


THE CHALLENGE

A huge amount of data is collected and kept about students from a range of things such as basic registration data to attendance and behaviour to grades and Prevent referrals. Pupils and their parents are rarely informed about all these different kinds of data that can form a highly detailed picture and follow a child throughout their life. One of the big challenges on school records is that data may have been added by others, not the parent, and data may be inferred or based on a decision (such as ethnicity¹ or reasons for behaviour) rather than facts provided by the family.

Those with parental authority can request access to a child's education record under education regulations. Under data protection legislation you have a right to access and obtain a copy of information that is being held about you or your child including personal data and other supplementary information. These have some differences.

¹ Schools told to guess ethnicity (2017) The Independent
<https://www.independent.co.uk/news/education/education-news/schools-told-to-guess-pupil-ethnicity-a7372271.html>



YOUR DATA PROTECTION RIGHTS TO SUBJECT ACCESS

If you submit a request to view or receive a copy of the education record, the organisation will only disclose the information contained in the record and it is not obliged to disclose any further personal data that it may hold. If you submit a SAR to the organisation for all of your, or your child's personal data, it is likely to disclose both information contained in the education record and any other personal data the organisation may hold.

This may include inferences, predictions, and may include the categories of personal data concerned, or information about its source. A key reason behind the right is to determine whether there are inaccuracies in the data and request correction. While requests should be made wisely and for a defined purpose, a school cannot make a decision to refuse solely on the basis of your reason for asking.

- Pupils and their parents have a right to access the records and information held about them by their school or educational institution. It's called making a Subject Access Request (SAR). Rules vary across the UK. See the ICO for the differences:
<https://ico.org.uk/your-data-matters/schools/pupils-info/>
- Schools cannot charge for an access request which is only for personal data but this is different from asking for a full copy of an educational record. It can charge a 'reasonable fee' in any case if a request is manifestly unfounded, excessive, or repetitive.
- Organisations must respond to subject access requests within one calendar month.
- The information you receive should be concise, intelligible and easily accessible. That means it must be written in clear and plain language, adapting this to the needs of recipients, such as children.
- When children are deemed to have informed capacity, a school may agree not share everything in a child's record with a parent if the child asks them not to, or where it is deemed in the child's best interest to keep information confidential.
- Parents cannot be given information that the school cannot lawfully disclose if the child or parent has no right of access (about other pupils or relations for example).
- Schools can restrict the amount of personal data they supply when it is necessary and proportionate to "protect the rights and freedoms of others," or if you are being investigated for a crime.
- You also have the right to complain to the supervisory authority, the ICO if your request is not met properly or on time, but the first goal should be to have a collaborative and supportive discussion with a school why it is not possible and agree what is.