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STATUTORY INSTRUMENTS

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**2005 No. 1437**

**The Education (Pupil Information) (England) Regulations 2005**

**Meaning of educational record**

3.—(1) Subject to paragraph (4), in these Regulations “educational record” means any record of information which—

- (a) is processed by or on behalf of the governing body of, or a teacher at, any school specified in paragraph (2);
- (b) relates to any person who is or has been a pupil at any such school; and
- (c) originated from or was supplied by or on behalf of any of the persons specified in paragraph (3),

other than information which is processed by a teacher solely for the teacher's own use.

(2) The schools referred to in paragraph (1)(a) are—

- (a) any school maintained by a local education authority; and
- (b) any special school which is not so maintained.

(3) The persons referred to in paragraph (1)(c) are—

- (a) any employee of the local education authority which maintains the school or former school attended by the pupil to whom the record relates;
- (b) in the case of—
  - (i) a voluntary aided, foundation or foundation special school; or
  - (ii) a special school which is not maintained by a local education authority,any teacher or other employee at the school or at the pupil's former school (including any educational psychologist engaged by the governing body under a contract for services);
- (c) the pupil to whom the record relates; and
- (d) a parent of that pupil.

(4) In addition to the information referred to in paragraph (1), an educational record includes—

- (a) any [<sup>F1</sup>EHC plan]; and
- (b) any personal education plan,

relating to the pupil concerned.

(5) For the purposes of this regulation, “processed” shall be construed in accordance with the definition of “processing” in [<sup>F2</sup>section 3(4) of the Data Protection Act 2018].

**F1** Words in reg. 3(4)(a) substituted (1.9.2014) by [The Special Educational Needs \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/2103\)](#), arts. 1, **19(3)**

**F2** Words in reg. 3(5) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 315** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Pupil Information) (England) Regulations 2005, Section 3.