

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

1. COLLECTION OF STUDENT AND STUDENT RELATED INFORMATION

- 1.1. Student records contain personal information and personal health information.
- 1.2. Student records are created from information:
 - provided by parents, for example enrolment forms and medical information
 - generated by schools and Registered Training Organisations (RTOs) such as academic and assessment data and individual learning and support needs
 - employers and other industry stakeholders in work-based education and training arrangements.
- 1.3. These records must be managed and safeguarded in similar ways, although some distinctions apply in specific circumstances.
- 1.4. 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.
- 1.5. 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.det.act.gov.au/about_us/personal_information_digest.

2. ACCESS

2.1 Student and parent access to records

- 2.1.1. 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the Directorate about their child or themselves and can request amendments where they believe the record is incorrect, out of date, incomplete or misleading.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*.
- 2.1.2. In general a student's parents are able to obtain access to their child's records, at least until the child turns 18. This will always depend on the particular circumstances surrounding the request for access and involves considerations such as whether a child is sufficiently mentally and emotionally mature to make a decision. 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 and the School policy available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/policy_a-z.

- 2.1.3. 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.
- 2.1.4. 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.
- 2.1.5. 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.det.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.
- 2.1.6. Request for records of past students should be made by emailing DETFeedback@act.gov.au or writing to:

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

- 2.1.7. An application for records may be made under the *Freedom of Information Act 1989* (FOI). Where information involves the personal information of others the Directorate may advise that an FOI request be made. Further information is available at http://www.det.act.gov.au/about_us/freedom_of_information
- 2.1.8. Access to Australian Apprenticeship records can be sought from Training and Tertiary Education at http://www.det.act.gov.au/vhe/contact_tate.
- 2.1.9. 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.
- 2.1.10. If replacement Year 10 or Year 12 Certificates are sought, details are available at: http://www.det.act.gov.au/teaching_and_learning/assessment_and_reporting/year_10_-_certification_and_applications (Year 10 Certificates), and http://www.bsss.act.edu.au/home/certified_copies_of_past_results (Year 12 Certificates) Applications for replacement certificates require a certified copy of proof of identity documents.
- 2.1.11. Applications for replacement Australian Apprenticeship records are made by contacting Training and Tertiary Education at http://www.det.act.gov.au/vhe/contact_tate.

2.2 Access by interstate schools

- 2.2.1 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 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://www.mceecdya.edu.au/mceecdya/>.

- 2.2.2. Original student records will not be provided to schools outside the ACT public school system.
- 2.2.3. State/Territory Training Authorities have also agreed to exchange Australian Apprenticeships information for trainees and apprentices who move interstate and want to continue their Australian Apprenticeship. Trainees and apprentices provide their consent on the relevant form available from Training and Tertiary Education at http://www.det.act.gov.au/vhe/contact_tate.

2.3 Access by external agencies

- 2.3.1 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.
- 2.3.2. 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. The *Children and Young People Act 2008* requires mandatory reporting by teaching and counselling staff in schools and other defined public servants of suspected child sexual abuse or non-accidental injury. The Office for Children, Youth and Family Support within the Community Services Directorate receives mandatory reports of abuse and neglect of children and young people in the ACT. Further information is at <http://www.dhcs.act.gov.au/ocyfs>.
- 2.3.3. 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*.
- 2.3.4. Staff should refer to the [Access to Student Records – Guidelines for staff](#).

2.4 Requests for access to student records

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

Student Records	Contact
Current students	http://www.det.act.gov.au/school_education/directory_of_schools for relevant school
Past students	DETFeedback@act.gov.au or write to: The Manager Records Management ACT Education and Training Directorate GPO Box 158 Canberra ACT 2601

Year 10 Certificate	http://www.det.act.gov.au/teaching_and_learning/assessment_and_reporting/year_10 - certification and applications
Year 12 Certificate	ACT Board of Senior Secondary Studies at http://www.bsss.act.edu.au/home/certified_copies_of_past_results
Australian Apprenticeships	Training and Tertiary Education http://www.det.act.gov.au/vhe/contact_tate
Freedom of Information	Contact
Application	http://www.det.act.gov.au/about_us/freedom_of_information
Subpoena or Notice for Non-Party Production	Contact
Location for service to produce documents	The Manager Legal Liaison ACT Education and Training Directorate 220 Northbourne Avenue Braddon ACT 2612

3. CHARGES

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

4. ACCESS AND USE BY DIRECTORATE STAFF

- 4.1. 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 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 serious and imminent risk of harm to a person.
- 4.3. Staff should refer to the [Access to Student Records – Guidelines for staff](#).

5. RESEARCH

- 5.1. Anyone seeking to undertake research projects in ACT public schools and the Australian Apprenticeships System should complete the Research Proposal form available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/publications_and_research_and_reviews 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 over 18 years of age.

6. COMPLAINTS

6.1. Where there are concerns regarding the application of this procedure or the procedure itself, people should:

- contact the school principal in the first instance;
- contact the Directorate's Community Liaison section; or
- access the Directorate's *Complaints Resolution* policy, which is available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/policy_a-z.

6.2. 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 <http://www.hrc.act.gov.au> .
- The Privacy Commissioner who has specific complaint handling functions under the *Privacy Act 1988* (Cwlth). Information is available at <http://www.oaic.gov.au/privacy-portal/index.html>.

7. PROCEDURE OWNER

Director Information, Communications and Governance

8. RELATED DOCUMENTS

The following policies are located on the Education and Training Directorate's website at http://www.det.act.gov.au/publications_and_policies/policy_a-z

Approved Educational Courses: Government Schools
Attendance at ACT Public Schools
Complaints Resolution
Education Participation Requirements
Education Options other than School
Enrolment in ACT Public Schools (Preschool-year 12)
Exemption Certificates
Family Law and the School
Student Immunisation Record Keeping
Student Record Keeping

Manual for Registration of Home Education in the ACT is located at http://www.det.act.gov.au/school_education/alternative_education/home_education

Policies relating to Australian Apprenticeships are located on the Education and Training Directorate website at http://www.det.act.gov.au/vhe/australian_apprenticeships/aac/australian_apprenticeships_resources

The following are internal policies:

Information Technology Security Policy
Sensitive Information Handling



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:
Contact phone numbers: (home) (work)
..... (mobile)
Email address

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

Details of personal information requested:

(if insufficient space please attach separate 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:
Contact phone numbers: (home) (work)
..... (mobile)

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)

Proof of identity of the agent, parent/guardian and/or the person may be required

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

I hereby authorise (Education and Training 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, are there any guardianship/parental responsibility orders currently in place?

Yes * Please supply copies of orders No

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.

Yes

Signature and address for response

Address
.....
.....

Signature: Date:

Name (Please print)

The Education and Training Directorate collects this information in order to administer requests for access to student records. Information contained on this form is personal information and will be stored, used and disclosed in accordance with the requirements of the *Privacy Act 1988*, *Health Records (Privacy and Access) Act 1997* and the *Freedom of Information Act 1989*.