

## 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

##### *Educational records*

- 13 In this Part of this Schedule “educational record” means a record to which paragraph 14, 15 or 16 applies.
- 14 (1) This paragraph applies to a record of information which—
- (a) is processed by or on behalf of the proprietor of, or a teacher at, a school in England and Wales specified in sub-paragraph (3),
  - (b) relates to an individual who is or has been a pupil at the school, and
  - (c) originated from, or was supplied by or on behalf of, any of the persons specified in sub-paragraph (4).
- (2) But this paragraph does not apply to information which is processed by a teacher solely for the teacher's own use.
- (3) The schools referred to in sub-paragraph (1)(a) are—
- (a) a school maintained by a local authority;
  - (b) an Academy school;
  - (c) an alternative provision Academy;
  - (d) an independent school that is not an Academy school or an alternative provision Academy;
  - (e) a non-maintained special school.
- (4) The persons referred to in sub-paragraph (1)(c) are—
- (a) an employee of the local authority which maintains the school;
  - (b) in the case of—
    - (i) a voluntary aided, foundation or foundation special school (within the meaning of the School Standards and Framework Act 1998),

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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Educational records is up to date with all changes known to be in force on or before 19 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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- (ii) an Academy school,
    - (iii) an alternative provision Academy,
    - (iv) an independent school that is not an Academy school or an alternative provision Academy, or
    - (v) a non-maintained special school,

a teacher or other employee at the school (including an educational psychologist engaged by the proprietor under a contract for services);
  - (c) the pupil to whom the record relates;
  - (d) a parent, as defined by section 576(1) of the Education Act 1996, of that pupil.
- (5) In this paragraph—
- “independent school” has the meaning given by section 463 of the Education Act 1996;
  - “local authority” has the same meaning as in that Act (see sections 579(1) and 581 of that Act);
  - “non-maintained special school” has the meaning given by section 337A of that Act;
  - “proprietor” has the meaning given by section 579(1) of that Act.
- 15 (1) This paragraph applies to a record of information which is processed—
- (a) by an education authority in Scotland, and
  - (b) for the purpose of the relevant function of the authority.
- (2) But this paragraph does not apply to information which is processed by a teacher solely for the teacher's own use.
- (3) For the purposes of this paragraph, information processed by an education authority is processed for the purpose of the relevant function of the authority if the processing relates to the discharge of that function in respect of a person—
- (a) who is or has been a pupil in a school provided by the authority, or
  - (b) who receives, or has received, further education provided by the authority.
- (4) In this paragraph “the relevant function” means, in relation to each education authority, its function under section 1 of the Education (Scotland) Act 1980 and section 7(1) of the Self-Governing Schools etc. (Scotland) Act 1989.
- 16 (1) This paragraph applies to a record of information which—
- (a) is processed by or on behalf of the Board of Governors, proprietor or trustees of, or a teacher at, a school in Northern Ireland specified in sub-paragraph (3),
  - (b) relates to an individual who is or has been a pupil at the school, and
  - (c) originated from, or was supplied by or on behalf of, any of the persons specified in sub-paragraph (4).
- (2) But this paragraph does not apply to information which is processed by a teacher solely for the teacher's own use.
- (3) The schools referred to in sub-paragraph (1)(a) are—
- (a) a grant-aided school;
  - (b) an independent school.
- (4) The persons referred to in sub-paragraph (1)(c) are—

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- (a) a teacher at the school;
- (b) an employee of the Education Authority, other than a teacher at the school;
- (c) an employee of the Council for Catholic Maintained Schools, other than a teacher at the school;
- (d) the pupil to whom the record relates;
- (e) a parent, as defined by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)).

- (5) In this paragraph, “grant-aided school”, “independent school”, “proprietor” and “trustees” have the same meaning as in the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)).

**Changes to legislation:**

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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):

- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)