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**Changes to legislation:** Data Protection Act 2018, Paragraph 17 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 3

#### EXEMPTIONS ETC FROM THE [F1UK GDPR]: HEALTH, SOCIAL WORK, EDUCATION AND CHILD ABUSE DATA

##### Textual Amendments

- F1** Words in Sch. 3 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), Sch. 2 para. 93(2) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

### PART 4

#### EDUCATION DATA

##### *Other definitions*

- 17 (1) In this Part of this Schedule—
- “education authority” and “further education” have the same meaning as in the Education (Scotland) Act 1980;
  - “education data” means personal data consisting of information which—
    - (a) constitutes an educational record, but
    - (b) is not data concerning health;
  - “Principal Reporter” means the Principal Reporter appointed under the Children's Hearings (Scotland) Act 2011 (asp 1), or an officer of the Scottish Children's Reporter Administration to whom there is delegated under paragraph 10(1) of Schedule 3 to that Act any function of the Principal Reporter;
  - “pupil” means—
    - (a) in relation to a school in England and Wales, a registered pupil within the meaning of the Education Act 1996,
    - (b) in relation to a school in Scotland, a pupil within the meaning of the Education (Scotland) Act 1980, and
    - (c) in relation to a school in Northern Ireland, a registered pupil within the meaning of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));
  - “school”—
    - (a) in relation to England and Wales, has the same meaning as in the Education Act 1996,
    - (b) in relation to Scotland, has the same meaning as in the Education (Scotland) Act 1980, and

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(c) in relation to Northern Ireland, has the same meaning as in the Education and Libraries (Northern Ireland) Order 1986;

“teacher” includes—

(a) in Great Britain, head teacher, and

(b) in Northern Ireland, the principal of a school.

(2) For the purposes of this Part of this Schedule, the “serious harm test” is met with respect to education data if the application of Article 15 of the [F1UK GDPR] to the data would be likely to cause serious harm to the physical or mental health of the data subject or another individual.

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#### Textual Amendments

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)