
STATUTORY INSTRUMENTS

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 statement of special educational needs; 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 section 1(1) of the Data Protection Act 1998(1).