

## Education Record Request Procedure

### Policy Control Page

<b>Responsible Person</b>	Deputy Data Protection Link Officer
<b>Approved By</b>	Approved by SLT 3/3/25
<b>Date of Last Approval</b>	
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<b>Policy Applicable to</b>	Whole Charity

<b>Date</b>	<b>Version</b>	<b>Person</b>	<b>Change / Action</b>
Feb 25	1.0	SR	New procedure

This procedure shall be followed by employees responsible for handling requests made under The Education (Pupil Information) (England) Regulations 2005.

This procedure does not relate to the handling of requests made under the General Data Protection Regulation 2016 (the UK GDPR) nor the Freedom of Information Act 2000, which are governed by separate policies and procedures.

Queries about this procedure should be addressed to the Academy's Data Protection Officer  
Email: [dpo@firebirdltd.co.uk](mailto:dpo@firebirdltd.co.uk)

## Parental Rights

Maintained Academies and special Academies in England are required to provide individuals with parental authority, access to their child's education record until the child reaches 18 years old. These requests are to be handled under The Education (Pupil Information) (England) Regulations 2005.

An education record is any record which is processed on behalf of the governing body, or by a teacher, or educational psychologist (contracted by the Academy) at any Academy maintained by a local authority or special Academy. It also includes records received from any local authority employee which maintains the Academy or former Academy attended by the pupil. This includes, statement of special educational needs, personal education plan, academic achievements and correspondence or reports from teachers, local education authority employees and educational psychologists engaged by the Academy's governing body.

It may also include information or correspondence from the child or their parent, carer or guardian. Information provided by the parent of another child or information created by a teacher solely for their own use (such as lesson plans), does not form part of a child's education record.

Parents are not entitled to access their child's education record if:

- there is a court order in place which limits the parent's exercise of parental responsibility
- the records would not be disclosable to the pupil under the data protection legislation (for example the release of the information would prejudice the rights of others)
- the pupil would have no right of access under the data protection legislation (for example releasing examination marks prior to announcement)
- disclosure could cause harm to the physical or mental health of the pupil or others

Requests for personal information which do not fall within the definition of an 'education record', must be handled under the UK GDPR as a Subject Access Request.

## Making a request

Parents who want to view or receive a copy of their child's education records must put their request in writing and send this to Data Protection Link Officer at [reception@thedeafacademy.ac.uk](mailto:reception@thedeafacademy.ac.uk).

Requests for access to education records made by pupils or students must be handled as a Subject Access Request under the UK GDPR.

Upon receipt of an education record request from a parent, the Academy's Data Protection Link Officer/Deputy Data Protection Link Officer will record the request on the Information Request Log. An acknowledgement will be sent. If the Academy is not satisfied with the

requester's identity or parental responsibility status, it will seek further evidence confirming this.

Advice shall be sought from the Data Protection Officer if there is any doubt regarding a parent's entitlement to receive the response.

## Timescales and fees

The Academy must respond to an education record request within **15 Academy days**. A request to **inspect** (ie to view) the records must be provided **free of charge**, however if a parent requests a **physical copy** (ie a paper copy) of the records the Academy can charge a fee for the copy, providing that fee does not exceed the cost of supply. Disclosures sent by email **cannot be charged for**.

The Academy reserves the right to charge for copies up to the maximum fees set out in [Statutory Instrument 2000/191](#).

Number of pages	Maximum fee
20-29	£1
30-39	£2
40-49	£4
50-59	£5
60-69	£6
70-79	£7
80-89	£8
90-99	£9
100-149	£10
150-199	£15
200-249	£20
250-299	£25
300-349	£30
350-399	£35
400-449	£40
450-499	£45
500 or more	£50

## Preparing the disclosure

Upon receipt of an education record request, the Deputy Data Protection Link Officer shall identify whether the Academy holds the information being requested and if so, where it is stored. This will involve searching the Academy's electronic and paper systems and may require contacting relevant Academy employees or governors who are likely to hold the records.

All information requested must be given to the Deputy Data Protection Link Officer. Concerns about the release of information should be shared with the Data Protection Link Officer so

they can decide (alongside the Data Protection Officer and the Principal as necessary) whether the parent is entitled to access that information.

If the education record contains information which the parent is not entitled to access (ie information which would not be disclosable to the pupil or could result in harm to the pupil or others), then the relevant information must be redacted (i.e. obscured from view). This may be applied using redaction software or blacking out the relevant text with a marker pen on paper copies. If a document is redacted using a marker pen, the parent shall be given a photocopy of this document and not the original penned version to ensure the redacted text does not show through the ink.

If the education record contains correspondence or documentation provided by a local authority employee or educational psychologist, the author shall be consulted prior to the release of the information, except where the document or email clearly shows that the parent was copied into the email or was sent that document, in which case it may be released without consultation.

If the record contains correspondence or documentation provided by other professionals, organisations or individuals, consideration should be made as to whether that information forms part of the child's education record. Records which do not form part of the child's education record are not required to be disclosed as part of the education record request. In such cases, the Academy should consider whether the parent is entitled to the information under other legislation such as the UK GDPR or Freedom of Information Act 2000, in which case disclosure of that information should be handled under those procedures.

## Disclosing the information

The prepared disclosure shall be peer checked by another colleague to ensure it meets the scope of the request and any redactions have been applied appropriately. Where documents have been redacted, the unredacted version (as well as the redacted version) shall be retained by the Academy in case of subsequent complaint or queries.

If the parent has requested a copy of the education record and the relevant payment (if charged) has been received, the disclosure can be provided by email or in paper form. Disclosures made by email, shall be sent securely by Microsoft Outlook encrypted email unless the requester specifically requests that the information is sent to them using unencrypted email. In such cases, the parent shall be informed that the Academy does not recommend this form of transfer as it cannot guarantee the security of the information. If the parent insists that it be provided this way, the Academy will adhere to their request upon confirmation of this in writing.

If the requester is to receive a physical copy, this can be:

- delivered by hand, or
- collected from the Academy, or
- posted using Royal Mail Special Delivery (standard mail should not be used to send sensitive or confidential information)

The Academy shall decide on a case by case basis whether it is necessary and appropriate to discuss a request made by a parent with the pupil, prior to releasing their education records. The Academy shall consider the views of the child and any disclosure must be in the child's best interests.

## Complaints

If a parent is not satisfied with the Academy's response to their request, they should follow the Academy's formal complaints procedure [Policies - the Deaf Academy](#). It should be noted that education record requests are not regulated by the Information Commissioner's Office (ICO), therefore the ICO does not handle complaints arising from such requests.