



ACCESS TO REPORTS & OTHER INFORMATION ABOUT A STUDENT POLICY

Rationale

- Schools frequently receive requests for information from a variety of sources. Whilst there are a number of situations in which information sharing is lawful, the first consideration is always privacy legislation.
- Schools must follow this policy when responding to such requests, including the table below which describes commonly requested information. This policy is consistent with Victorian privacy and information sharing law.
- Before disclosing any information, school must be satisfied as to:
 - the identity of the person seeking information (full name, position and organisation, if any)
 - exactly what information is being sought
 - the reason that the person or organisation is entitled to request and receive this information is entitled to access the information
- If there is any uncertainty about a request for information schools should contact the Legal Division by telephone on 9637 3146 or email legal.services@edumail.vic.gov.au

Purpose

- To assist the school to determine when to disclose information about students to persons or entities external to the school and the Department, as appropriate.
- To assist the school to keep student information confidential as appropriate.
- To ensure Footscray North Primary School complies with DET policy and guidelines and the legislative requirements of the following Acts in respect of access to student reports:
 - Children, Youth and Families Act 2005 (Vic)
 - Education and Training Reform Act 2006 (Vic)
 - Family Law Act 1975 (Cth)
 - Freedom of Information Act 1982 (Vic)
 - Health Records Act 2001 (Vic)
 - Information Privacy Act 2000 (Vic)

Implementation

- In all cases, before providing information about students, the Principal must be satisfied of the identity of the person seeking information and that the person is entitled to access the information.
- If there is any uncertainty, the Principal will seek advice from Legal Services Unit.
- School staff will make reasonable enquiries to satisfy themselves of the above. Reasonable enquiries might include:
 - asking the requesting parent for proof of identification and relationship with child
 - seeking further information on decision-making responsibilities or safety issues from the transferring or receiving Victorian government school
 - seeking further information from the parent who has enrolled the child as to whether or not there are any relevant court orders or safety concerns (without necessarily informing the enrolling parent of the other parent's enquiry)
 - seeking further information from the student if they are a mature minor or adult and would not be adversely impacted by knowing that these enquiries have been made
- The school acknowledges that subject to any Family Court Order, parents have equal 'parental responsibility' in respect of the child, including an entitlement to know where their child is enrolled.
- Parents who have parental responsibility for "long-term care, welfare and responsibility" have the same entitlement.
- If the school is satisfied that either there are no Court Orders in place or there is a Court Order conferring long-term care, welfare and responsibility for the child on the parent and there are no immediate welfare concerns and the school is satisfied of the identity of the parent and his/her relationship to the child then the school if requested will:

- confirm the student is enrolled but will not reveal the student's address
- provide a copy of the school report
- provide copies of school communications
- Examples of when a school should consider safety or welfare concerns include but are not limited to:
 - the enquiring parent is the respondent to a family violence intervention order protecting the children or the other parent
 - the enquiring parent has been charged with, or convicted of family violence or child abuse offences
 - the transferring or receiving school, enrolling parent or child raises safety or welfare concerns
- Requests from parents for other documents (for example, incident reports, staff diary notes, minutes of meetings etc) will be referred to the FOI & Privacy Unit, who will determine whether the person is entitled to the information.
- If a student or former student requests information and documents, the school may provide such information if:
 - the document/information was given to the school by the student
 - the document/information was previously given to the student or their parent
 - the document/information is considered school information ordinarily provided to students or their parents (such as school reports)
 - the document is publicly available
- Where a student has asked a Principal or teacher for a written reference or for the Principal or teacher to act as a referee for the student, it is up to the individual Principal or teacher to decide whether or not to agree to this request.
- School staff should not provide a reference without the consent of the student, or the parent/carer if the student is not an adult or a mature minor for the purposes of giving consent in these circumstances.
- The following chart provides information about other persons to whom the school may or may not disclose information:

If Information is Sought by	Guideline/Action
Centrelink	Information related to a child's enrolment and attendance at the school must be provided
Courts or Tribunals	If a Subpoena, Witness Summons or Court Order requires production of documents or attend court to give evidence or act as a witness, staff should comply If a Location Order or Recovery Order is issued by the Family Court or Federal Magistrates Court, the school will contact Legal Services immediately
Department of Health (Victoria)	Regulations require the school to provide information in relation to children suffering from infectious diseases
DHHS	Any staff member may disclose information that is relevant to the protection or development of a child who has been the subject of a protective intervention order
Explosives Inspectors	The school may provide information regarding student whereabouts under the provisions of the Dangerous Goods Act 1958
Lawyers	Where a request is made: in writing by a lawyer acting on behalf of a student or former student, and a written consent is provided, the information should generally be provided. for school staff to provide a statement or information by a lawyer acting on behalf of one parent in a family law dispute or child protection case, the school should <u>decline</u> to provide any information (other than information normally provided to parents) unless subpoenaed.
Officers of the Family Court (Independent Children's Lawyer or Family Consultant)	The school should generally assist such officers and comply with the request for information if: authorised by Court Order/Subpoena; or the parents consent to the provision of the information.
Private agents/investigators	The school should not provide private agents with any information except with the written consent of the parent/carer

Students/Former Students	If a student or former student requests information and documentation, it will be released if: the document/information was given to the school by the student the document/information was previously given to the student the document is publicly available
Victoria Police	Where personal information is requested by police it may be disclosed when: the student or parent/carer consents; the disclosure is necessary to lessen or prevent: a serious and imminent threat to an individual's life, health, safety or welfare; a serious threat to public health, public safety or public welfare the disclosure is necessary to assist with the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law; the disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct
Other Schools	Please refer to the school's Transfers Policy
Authorised Officers - Public Transport	The school should comply with requests for the disclosure of information to an "authorised officer" for the purpose of enforcing transport infringements

- Please refer also to the school's *Information Privacy Policy, Mandatory Reporting (Child Protection) Policy, the Transfers Policy, Police & DHHS Interviews Policy* and the *Parental Responsibilities (Decisions about Students) Policy*.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update late August 2018).

This policy was ratified by School Council 25/3/2019

Reference:
www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx