ofqual

Open consultation

Annex: Privacy notice for consultations

Published 29 October 2026

Applies to England

Contents

Why we collect your personal data
Your data
Your rights
Freedom of Information Act and your response
How we will use your response
Sharing your response
Use of AI for consultation analysis
How long will we keep your personal data?
Our legal basis for processing your personal data
The identity of the data controller and contact details of our Data Protection Officer
How to contact us

Why we collect your personal data

As part of our consultation process, you are not required to provide your name or

any personal information that will identify you. However, we are aware that some respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. We seek to reach as broad a range of people and institutions as possible to inform our proposals. For us to monitor this, understand views of different groups and taking steps when reaching out to specific groups, we may ask for sensitive data such as ethnicity and disability to understand the effectiveness of our approach. However, it is optional to provide this information.

If there is any part of your response that you wish to remain confidential, please indicate at the appropriate point in the survey.

Where you have requested that any part of your response remains confidential, we will not include your details (or your organisation's details) in any published list of respondents. However, we may quote from the response anonymously to illustrate the kind of feedback we have received.

Your data

Your personal data:

- will not be sent outside of the UK unless there are appropriate safeguards in place to protect your personal data
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights

You have the right to:

- be informed that your personal data is being processed by Ofqual
- access the information we hold about you

- request that we rectify any information about you that is incorrect
- request that data we hold about you are erased. There are certain conditions which apply to the erasure of personal data, depending on the purpose of processing. You will be informed if your request has been declined and the reason for this
- restrict processing in certain circumstances

If you would like to exercise your rights, please contact us using the details below. You can also find out more about Ofqual's privacy information.

Freedom of Information Act and your response

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients including members of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your consultation response, we will take full account of your reasons for requesting confidentiality and assess this in accordance with applicable data protection rules.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'no' in response to the question asking if you would like anything to be kept confidential, we are able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response. We produce and publish reports on Ofqual - GOV.UK setting out an analysis of the consultation responses and decisions made as a result of that analysis. In the course of analysis, we will avoid using your name and contact details. We will only process the body of your response, but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

Your response will be shared internally within Ofqual to analyse the responses and shape our policies and regulatory activity. We may also share your response with The Department for Education (DfE) and Skills England where the consultation is a joint consultation or part of work involving those organisations. We may share responses with them to ensure that our approaches align. If we share a response, where possible we will not include any personal data (if you have provided any). Where we have received an organisational response to a consultation, we will provide DfE and Skills England with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected. We will not share your information with any third parties for the purposes of direct marketing.

We use data processors who are third parties who provide elements of services for us. We may share data with them so they can analyse and summarise responses for us that may use technology, such as artificial intelligence. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will hold it securely and retain it for the period we instruct. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

We use Citizen Space, which is part of Delib Limited, to collect consultation responses and they act as our data processor. You can view Citizen Space's privacy notice.

We may also publish an annex to the analysis listing all organisations that provided a non-confidential response, but this will not include personal names or other contact

details.

Use of AI for consultation analysis

To support the analysis of consultation responses, we may use artificial intelligence (AI) tools such as Microsoft Copilot. This is a secure AI tool, which uses a combination of large language models (LLMs) to assist in identifying themes, summarising feedback, and generating insights. This tool has appropriate safeguards in place that ensures the privacy and security of confidential responses. All personal and special category data will be robustly anonymised before analysis. Any use of AI is solely for enhancing the efficiency and quality of our consultation analysis and reporting. Copilot does not make decisions about individuals but supports human-led analysis and decision-making by providing summarised information and insights. All final outcomes and decisions arising from the consultation analysis are determined by humans.

Where AI tools are used to process personal data, this is done in accordance with the original purposes for which the data was provided and processed in accordance with this notice. Copilot has the same security, compliance, and privacy settings configured within Microsoft 365.

How long will we keep your personal data?

Unless otherwise stated, Ofqual will keep your personal data (if provided) for a period of 2 years after the consultation closing date.

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we rely upon the public task basis as set out in Article 6(1)(e) of UK GDPR which allows processing of personal

data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there is a legitimate expectation that a process of consultation will take place. Where you provide special category data, such as ethnicity and disability data, we process this in accordance with Article 9(2)(g) of UK GDPR where processing is necessary for reasons of substantial public interest.

The identity of the data controller and contact details of our Data Protection Officer

This privacy notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this privacy notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this privacy notice, how we handle your personal data, or want to exercise any of your rights, please contact our data protection officer at dp.requests@ofqual.gov.uk

We will respond to any rights that you exercise within a month of receiving your request. If the request is particularly complex, we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at:

ICO
Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

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