to determine what must or may be done under the regulations.

(11) Regulations under subsection (5) may also provide that anything which may be done under regulations under subsection (6)(c) to (e) or (9) may be done notwithstanding any rule of common law which prohibits or restricts the disclosure of information.

(12) Any person or body establishing or operating a database under this section must in the establishment or operation of the database have regard to any

guidance, and comply with any direction, given to that person or body by the Secretary of State.

(13) Guidance or directions under subsection (12) may in particular relate to—

- (a) the management of a database under this section;
- (b) the technical specifications for any such database;
- (c) the security of any such database;
- (d) the transfer and comparison of information between databases under this section;
- (e) the giving of advice in relation to rights under the Data Protection Act 1998 (c. 29).