WELSH STATUTORY INSTRUMENTS

2004 No. 549 (W.53)

EDUCATION, WALES

The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004

Made - - - -	*2nd March 2004*
Coming into force - -	*5th March 2004*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 537A(4) and (5) and 569(4) and (5) of the Education Act 1996(**1**) and now vested in the National Assembly for Wales(**2**):

Name, commencement, application and revocation

1.—(1) These Regulations are called the Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004 and come into force on 5th March 2004.

(2) These Regulations apply to individual pupil information relating to pupils at schools (other than nursery schools) in Wales.

(3) The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 1999(**3**) are revoked.

Interpretation

2. In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales;

"GCE "A" level examinations" ("*arholiadau TAG Safon Uwch*") and "GCE "AS" examinations" ("*arholiadau TAG Uwch Gyfrannol*") mean General Certificate of Education advanced level examinations and General Certificate of Education Advanced Subsidiary examinations respectively;

"GCSE" ("*TGAU*") means General Certificate of Secondary Education;

(**1**) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 153. For the meaning of "prescribed" and "regulations" *see* section 579(1).
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 1999/1781.

"GNVQ" ("*GNVQ*") means General National Vocational Qualification;

"individual pupil information" ("*gwybodaeth am ddisgyblion unigol*") means information within the meaning of section 537A(9) of the 1996 Act, namely, information relating to and identifying individual pupils or former pupils (at schools, other than nursery schools, in Wales), whether obtained under section 537A(1) of the 1996 Act or otherwise;

"information collator" ("*cydlynydd gwybodaeth*") means an information collator within section 537A(9) of the 1996 Act, namely, any body which, for the purposes of or in connection with the functions of the Assembly relating to education, is responsible for collating or checking information relating to pupils; and

"key stage" ("*cyfnod allweddol*") means any of the periods set out in paragraphs (a) to (d) respectively of section 103(1) of the Education Act 2002(**4**) and a reference to the first, second or third key stage is a reference to the periods set out respectively in paragraphs (a), (b) and (c) of the said section 103(1).

Prescribed persons

3.—(1) For the purposes of section 537A(4) of the 1996 Act, the Assembly prescribes as a person to whom it may provide any individual pupil information any person referred to in paragraph (4) below.

(2) For the purposes of section 537A(5)(b) of the 1996 Act, the Assembly prescribes as a person to whom an information collator may provide individual pupil information —

(a) any person referred to in paragraph (5) below; and

(b) any person falling within the category referred to in paragraph (6) below.

(3) The individual pupil information which an information collator may so provide, at such times as the Assembly may determine, in accordance with section 537A(5)(b) of the 1996 Act, is any such information relating to the educational achievements of pupils in —

(a) any National Curriculum assessment of pupils in the first, second or third key stage;

(b) any GCSE subjects;

(c) any GCE "A" level examinations;

(d) any GCE "AS" examinations;

(e) any GNVQ subjects; and

(f) any course of study provided to pupils of compulsory school age in any school maintained by a local education authority which leads to a qualification which is approved by the Assembly or a body designated by the Assembly under section 99 of the Learning and Skills Act 2000(**5**) (other than a qualification of the kind referred to in sub-paragraph (b) or (e) above).

(4) The persons referred to in paragraph (1) above are —

(a) the Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru; and

(b) Awdurdod Cymwysterau Cwricwlwm ac Asesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales.

(5) The persons referred to in paragraph (2)(a) above are —

(a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so

(**4**) 2002 c. 32.
(**5**) 2000 c. 21.