

SCHEDULES

SCHEDULE 3

EXEMPTIONS ETC FROM THE GDPR: HEALTH, SOCIAL WORK, EDUCATION AND CHILD ABUSE DATA

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
- (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.

Status: This is the original version (as it was originally enacted).

- (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 GDPR to the data would be likely to cause serious harm to the physical or mental health of the data subject or another individual.