

# DATA PROTECTION POLICY APPENDIX 2

## STUDENT RECORDS

### Context:

As an academy, we have agreed to meet the Education (Pupil Information) (England) Regulations 2005, which require maintained schools to keep an education record for each student and disclose on request a student's educational record to their parent. Under these regulations maintained schools must transfer a student's educational record to their new school when they change schools. This is undertaken in accordance with the school's Data Protection Policy,

### **Educational Records**

Educational records include information about students (and former students) which:

- is processed by, or on behalf of, the governing body or a teacher
- originates from or supplied by local authority (LA) employees (for certain schools)
- originates from or supplied by teachers or other employees of the school.

Records processed by a teacher solely for the teacher's own use will be excluded from students' educational records.

### **Curriculum Records**

The school must keep curricular records on every student. Curricular records form a 'subset' of a student's educational record. They are a formal record of a student's academic achievements, skills, abilities and the progress they make at a school.

The curricular record must be updated at least once a year.

### **Safeguarding records**

Information relating to any safeguarding concerns about a particular child should be kept separately and securely from the main educational record file. These separate files should be transferred with the main files if a child changes schools. (Please refer to Child Protection Policy for more details about this area.)

All records are confidential and will be kept securely. Any relevant documents produced by staff will be kept in the main office. The main office will be responsible for the upkeep of these records. The Headteacher (or their nominated representative) will ensure that these records are available for inspection as indicated in the sections below. All computerised records using the SIMS.net system or attendance records come under the terms of the UK GDPR 2018.

## **Parental Access to Records**

### **The Educational record**

The governing body is responsible for a student's educational record being made available for their parent to see, free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided to them, also within 15 school days of that request being received. The governing body can charge a fee for the copy, but if they do this it must not be more than the cost of supply. Any Subject Access Request will be dealt with under the Data Protection Policy.

### **The Curriculum Record**

The school sends home a copy of a students' academic achievements on a termly basis.

### **Material in a student's educational record exempt from disclosure to parents**

When schools comply with a request to see or have a copy of a student's educational record under the Education (Pupil Information) (England) Regulations 2005 there is some information that must not be disclosed.

Exemptions are set out in our Data Protection Policy which complies with the UK GDPR 2018 regulations, and includes material which may cause serious harm to the physical or mental health or condition of the student or someone else. A school may not fulfil a parent's request for these records if there is a court order in place which limits a parent's exercise of parental responsibility. This affects the parent's entitlement to receive such information.

### **Subject Access requests under the Data Protection Act 2018 (GDPR regulations 2018)**

Any Subject Access request made by a student will be processed in accordance with our Data Protection Policy.

## **Transferring the educational record**

### **When a student is under consideration for admission to another educational establishment**

When a student is being considered for a place at another school or institution of further or higher education, should the governing body be asked by the responsible person at that institution for a student's educational record, it must be provided, free of charge, within 15 school days of the request being received. A responsible person is the Headteacher of an independent school, the governing body of any other school or the person responsible for the conduct of any institution of further or higher education.

### **Transferring a student's educational record when s/he moves to a new school**

When a student ceases to be registered at one school and becomes registered at another (either maintained or independent) in England, the governing body of the old school is responsible for transferring their records to the new school. This includes the student's common transfer file and educational record. The school must:

- make sure to transfer the data securely
- transfer the record within 15 days of getting confirmation the pupil is registered at another school
- be able to trace the record during the transfer

### **When a school doesn't know a student's new school**

The duty to transfer a student's record doesn't apply where the old school doesn't know the new school is now covered by "Child Missing Education" procedures.

### **When a school receives a request for a student's educational record from a school to which s/he has transferred**

If the student's old school receives a request for their educational record (which they still hold) from the Headteacher of an independent school or the governing body of a maintained school, the governing body must ensure it is provided within 15 school days of the request being received.