

**Subject:** Fw: Your email to the ICO - Case Reference IC-311265-L0P5  
**From:** "John Harrison | UCDx" <[john.harrison@ucdx.org.uk](mailto:john.harrison@ucdx.org.uk)>  
**Sent:** 19/06/2024 15:36:54  
**To:**

----- Forwarded Message -----

From "icocasework" <[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)>  
To "[john.harrison@ucdx.org.uk](mailto:john.harrison@ucdx.org.uk)" <[john.harrison@ucdx.org.uk](mailto:john.harrison@ucdx.org.uk)>  
Date 18/06/2024 15:54:34  
Subject Your email to the ICO - Case Reference IC-311265-L0P5

18 June 2024

Our reference: IC-311265-L0P5

Dear John Harrison

Thank you for your enquiry received on 29 May 2024, apologies for the delay in this response.

We appreciate your points around giving learners more control over their own data and empowering innovation including data protection by design. In fact, as you may be aware, the ICO's [Regulatory Sandbox](#), which supports innovation, is currently working on Project Titan with the Department for Education, you can read more about this on our [current participants](#) page.

It is likely that decentralisation will be discussed as part of the Sandbox work, however it is outside the scope of the ICO as a regulator to advise the DfE to work with a specific digital wallet provider. You will be able to read the outcome of our discussions in our exit report that will be published at the end of the DfE's participation later this year. It is our hope that you will find the report informative, and it will address some of your concerns.

We thank you again for the useful context and views that you have set out in your letter. However, due to the fact that our work on DfE's Project Titan is still ongoing, we do not feel it would be appropriate to meet with you at this time.

I hope this information is helpful to you. If you would like to discuss this enquiry further, please contact me on my direct number 0330 414 6840. If you need advice on a new issue you can contact us via our Helpline on 0303 123 1113 or through our [live chat service](#). In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website at [www.ico.org.uk](http://www.ico.org.uk). For information about what we do with personal data see our [privacy notice](#).

Stephanie Schofield

Lead Case Officer  
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----- Original Message -----

External: This email originated outside the ICO.

**Subject: Department for Education / User Control of Data /Privacy by Design.**

Dear Mr Almond (with copy to Ms Currie).

We have never met, but I discussed the topic of User Control of Data with one of your colleagues - Jonathan Bamford - a few years ago, before he retired. The current issue turns on whether it is reasonable to expect a government organisation to support innovation to give individuals control over their own data, so improving 'privacy by design', or whether they can persist with dysfunctional data aggregation indefinitely. The answer, of course, is that 'it depends'.

The organisation in question is the Department for Education. Since 2007, they have required the learning providers they fund to submit qualification data to a central database, the Learning Records Service, where they aggregate it to create 'personal learning records', using a Unique Learner Number issued to each learner as the key. The goals of LRS are summarised in its privacy notice [here](#), and seem - in part at least - to be circular, i.e. confusing the means (issue a Unique Learner Number, create a Personal Learning Record) with true goals, i.e. (i) collecting data for statistics, and (ii) enabling access by organisations to ensure that learners get access to extra government funding if they do not achieve a baseline of qualifications before leaving full-time education. LRS is certainly overkill for the first goal, which could be achieved by having learning providers submit anonymised statistics; the Service is probably also overkill for the second objective, since - I suspect - only a small minority of learners need extra funding and could be reported to DfE by exception.

More importantly, LRS does not actually deliver necessary functionality for learners, for two reasons:

\*1\* an individual's record in the database is always going to be incomplete, since only learning providers funded directly by DfE submit data; even though they, and others - such as the universities, CPD providers, professional bodies etc - would prefer to give the qualifications directly back to the individuals, ideally in digital form, or otherwise still on paper; and

\*2\* DfE cannot give learners online access to their own record in LRS because, once the data has been removed from its original context (i.e. the relationship between learning provider and learner), the department has found that it cannot identify at least some learners with sufficient certainty to give them access to their own data, the problem being that such learners lack sufficient conventional

identity evidence (passport, driving licence, credit record) to achieve the necessary 'medium' level of confidence, as defined in the government's own standard, GPG45.

