

## ACCESS TO STUDENT RECORDS

### **1. Introduction**

- 1.1 Personal data including students' and parents' records are confidential documents for use only within and by an Academy for matters relating to individual students. Under the requirements of the data Protection Act 1998 (DPA), Academies and all staff within the Academies are required to maintain and respect an individual's right to privacy and in doing so must take steps to ensure that personal information is not disclosed.
- 1.2 All personal data, student records and parent records should be brief, precise, accurate and relevant. As records can be called in evidence in law they must have the integrity to bear rigorous external scrutiny.
- 1.3 Academies are required to keep and maintain an official student record for each student to include:
  - Reports to parents
  - Academic record
  - Other skills and abilities
  - Progress in School

The record may also include information relating to behaviour and to family background. It does not include notes a teacher makes for his or her own use.

### **2. Personal Data**

- 2.1 Data is defined as Personal when it is possible to identify an individual from the data.
- 2.2 The DPA states that data must be:
  - Fairly and lawfully processed
  - Processed for one or more specified lawful purposes
  - Adequate, relevant and not excessive in relation to their purpose
  - Accurate and up to date
  - Kept for no longer than necessary
  - Processed in accordance to the rights of the subject

- Kept securely and protected against unauthorised or unlawful processing and protected against accidental loss, destruction or damage
- Not transferred to countries without adequate protection

2.3 The DPA is not affected by the age of the individuals. Therefore if a young person is able to understand their rights then it is they and not their parents who should be informed of uses and disclosures of data, and they who have the right to object to processing.

2.4 Due to the DPA or exemptions, academies must not disclose:

- Material which may reveal, or enable to be deduced, the identity of a person other than the student to whom the information relates to the person requesting disclosure
- References supplied to potential employers of the student, any national body concerned with student admissions, another school, an institution of further or higher education, or any other place of education and training
- Reports by an academy to a juvenile court
- Examination scripts
- Material where disclosure may result in serious physical, mental or emotional harm to the student or someone else
- Material concerning actual or suspected child abuse

### **3. Sensitive Data**

3.1 Sensitive data is defined as data relating to:

- Racial or ethnic origin
- Political opinions
- Religious beliefs
- Membership of trade unions
- Physical or mental health
- Sexual life
- Criminal or alleged criminal offences

3.2 The data subject is required to give their explicit consent to the processing of sensitive data, with some exceptions as stated by the DPA in the *Guidance to the Act*.

### **4. Permission for the collection and use of data**

4.1 Academies will inform parents and students about the collection and use of data.

4.2 Explicit consent must be sought for the collection of sensitive data.

### **5. External use of data**

- 5.1 DfE guidelines require academies to publish students' academic achievements annually.
- 5.2 Any academic data relating to past or present students used for any purpose outside of academies will be presented in an anonymous format.
- 5.3 Data should only be disclosed to external agencies known to be acting for and on behalf of individual students or their parents. This may include some of the following agencies and professionals:
  - Connexions Service
  - Social Services
  - Educational psychologists
  - Medical professionals
  - Education support Services
  - Police
- 5.4 In most instances, parental permission will be sought prior to involving outside agencies. Exceptions to this rule will include matters relating to Child protection and information relating to criminal activity.
- 5.5 Medical emergency procedures will take account of Medical Forms completed by parents. In cases of medical emergency, parents should immediately be notified of any action taken.
- 5.6 Under no circumstance will personal data be passed on to representatives of the media.

## **6. Internal use of data**

- 6.1 Within academies, there will be a need for staff to be informed of individual student information both for academic and pastoral reasons.
- 6.2 Academic data will be used by teaching and support staff to enable them to plan, track progress and set targets effectively.
- 6.3 Academic achievement data and personal data may be shared with appropriate academy staff if it is deemed necessary for a student's welfare. Academy staff should not reveal or discuss personal information regarding students beyond this.
- 6.4 All teaching and support staff should be notified of any medical information relating to students at the start of each academic year, and during the year where appropriate.

- 6.5 All data relating to students and parents must be kept in a secure place in order to ensure that only those with authorisation are able to access it.
- 6.6 All data relating to students and parents must be destroyed once the purpose for which it has been processed has passed.

## **7. Access to personal data**

- 7.1 Students and parents are entitled to be told if any personal data is held which relates to them. They may specifically be told:
- A description of the data
  - Why the data is processed
  - To whom the data may have been disclosed
- 7.2 Academies are required to respond to a request for access to personal data within forty (40) days of receiving the request. In the case of a request for access to the student's school record, the record must be provided within fifteen (15) school days. In the case of a request for access to examination results the timescale is extended to forty (40) days from the announcement of results.
- 7.3 Students or parents acting on behalf of students have a legal right to have access to their school record as well as their personal data.
- 7.4 Parents have an independent legal right to have access to their child's official school record. In this instance, charges may be applied.
- 7.5 When an academy has been informed of a separation or divorce it should routinely duplicate data to both parents and offer reciprocal services to each, having prudently sought to obtain the prior agreement of both parents to such an arrangement.

## **8. Examination Results**

- 8.1 Under the DPA it is accepted that the disclosure of examination results by academies to the local media is legitimate.
- 8.2 In order to ensure that such disclosure is fair, academies should ensure that students and their parents are made aware that examination results may be published and in what format. It is not necessary for students or their parents to give consent, but the academies should advise students and their parents if they have the right to object.

## **9. Confidential References**

- 9.1 Under the DPA there is no general exemption preventing confidential references including school references from being accessed by the person to whom the reference applies.
- 9.2 There is, however a special exemption which means that when the reference is in the hands of the organisation which gave it, the reference remains confidential and is not subject to the DPA. Once the reference is in the hands of the receiving organisation it is no longer exempt from the provisions of the Act. The recipient organisation is entitled, however, to take steps to withhold information that reveals the identity of other individuals such as the author of the reference.