

Requesting Information from a School

Educational Records Request

The *Education (Pupil Information) (England) Regulations 2005* allows any person who has parental responsibility of a child to access a child's education records without the consent of the child. Access to education records is a separate right and not covered by data protection legislation.

This covers information that comes from a teacher or other employee of a local authority or school, the pupil or a parent, and is processed by or for the school's governing body or teacher, except for information the teacher has solely for their own use.

It will cover information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body. It may also include information from the child and/or from a parent.

Information provided by the parent of another child would not form part of a child's educational record. There are certain circumstances where the school can withhold an educational record; for example, where the information might cause serious harm to the physical or mental health of the pupil or another individual.

This request should be completed within **15 school days**. These records may be viewed for free, but the copies are charged on a sliding scale.

Number of pages	Maximum fee	Number of pages	Maximum fee
1-19	£1	100-149	£10
20-29	£2	150-199	£15
30-39	£3	200-249	£20
40-49	£4	250-299	£25
50-59	£5	300-349	£30
60-69	£6	350-399	£35
70-79	£7	400-449	£40
80-89	£8	450-499	£45
90-99	£9	500+	£50

The *Pupil Information Regulations* do not apply to non-maintained schools, such as academies (regulation 4, *Pupil Information Regulations*). There is no parallel legal principle that allows parents of children enrolled at non-maintained schools to access these records. Therefore we advise all requests for information are made under a Subject Access Request (SAR).

Subject Access Request (SAR)

Data Protection Regulations gives an individual the right to make a SAR. This request applies to all data held by the school. Most of the personal information a school holds on a pupil will form part of the educational record, however some information falls outside of the education record, and can be requested via a SAR.

The right is available to pupils, parents, staff and anyone else whose personal data is held by a school. Anyone with parental responsibility may make a subject access request in respect of their child. However, if the child is aged 12 and over, their consent should be obtained before the school discloses personal data to a parent, as this is the age at which a child is deemed able to make a subject access request for themselves.

A SAR must be fulfilled within **one calendar month** and is free of charge. Schools must respond to SAR requests even during the school holidays. There are no special rules to allow you to extend the time period for a SAR if you receive it when the school is closed.

Schools may withhold information in certain circumstances, such as where serious harm may be caused to the requester's physical or mental health, or the health of another individual, or where the request is for an exam script or for exam marks before they are officially announced.

There are restrictions around third party information, including information about other family members e.g. siblings, parents, grandparents, and you must consider the rules about third party information before disclosing it to the requestor. However, you should not normally withhold information that identifies a teacher or other member of teaching staff, as they are known to the child/parent already.