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## Related Policies

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Assessment  
Family Law  
Mandatory Reporting (ACT)  
Privacy  
Recognition of Student Achievement  
Student Achievement Information

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## Purpose

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This policy applies to all College staff, students and parents and provides parents, guardians, and students with the right to access student information and records held by the College.

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## Policy

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The College will safeguard student records from unauthorised access and will only use and disclose information in accordance with privacy and other relevant legislation.

Parents and students can request access to records held by the College and can request amendments where they believe the record is incorrect, out of date, incomplete or misleading. A student's parent can obtain access to their student's records, at least until the child turns 18. Such requests will be dealt with in accordance with the legislative and particular circumstances surrounding the request for access.

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## Definitions

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**Record** has the same meaning as that in AS/NZS ISO 30300-2012 Management systems for recordkeeping – Fundamentals and vocabulary; and AS/NZS 30301-2012 Management systems for recordkeeping – Requirements, which in singular or plural is recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

**Evaluative records** are information regarding behavioural, counselling, psychological and medical records

**Parent** is a person having parental responsibility for a child or young person under the *Children and Young People Act 2008*, including a carer under that Act.

**Personal information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not, but does not include personal health information about the individual which is covered by the *Health Records (Privacy and Access) Act 1997*.

**Personal health information** means any 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 person 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 contains personal information (*Health Records (Privacy and Access) Act 1997*).

## Procedure

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

### 1. Collection of Student and Student Related Information

Student records contain personal information and personal health information and are created from information:

- provided by parents, including but not limited to enrolment forms and medical information.
- generated by schools and Registered Training Organisations such as academic and assessment data and individual learning and support needs.
- employers and other industry stakeholders generate during work-based education and training arrangements.

Information about students should not be collected unnecessarily. Forms collecting personal information and personal health information must contain a privacy statement so that parents and students are aware of the purpose of collection and any usual disclosure of the information.

Records must be managed and safeguarded in accordance with relevant legislation, Catholic Education and College policy.

Records must be retained in accordance with the Recordkeeping Policy.

### 2. Access to information

#### Student and Parent Access

- Parents and students can request access to records held by the College, the Catholic Education Office or by the ACT Education 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*.
- A student's parents are generally 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 Policy.
- 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 and personal health information.
- 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.
- Requests for records must be made in writing to [records@sfx.act.edu.au](mailto:records@sfx.act.edu.au).
- Once access is authorised a copy of the requested information can be provided. Original documents cannot be provided as the College must ensure safekeeping and proper preservation of its records.

#### Access by Other 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 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.

- 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 [www.det.act.gov.au](http://www.det.act.gov.au).
- Further information on access by other schools can be found at [www.det.act.gov.au](http://www.det.act.gov.au)

#### Access by External Agencies

- In some circumstance's parents may consent to student information being shared by the College with others, for example with health professionals. The College 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. 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.
- Sharing of student 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*.

#### Access and Use by 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 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.
- Student records are used by staff for purposes such as administration and providing appropriate education opportunities

### **3. Complaints**

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

- contact the College principal in the first instance;
- contact the Catholic Education Office; or
- access the Complaints Resolution policy, which is available on the Catholic Education website at <https://cg.catholic.edu.au/>.

## **References**

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Freedom of Information Act 1989 (ACT)

Freedom of Information Amendment (Reform) Act 2010

[Australian Standards- Management Systems for Records](#)

[Catholic Education policies references in the document](#)

[www.det.act.gov.au](http://www.det.act.gov.au)

[www.det.act.gov.au](http://www.det.act.gov.au)

Privacy Act 1988

[Australian Standards- Management Systems for Records](#)

## Forms

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SFX Application for Access to Student Records

## Information

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Policy Number:	SFX_08
Version:	1
Audience:	Staff, Students Parents, Community
Category:	Governance and Administration
Effective Date:	September 2020
Revision Date:	September 2023
SFX Contact Officer:	Business Manager
Approved by:	Community Council

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