

Access to Student Records Procedure

This procedure must be read in conjunction with the *Access to Student Records Policy*.

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1. Overview

- 1.1. This procedure contains information about the legislative requirements and community expectation in relation to the management of academic, personal and other records relating to current and past students of ACT public schools, work-based education and training arrangements, such as Australian School-Based Apprenticeships.

2. Rationale

- 2.1. This procedure informs parents, students and staff of key steps to follow relating to managing student records and to requests for student records.
- 2.2. Detailed guidelines for staff are available on the Directorate's intranet.

3. Procedures

3.1. Collection of student and student related information

- Student records contain personal information and personal health information.
- Student records are created from information:
 - provided by parents, for example enrolment forms and medical information;
 - generated by schools such as academic and assessment data and individual learning and support needs; or
 - generated by employers and other industry stakeholders in work-based education and training arrangements.

- These records must be managed and safeguarded in similar ways, although some distinctions apply in specific circumstances.
- Information about students should not be collected unnecessarily. Forms collecting personal information and personal health information contain a privacy statement so that parents (and students) are aware of the purpose of collection and any usual disclosure of the information.
- Records are kept for varying periods as described in records disposal schedules. In general, student records are kept until the student is 25 years of age. Some student records such as class rolls and examination results are kept permanently. Other records may be kept for much shorter periods of time.
- Further information is located at:
http://www.education.act.gov.au/about_us/personal_information_digest.

3.2. Student and parent access to records

- Parents and students can request access to records held by a school or by the Directorate about their child or themselves and can request amendments where they believe the record is incorrect, out of date, incomplete or misleading. Access to evaluative records such as behavioural, counselling, psychological and medical records may be given through, or in the presence of, an appropriately qualified person. Access can also be requested under the *Freedom of Information Act 1989*.
- In general a student's parents are able to obtain access to their child's records, at least until the child turns 18. An exception to this would be in the case of a request from a parent who does not have parental responsibility or where the granting of access contravenes a court order. Further information is contained in the *Family Law Policy* available on the Directorate's policy webpage at http://www.education.act.gov.au/publications_and_policies/policy_webpage.
- In certain circumstances regard may be given to the wishes expressed by older students not to provide their parents with access to their personal information. This will always depend on the particular circumstances surrounding the request for access and involves considerations such as whether a child is mentally and emotionally mature to make a decision in relation to such a request.
- Where a person is seeking access on behalf of the individual concerned (or on behalf of a parent if the information relates to a student), a signed authority consenting to release information will be required. In certain circumstances proof of identity will also be required.
- Where access to records of students currently attending an ACT public school is sought, the school attended should be approached. Information about schools is located at http://www.education.act.gov.au/school_education/directory_of_schools. A [form](#) is available to access a student record. Use of the form is not mandatory but requests must be put in writing.
- Request for records of past students should be made by emailing DET-Records_Management_Unit@act.gov.au or writing to:

The Manager
Records Management
ACT Education Directorate
GPO Box 158
Canberra ACT 2601

- An application for records may be made under the *Freedom of Information Act 1989* (FOI ACT). Where information involves the personal information of others the Directorate may advise that a Freedom of Information (FOI) request be made. Further information is available at http://www.education.act.gov.au/about_us/freedom_of_information.
- Once access is authorised a copy of the requested information can be provided. Original documents cannot be provided. The Directorate must ensure safekeeping and proper preservation of its records.
- If replacement Year 10 or Year 12 Certificates are sought, details are available at: http://www.education.act.gov.au/teaching_and_learning/assessment_and_reporting/year_10_certification_and_applications (Year 10 Certificates), and http://www.bsos.act.edu.au/information_for_students/certified_copies_of_past_results (Year 12 Certificates).
Applications for replacement certificates require a certified copy of proof of identity documents.

3.3. Access by interstate schools

- All education authorities (including the non-government sector) have agreed to implement a national system for the transfer of student information between schools when children move from one state/territory to another. The national system is based on using a common student data transfer note, which seeks parental consent for disclosing student information, as well as a set of protocols. Information is available at: <http://scseec.edu.au/archive/Publications/ISDTN/ISDTN---Gov-Schools.aspx>.
- Original student records will not be provided to schools outside the ACT public school system.

3.4. Access by external agencies

- In some circumstances parents may consent to student information being shared by the Directorate with others, for example with health professionals. The Directorate will provide information to parents and a consent form for their signature to allow this to occur.
- In addition to student information being disclosed with the consent of the individual or parent, access may be provided to student records in other circumstances. Most commonly this occurs if information is required or authorised by law such as through subpoenas or notices for non-party production, by agencies such as Centrelink, the Australian Federal Police or the Fair Work Ombudsman.
- Sharing of information in relation to students who are in the care of the Director-General of the Community Services Directorate, must be considered within the parameters of the *Children and Young People Act 2008*.
- Staff should refer to the [Access to Student Records – Guidelines for staff](#).

3.5. Request for access to student records

- In the first instance contact may be made as follows:

STUDENT RECORDS	CONTACT
Current Students	http://www.education.act.gov.au/school_education/directory_of_schools for relevant school
Past Students	DET-Records_Management_unit@act.gov.au or write to: The Manager Records Management ACT Education Directorate GPO Box 158 CANBERRA ACT 2601
Year 10 Certificate	Assessment and Reporting - Year 10 Certification and Applications
Year 12 Certificate	ACT Board of Senior Secondary Studies
Freedom of Information	Contact EDULegalLiaison@act.gov.au Information and Application on the EDU website

- Subpoenas or Notice for Non-Party Production:

Location for service, contact:

The Senior Manager
Governance and Legal Liaison Section
Governance and Community Liaison Branch
ACT Education Directorate
220 Northbourne Avenue
BRADDON ACT 2601

Or email EDULegalLiaison@act.gov.au

3.6. Charges

- Requests for replacement Year 10 and Year 12 certificates or transcripts may incur a fee.

3.7. Access and use by Directorate staff

- Privacy legislation restricts the use of personal information and personal health information except in certain circumstances. This includes where the information is used for a purpose directly related to the purpose for which the information was collected, where parents and/or students have provided consent, where it is required or authorised under law and where use is reasonably necessary to prevent a threat or imminent risk of harm to a person.

3.8. Research

- Anyone seeking to undertake research projects in ACT public schools and the Australian School-Based Apprenticeship system should complete the Research Proposal form available on the Directorate's website at:
http://www.education.act.gov.au/publications_and_policies/publications_and_policies/Research_in_ACT_public_schools for permission to approach schools. The Directorate may then approve the research application but the school will decide whether to participate in the research project. Where personal information of students is sought, it will only be provided if parents provide written consent. Students may provide consent if they are 18 years of age or older.

4. Contact

- 4.1. The Director, Governance and Community Liaison Branch is responsible for this procedure.
- 4.2. For support contact Governance and Legal Liaison on (02) 6205 9159 or email EDULegalLiaison@act.gov.au.

5. Complaints

- 5.1. Any concerns about the application of this procedure or the procedure itself, should be raised with:
 - the school principal in the first instance;
 - the Directorate's Liaison Unit on (02) 6205 5429;
 - online at http://www.education.act.gov.au/contact_us;
 - see also the *Complaints Policy* on the Directorate's website.
- 5.2. Complaints may also be made to relevant external agencies including:
 - The ACT Health Services Commissioner who has specific complaint handling functions under the *Health Records (Privacy and Access) Act 1997*. Information is available at www.hrc.act.gov.au; or
 - The Information Privacy Commissioner who has specific complaint handling functions under the *Information Privacy Act 2014*. Information is available at: <https://www.oaic.gov.au/individuals/>.

