

**seeing** your  
**personal education**  
**records**

held by your school or the  
local authority

First issued November 2005



# Seeing your school education records

## Introduction:

The Data Protection Act 1998 gives all pupils and students, regardless of age, the right of access to their education records held at school or by the local authority, Essex County Council. The process is called a “subject access request”. Parents and carers have their own rights; these are described later in this guidance.

## What is the Data Protection Act?

It is a law that came into force on 1 March 2000. It was introduced to protect personal information (that is, information about living individuals), no matter how it is held, what it is used for or who uses it. The Act sets out rules and conditions which all users of personal information, including schools and the local authority, must obey when obtaining and using information about you. It also gives you certain rights that schools and local authorities must respect.

## What are my rights?

- You have the right to see your records.
- You are entitled to be given a copy of the information.
- You have the right to ask for details of the ways in which schools and the local authority use the information, and to be told about other organisations or people to whom it is disclosed.

## What are education records?

These are the official records for which headteachers are responsible. All state schools must keep education records on their pupils, including copies of the reports on their achievements, and other records about those achievements. They should include exchanges of letters and any information the school has received from the local authority regarding a child’s education. There may be other records kept, such as details of behaviour and family background, but this is not compulsory. The education records do not include the notes that a teacher makes for his or her own use only.

## **Additional information which can be made available**

Parents of pupils in Year 2, 4, 9 and 11, or older pupils themselves (years 9 + 11) in state schools, can request information about progress in national curriculum subjects in accordance with the statutory arrangements, if this information has not been made available previously.

## **How do I ask to see my education records?**

You must put your request in writing to the headteacher. You can make the request by letter, fax or email. You will be asked to provide proof of your identity.

## **What information will I receive?**

You will receive copies of your education records. Whilst in principle you have the right of access to the whole of your education records, in exceptional circumstances some information may be withheld such as:

- information which might cause harm to your physical or mental health or that of a third party;
- information which may identify third parties (for example other pupils, although not teachers);
- information which forms part of some court reports;
- information that, if revealed, would hinder the prevention and detection of crime.

## **How long will I have to wait to receive a copy of my education records?**

You should receive it within 15 school days.

## Will I have to pay for this?

Possibly. You are allowed to view your records at no cost; however the Act allows schools and local authorities to charge if asked to provide a paper copy of the records. It is up to the governing body of the school/local authority to decide whether to operate the charging policy. The following table shows the maximum charges permitted under the Data Protection Act:

No of pages	Fee	No of pages	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	550+	£50
90-99	£9		

## Parents' and carers' rights

If a pupil or student is incapable of understanding or exercising his or her own rights under the Data Protection Act (for instance, if he or she is too young), parents/carers can make a subject access request on their behalf.

Under rights contained within the Education Act 2005, parent/carers have independent right of access to a pupil/students' school records. A pupil/student under the age of 18 cannot prevent their parent/carer from obtaining a copy of their school records. Students over the age of 18 should, however, be provided with a their final school report directly.

The information to which parents/carers are entitled, and the exemptions, are the same as for pupils although there is no parental right of access to information which does not form part of the official record. A parent/carer seeking access to an education record does not have the right of redress under the Data Protection Act unless he or she is acting on behalf of the child.

All persons with parental responsibility or care of a child have a legal right of access to education records; this applies even if another person with parental responsibility, or care of the child, objects. This right can only be removed by court order.

A solicitor's letter is not proof that a person has parental responsibility. Schools should not act on this alone. They will probably ask to see a copy of the court order or other relevant documents.

A person has care if the child lives with him or her.

## Seeing your local authority education records

### What personal education records does Essex County Council hold?

Essex County Council maintains and uses information about pupils/students to carry out specific functions for which it is responsible, such as assessment of any special educational or welfare needs.

### Are my access rights the same as described for my school records?

Very similar except:

- we have up to 40 calendar days to provide the information;
- when the child is able to understand a subject access request, his/her permission must be given before the information is disclosed to a parent or carer;
- requests should be made in writing to: **The Access to Records Co-ordinator, County Hall, Chelmsford Essex CM1 1YS;**
- we will only consider charging when a large amount of photocopies are required (400+).

## What do I do if the information provided by the school or the County Council is inaccurate, or if I require further information?

If you feel that the information provided in your school records is inaccurate or incomplete then you should write to the **headteacher**.

For local authority records write to: **The Education Information Manager, The Schools Service, PO Box 47, Chelmsford CM2 6WN.**

If you are not satisfied with our response then you may appeal to: **The Information Commissioner, Wycliff House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel: 01625 545700.**

If you require further information on the contents of this leaflet please call: **ContactEssex on 0845 603 7627.**

**The information in this leaflet can be made available  
in other formats and languages.**

**For alternative formats or additional copies of this leaflet  
telephone Contact Essex on the number below.**

**By phone:**

0845 6037627

**Essex County Council – making Essex a better place to live and work**

