

ACCESS TO PUPIL RECORDS POLICY

1. Introduction

- 1.1 In line with the Data Protection Act of 1988 and the Education (Pupil Information) (England) Regulations 2001, this policy outlines the right of access to pupils' educational records offered to parents and pupils.

2. The Educational Record

- 2.1 The educational records are attendance records, assessment results, written progress reports (which are prepared at least once a year and sent to parents) and information about meetings involving pupils.

3. Parents' Rights

- 3.1 **Definition of a parent** – Section 576 of the Education Act 1996 defines parent to include all natural parents whether they have parental responsibility or not, any carer with parental responsibility (for example, a grandmother with a residence order, an adoptive parent or a local authority care order) and people who are actually looking after a child (for example, a family member, whether or not the arrangement has been formalised by a court order). It is recognised that several people may have parental responsibility at the same time.
- 3.2 Under the Education (Pupil Information) (England) Regulations parents have the right of access to their child's educational records by sending a written request to the Principal.
- 3.3 Parents are entitled to have their child's educational records disclosed within 15 school days of a written request being made.
- 3.4 Parents may only access those records that form part of their child's official educational record (see para 2. above). The record does not have to include information recorded by a teacher for the teacher's own use.
- 3.5 Pupils cannot prevent parents from obtaining copies of their educational records without an application to the court.

4. Pupils' Rights

- 4.1 The Data Protection Act gives every pupil, regardless of their age, the right to access their educational records. Requests to see records under the Data Protection Act are called Subject Access Requests.
- 4.2 Requests by a pupil to see or receive copies of their records should be made in writing to the Principal.
- 4.3 Pupils are entitled to be given a copy of their educational record, a description of the personal data that makes up their record as well as the purposes for which the data is being used, the sources of the data (if this is known) and the people or organisations with which the data may be shared.
- 4.4 A period of up to 15 school days is allowed in which to respond to a Subject Access Request.
- 4.5 Though in principle pupils have a right of access to the whole of their educational

records, in exceptional cases information may be withheld. This could only normally be done where the information could cause harm to the pupil's physical and mental health, or that of a third party (for example, a fellow pupil). In addition, information which relates to child abuse or that has been used as evidence to a court may not be provided. Information may also be withheld if in that particular case it is likely to hinder the prevention and detection of crime or the prosecution or apprehension of offenders.

4.6 When ex-pupils make a request they may be asked to confirm their identity and, where necessary, for information which may assist the Academy in locating the data.

5. Pupils' and Parents' Rights under the Data Protection Act

5.1 If a pupil is not able to understand or exercise their own rights under the Data Protection Act (for example, when they are too young) parents can make a Subject Access Request on their behalf.

5.2 In the event that a record disclosed contains a mistake or wrong information, both the parent and the pupil may request that the educational record is amended,

6. Pupils with a Statement of Special Educational Needs

6.1 The Data Protection provisions do not apply in relation to pupils with statements of special educational needs. Access to information about statemented pupils is governed by the Code of Practice on Identifying Special Educational Needs and the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001.

7. Health Records

7.1 Information about the health of pupils within an educational record do not have to be disclosed under the Data Protection Act. Separate rules apply to health records.

8. How to request Pupils' Educational Records

8.1 Pupils' Educational Records can only be provided in response to a formal written request. Letters should be addressed to: The Principal, The Samworth Enterprise Academy, Leicester, LE2 6TF.

9. Paying for Copies of Records

9.1 The Academy is entitled to charge a fee to cover the cost of copying the records. The fee is set by the Governing Body.

10. Complaints

10.1 If it is felt that a request for information under the Data Protection Act has not been dealt with satisfactorily, a formal complaint should be made in writing to the Academy following the steps set out in the Academy's Complaint Procedure. If in an exceptional case the Academy is not able to resolve the matter satisfactorily, a formal complaint can be referred to the **Data Protection Information Commissioner** at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 01625 545700 or email: publications@ic-foi.demon.co.uk
Website: www.informationcommissioner.gov.uk

11. Monitoring of the Policy

11.1 The Governing Body undertake to monitor this policy to ensure that it is updated in accordance with legal requirements.

27th September 2006

1st June 2009

August 2012