6. References

6.1. Definitions

- **Parent:** is a person having personal responsibility for a child or young person under the *Children and Young People Act 2008*, including a carer under that Act.
- **Parental Responsibility:** in relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. Parental responsibility for child protection matters may be granted by the Director General of the Community Services Directorate or other persons.
- **Personal Health Information:** means any personal information in relation to the health, an illness or a disability of a person (a consumer under the *Health Records (Privacy and Access) Act 1997*). This includes any information, recorded or otherwise, where the identity of the persons is apparent, whether the information is fact or opinion or true or false. A **health record** means any record (or part of a record) that is held by a health service provider and contains personal information or any record that contains personal health information. (*Health Records (Privacy and Access) Act 1997*).
- **Personal information:** is information or an opinion (including information forming part of a database) whether true or not, and whether recorded in a material form or not, about an

individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. A record may include a document, a database (however kept), a photograph or other pictorial representation of a person. (Refer to the *Information Privacy Act 2014*).

- A **Record Keeper:** is an entity that has the possession or control of personal information or a personal health record (*Information Privacy Act 2014* and *Health Records (Privacy and Access) Act 1997*).
- **Student:** means a person who is enrolled in an ACT public school or related institution established under section 20 of the *Education Act 2004*.
- **Subpoenas:** are court documents used by parties in a proceeding to gather information to support their case. **Notices of non-party production:** are court documents used by parties in a case to gather documents from a person who is not a party to the case (a non-party) to support their case.

6.2. Related Policies and Documents

- Approved Educational Courses - Public Schools Policy
- Attendance at ACT Public Schools Procedure
- Complaints Policy
- Education Participation (Enrolment and Attendance) Policy
- Education Options other than School Procedure
- Enrolment in ACT Public Schools (Preschool-Year 12) Procedure
- Exemption Certificate Procedures



Application for access to student records

THIS FORM IS TO BE COMPLETED BY THE PERSON WHO IS REQUESTING THEIR OWN RECORDS OR BY THAT PERSON'S PARENT/GUARDIAN OR AGENT

Details of person(s) whose records are requested

Surname:

Given Names:

Date of birth:

Address:

Home Number:

Work Number:

Mobile Number:

Email address:

Access to the records of the above named person – information requested

Details of personal information requested (if insufficient space please attach sheet of paper):

Name of school (if relevant):

Type of access requested

Copy of document sent to the address below

Access to view the record

Applicant's details (if applicable)

Surname:

Given Names:

(or Business Name):

Signature:

Relationship to person whose records are being sought:

Address:

Home Number:

Work Number:

Mobile Number:

Email address:

Grounds for authority

- I am the person whose records are requested
- I am the person's parent/guardian
- I have the person's/parent's/guardian's written consent (see below).

Person, parent or guardian's consent (required if person is under 18)

I hereby authorise..... (Education Directorate and/or Name of School)
to release the information specified above to the applicant named on this form.

Signature:

Print name:

Date:

Relationship to person:

If person is under 18, the Directorate will need to consider whether there is any reason to believe the person would not wish their personal information to be provided.

I understand and agree that this request may be notified to the person whose records I am seeking.

Signature and address for response

Address:

Signature:

Name (please print)

Date:

If you fill in this form, your personal information and that of the person whose records are requested will be collected and handled by the ACT Education Directorate. This information is necessary for us to be able to administer requests for access to student records. If you do not consent to supply us with this information we will be unable to assist you with your request.

The collection of personal information is required under the *ACT Information Privacy Act 2014*. Normally, we will not use or disclose this information for another purpose, without your consent, unless you would reasonably expect us to use or disclose the information for a related purpose.

Normally we only share information with relevant Directorate and school staff in order to locate and retrieve student records and respond to your request.

The Directorate has a privacy policy that explains how we handle personal information, including how we handle privacy complaints. The policy is available on the Directorate's website (www.education.act.gov.au) on the About Us page.