

Subject:

**EDUCATION (PUPIL RECORDS)
(AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2001**

Circular Number:

2001/17

Date of Issue:

3 September 2001

Target Audience:

- Principals and Boards of Governors of all grant-aided schools;
- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Council for the Curriculum, Examinations and Assessment; and
- Teachers' Unions.

Summary of Contents:

This Circular informs schools about changes relating to the right of access by pupils to information contained in their educational records.

Enquiries:

Any enquiries about the contents of this Circular should be addressed to:

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Governor Awareness:

Essential

Status of Contents:

Advice
Information for schools

Related Documents:

DE Circular 1998/3 Recording and Reporting Individual Pupils' Achievements, The Education (Pupil Records) Regulations (Northern Ireland) 1998

Superseded Documents:

None

Expiry Date:

Not applicable

DENI Website:

<http://www.deni.gov.uk>

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1. The Department has made Regulations - the Education (Pupil Records) (Amendment) Regulations (Northern Ireland) 2001. The Regulations came into effect on 6 July 2001.
2. The Regulations amend the Education (Pupil Records) Regulations (Northern Ireland) 1998, which place requirements on schools in relation to the keeping, disclosure and transfer of pupil records. The 1998 Regulations require schools to hold records on their pupils and to disclose them, on request, to a pupil, if over the age of 11, to his or her parent and to a school which is considering the pupil for admission. The 1998 Regulations also make provision for certain, mainly sensitive, information to be exempted from disclosure.
3. The principal change made by the new Regulations is the omission of the provisions relating to the right of access by pupils to information contained in their educational records. From 1st March 2001 this has been provided under the terms of the Data Protection Act 1998.
4. Under the provisions of the Data Protection Act, all educational records (not just those held electronically) are regarded as data and the subject access provisions of the Act apply to them unless specifically disapplied. Children, as data subjects, have access to their records under the Data Protection Act and it is, therefore, no longer necessary for the Pupil Records Regulations to make provision for pupil access to records. Furthermore, Data Protection (Subject Access Modification) Orders, made under the Data Protection Act, replicate the provisions of the Pupil Records Regulations in relation to exemption from disclosure, so these are no longer required.
5. The new Regulations, therefore, remove the provisions of the Pupil Records Regulations which relate to access to records by a pupil and also revoke those provisions relating to the exemption of information from disclosure. **The Regulations do not, in effect, change the rights of parents, pupils or others in relation to access to educational records.**

6. A copy of the 2001 Regulations can be obtained from the Stationery Office, 16 Arthur Street, Belfast, BT1 4GD, price £1.75. A copy is also available on the Department's website : www.deni.gov.uk

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