

Your right to your child's educational records



Data Protection Act Rights

Parents and carers of children and young people have a right to a copy of their child's educational record. The right under the Data Protection Act 2018 (DPA) is to be supplied with a copy of the information that is held about a person. A request for this information is known as a **subject access request**.

A request can be made to any organisation which holds personal data about a person. The DPA calls these organisations 'data controllers' but this simply means any organisation which processes information. For example:

- Schools
- Further Education Colleges
- Local Authorities
- Clinical Commissioning Groups and any other health service body which holds relevant information

What types of educational records can I access?

Educational records include:

- A record of your child's academic achievements, their other skills and abilities and their progress in school. This record must be updated at least annually – usually by the school report – and for



a child with an EHC plan, by the annual review. It must also include test and assessment results.

- Details of exclusions and the governors' view of the exclusion; the parents' case if they asked for it to be added to the record.
- Individual education plans/records of Special Educational Need support in school.

How long will this process take?

The usual time limit for compliance (there are some exceptions) is 40 calendar days. Time runs from the date of receipt of the fee (if required) (as for requests made to schools) and of any additional relevant information required. It is best to send requests by recorded delivery or by email, keep a copy of the request and all other correspondence.

How much will it cost?

Unless the law provides for information to be made available free of charge (e.g. schools' Special Educational Need policies), schools and local authorities **may charge**.

School records can be inspected free of charge, but schools and Local Authorities can charge for photocopying them where this is set out in their charging policy. The charge must be no more than the actual cost of providing the information and must not exceed £50 (or £10 for information not including the educational record).

How can I request this information?

You can make a subject access request verbally or in writing. If you make your request verbally, we recommend you follow it up in writing to provide a clear trail of correspondence. It will also provide clear



evidence of your actions. To exercise your right of access, follow these steps:

Step 1

- Identify **where** to send your request.
- Think about **what** personal data you want to access.

Step 2

- Make your request directly to the school, stating clearly what you want. You might not want all the personal data that the school holds about your child. It may respond more quickly if you explain this and identify the specific data you want.

When making a subject access request, include the following information:

- Your name and contact details.
- Any information used by the school to identify or distinguish your child with the same name (e.g., date of birth).
- Any details or relevant dates that will help it identify what you want.

For example, you may want to ask for:

- Your child's academic achievements
- Details of any assessments carried out with your child between certain dates (say from 1 Sept 2018 to 1 April 2019)
- Details of any special educational needs support provided.

Template Letter:



[Your full address]

[Phone number]

[The date]

[Name and address of the organisation]

To Whom it may concern.

Subject access request

[Your full name and address and any other details to help identify your child and the data you want.]

Please supply the data that I am entitled to under data protection law relating to: [give specific details of the data you want, for example:

- Your child's academic achievements
- Details of any assessments carried out with your child between certain dates (say from 1 Sept 2018 to 1 April 2019)
- Details of any special educational needs support provided.]

If you need any more data from me, or a fee, please let me know as soon as possible. It may be helpful for you to know that data protection law requires you to respond to a request for data within 40 calendar days.

If you do not normally deal with these requests, please pass this letter to your relevant staff member. If you need advice on dealing with this request, the Information Commissioner's Office can assist you. Its website is ico.org.uk or it can be contacted on 0303 123 1113.



Yours faithfully

[Signature]

Step 3

- Keep a copy of your request.
- Keep any proof of postage or delivery.

Where can I get more information, advice, or support?

SENDiass4BCP can:

- provide you with advice and support in making a subject access request
- accompany you to meetings
- provide you with details of other organisations, support groups and services that may be of help