The consequences of these two issues are that learners cannot show a selection from a complete qualification record (i) when applying to a new learning provider or for employment; or (ii) to an adviser, either human or (well regulated AI) when seeking advice about career path, learning objectives etc. We have pointed out these issues to DfE on numerous occasions over the past five years, and proposed a solution - which we call User Control of Data (UCD). It is a managed market of digital wallet providers, likely to be the banks in the longer run. An overview is given below my signature block. The proposal has won two grants from InnovateUK, and is supported by most academics, both technologists and ed-tech types. It is led by two organisations: UCDx CIC, which was created as an advocate for, and potential governance body of, the new infrastructure in 2020; and PIB-d Ltd, which is a joint-venture with Jisc (a charity which supports IT development for HE and FE) and may well become the development company, one it has gained two or more potential wallet providers as shareholders

All well and good. However, rather than receiving support from DfE, as we expected, they have stalled for five years, first spending circa £5 million on an absurd in-house pilot (in which secondary school students are meant to use a single-application wallet to carry data, from LRS (rather than their school) to FE colleges, and now stating that they are still exploring uses of the technology and have not yet made up their mind. It is obvious that they are trying every trick they can to protect their centralised database - which has been the subject of some attention from ICO over the years. Further, it is clear that - were DfE to get behind UCD and allow it a route to scale - the proposal would provide a focus for the identity / wallet community in the UK, and enable us to build a wallet infrastructure to match and surpass the EU's eIDAS programme.

While I recognise that ICO is principally a regulator, rather than an initiator or supporter of new developments, there may be a case for the Commissioner to wag a finger at DfE on the grounds that (i) the public interest justification for LRS seems thin, given that there are clearly better methods available; and (ii) government is not, as might be expected, supporting orderly development of privacy-enhancing- technologies. Note also that UCD appears to have at least a modicum of support from junior staff in the DSIT's identity group (responsible for development of the UK Digital Identity & Attributes Trust Framework, for which wallets are the next big step) and in GDS (responsible for OneLogin, which needs wallets so that individuals can show attributes from gov to the rest of the world).

I attach two docs: a recent letter to the secretary of state at DfE making the case (again) for UCD; and the reply. Post the election, the next step might be to ask DfE to carry out a formal consultation about UCD to see what the education sector, and the public at large, think of the proposal. If ICO were to encourage such a step, then who knows . . . DfE might even begin to work in the public interest, rather than protecting their own position.

What chance a conversation ? There's a very good slide deck . . . which gets the ideas across far more easily than text. I look forward to your reply. Best regards,

John

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John Harrison

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Note the UDX website is down for maintenance: a new version

*Seeking to give Users Control of their own trustworthy Data (UCD)*

- Interim lead director of UCDx Community Interest Company: a public interest advocate for, and potential governance body of, the new infrastructure <https://ucdx.org.uk>

- Director of PIB-d Ltd: a potential (but not yet the) development company for UCD infrastructure <https://pib-d.net>; a JV with parts of the UK Higher Education sector; twice winner of grants from InnovateUK.

## Overview of the UCD proposal

UCDx is a community interest company funded by InnovateUK to advocate for, and potentially become a governance body of, new digital infrastructure for User Control of Data.

We envisage that service providers will invite individuals to choose a digital wallet provider from a managed market, and then use their new wallet to (i) interact with (sign-on to, communicate, pay) multiple counterparties, i.e. the service provider, other organisations, and other individuals; and (ii) control the flow of trustworthy personal data to and between such counterparties. The flagship application, and route to scale, is a portable personal achievement record, to be used as a point in the cloud from which a learner interacts with their current learning provider, and transitions to the next one, or into employment, showing a verifiable CV at each step. Subsequent applications, in addition to payment and comms, include "vouching", remote proof of identity, proof of student status, authority management, proof of age, preferences, etc

We think retail banks are the most likely long-term candidates for the wallet provider role. They will not move en masse: instead, we have a model that doesn't rely upon them, but starts with SME wallet providers - all suitably regulated by DSIT - and offers tempting marketing advantages for the first banks to enter, then steeper admission fees for the laggards. We think all the banks will eventually join, largely to remain competitive with their peers, but also attracted by reduced customer on-boarding costs. In time, individuals will obtain proof of identity for their wallets not from an identity proofing provider, or from their bank, but direct from government, much as proof of qualification will be supplied direct from the relevant learning provider or awarding body.

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