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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Pupils' Educational Records (Scotland) Regulations 2003 (S.S.I. 2003/581) is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 19

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 2

##### AMENDMENTS OF OTHER LEGISLATION

##### *Pupils' Educational Records (Scotland) Regulations 2003 (S.S.I. 2003/581)*

297 The Pupils' Educational Records (Scotland) Regulations 2003 are amended as follows.

298 (1) Regulation 2 (interpretation) is amended as follows.

(2) Omit the definition of “the 1998 Act”.

(3) At the appropriate place insert—

““the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018;”.

299 (1) Regulation 6 (circumstances where information should not be disclosed) is amended as follows.

(2) After “any information” insert “ to the extent that any of the following conditions are satisfied ”.

(3) For paragraphs (a) to (c) substitute—

“(aa) the pupil to whom the information relates would have no right of access to the information under the GDPR;

(ab) the information is personal data described in Article 9(1) or 10 of the GDPR (special categories of personal data and personal data relating to criminal convictions and offences);”.

(4) In paragraph (d), for “to the extent that its disclosure” substitute “ the disclosure of the information ”.

(5) In paragraph (e), for “that” substitute “ the information ”.

300 In regulation 9 (fees), for paragraph (1) substitute—

“(1A) In complying with a request made under regulation 5(2), the responsible body may only charge a fee where Article 12(5) or Article 15(3) of the GDPR would permit the charging of a fee if the request had been made by the pupil to whom the information relates under Article 15 of the GDPR.

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- (1B) Where paragraph (1A) permits the charging of a fee, the responsible body may not charge a fee that—
- (a) exceeds the cost of supply, or
  - (b) exceeds any limit in regulations made under section 12 of the Data Protection Act 2018 that would apply if the request had been made by the pupil to whom the information relates under Article 15 of the GDPR.”

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)