

Appendix 4

Education and Skills Act 2008

Section 72 Educational institutions: duty to provide information

(1) Relevant information about a pupil or student who is attending an educational institution in England must be provided by the responsible person to a person involved in the provision of services in pursuance of section 68 or 70(1) (b), on a request by that person.

(2) A request under subsection (1) by a person involved in the provision of services in pursuance of 68 or 70(1) (b) may be made only for the purposes of the provision of those services.

(3) In subsection (1), “relevant information” means—

- (a) the name, address and date of birth of the pupil or student;
- (b) the name and address of a parent of the pupil or student;
- (c) information in the institution's possession about the pupil or student.

(4) Information within subsection (3)(c) must not be provided under subsection (1) if—

- (a) the pupil or student concerned, in the case of a pupil or student who has attained the age of 16, or
- (b) a parent of the pupil or student concerned, in the case of a pupil or student who has not attained the age of 16,

has instructed the responsible person not to provide information of that kind under this section.

(5) In this section—

“educational institution” means—

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school,
- (c) a city technology college, a city college for the technology of the arts or an Academy,
- (d) a pupil referral unit,
- (e) an institution within the further education sector, or
- (f) an institution in receipt of funding from the Learning and Skills Council for England;

“responsible person” means—

- (a) in relation to a school within paragraph (a) or (b) of the definition of “educational institution”, the governing body;
- (b) in relation to an institution within paragraph (c) or (f) of that definition, the proprietor;
- (c) in relation to a pupil referral unit, the local education authority by which it is maintained;
- (d) in relation to an institution within the further education sector, the governing body within the meaning given by section 90 of the Further and Higher Education Act 1992 (c. 13).