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Statutory guidance

Keeping and maintaining records

Updated 22 January 2015

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1.

Summary

Schools must ensure that educational records are maintained and disclosed to [parents](#) on request, as noted in the [Education \(Pupil Information\) \(England\) Regulations 2005 \(SI 2005/1437\)](#). Educational records include information about pupils (and former pupils):

- processed by, or on behalf of, the governing body or a teacher
- originating from or supplied by local authority (LA) employees (for certain schools)
- originating from or supplied by teachers or other employees of the school

Records processed by a teacher solely for the teacher's own use will be excluded from pupils' educational records.

Schools must also keep curricular records on every pupil. Curricular records form a 'subset' of a pupil's educational record. They are a formal record of a pupil's academic achievements, skills, abilities and the progress they make at a school. They must be updated at least once a year.

Under the Data Protection Act 1998 (DPA), schools are responsible for ensuring that the collation, retention, storage and security of all personal information they produce and hold meets the provisions of the DPA. This includes:

- personal information appearing in a pupil's educational record
- any other information they hold which identifies individuals, including pupils, staff and parents

Schools must consider the implications of the DPA, under which they are required to register as a data controller with the Information Commissioner's Office (ICO). Many schools consult their legal advisors for guidance on their responsibilities under the DPA and advice on developing their data policies.

2.

Disclosure of educational records

There are several pieces of legislation under which information may be accessed from public organisations, including schools. These include the DPA and the Freedom of Information Act 2000. Access to a pupil's educational information is most appropriately covered by the right of access under the Pupil Information Regulations.

All information incorporated within a pupil's educational record constitutes personal data under the DPA. It is therefore subject to disclosure following a written 'subject access' request by the pupil or a [parent](#) on their behalf.

Under these Regulations a school's governing body must ensure that a pupil's educational record is made available for parents to see within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must also be provided within 15 school days. Governing bodies can charge a fee for the copy. If they do, the fee must not be more than the cost of supply.

The Regulations describe the material that is exempt from disclosure to parents. This relates to information that the pupil couldn't lawfully be given under the Data Protection Act 1998. It also relates to information which s/he wouldn't have right of access to under that Act, or by virtue of any order made under section 30(2) or section 38(1) of the Act. This includes material which may cause serious harm to the physical or mental health or condition of the pupil or someone else. A school may not fulfil a parent's request for these records if there is a court order in place which limits a parent's exercise of parental responsibility. This affects the parent's entitlement to receive such information.

The [ICO](#) can provide further advice.

3.

Transferring records to a pupil's new school

Headteachers at maintained schools, including maintained special schools, must ensure the

statutory requirements for the transfer of records between schools are fulfilled, including the completion of the common transfer file (CTF). This is noted in the Education (Pupil Information) (England) Regulations 2005, SI 2005/1437.

If a pupil moves to another school in England, Wales, Scotland or Northern Ireland, the pupil's CTF and educational record must be passed to the new school. Academies are not subject to these regulations however they are expected to adhere to the following protocols, as a matter of good practice.

The means of transfer to a school outside England must be in line with the arrangements for transfer between schools in England. Information must be transferred within 15 school days of any request from the pupil's new school.

The pupil's CTF should be sent to the new school either:

- through the [school to school \(s2s\) secure file transfer system](#)
- over a secure network that can only be accessed by the ^{LA}, the governing body or a teacher at any school within that LA

If either school can't send or receive information in this way, LAs may provide the file. However there must be agreed and secure local arrangements in place.

If the new school is unknown, the Department for Education recommends that the school should still complete the CTF and load it onto s2s. If you don't receive CTFs for a new pupil you can ask your LA to search for the files on s2s.

You can refer to the '[School to school guides](#)' for details on:

- what information ^{CTF} files should contain
- handling records for pupils where their destination is not known
- sending CTFs between schools

[Schedule 2 to the Regulations](#) explains more about the content of CTFs.

4.

'Parent' – a definition

The term 'parent' is used here as defined in section 576 of the Education Act 1996 as:

- parents of a pupil
- any person who is not a parent of a pupil but who has parental responsibility for the pupil
- any person who has care of a pupil

5.

Getting help

DfE enquiries

Central newsdesk

020 7783 8300

General enquiries

0370 000 2288

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