



Student Academic Services

NAS Release of Student Information Policy

Implementation Date: January 2004

Release of Student Information Policy

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1 Abstract

The Privacy and Personal Information Protection Act 1998 was passed by NSW Parliament in 1998 with the intention of providing safeguards relating to the release of personal information held by government agencies. The Act imposes obligations on information collection, storage, use and dissemination of personal information by a government agency.

The National Art School in the course of achieving its principal function of providing high quality education, accumulates information about students including personal information and academic records.

This policy has been developed to comply with the 1998 legislation and to provide consistency in handling the release of student information. This policy provides guidelines for all NAS staff who are required, due to the nature of their work duties/ responsibilities, to handle personal student information.

The National Art School is committed to ensuring effective control and management of student information in accordance with the Information Protection Principles (IPP) in the Act. In respect to the release of information the following principles of the Act are especially relevant:

- IPP 7 (Section 14) Access to personal information held by agencies
- IPP 11 (Section 18) Limits on disclosure of personal information
- IPP 12 (Section 19) Special restrictions on disclosure of personal information

2 Applicability

The policy applies to the release of a student's personal information collected by NAS for the purpose of providing education. It does not apply to information which is contained in publicly available documents, or information about people who have been dead for more than thirty years.

3 Context

- Privacy and Personal Information Protection Act 1998
- Children (Care and Protection) Act 1987
- Public Finance & Audit Act 1983
- Department of Education and Training - Privacy Code of Practice. 22 December 2000.
- Privacy Bulletin No. 5 - Information for Staff. 20 February 2001.

4 Policy statement

The National Art School (NAS) acknowledges and respects the privacy of individuals. The information students provided by students is "personal information" as defined by the *Privacy and Personal Information Act 1998* (NSW).

The nature of personal information collected and maintained about students by the NAS generally comprises:

- Name
- Date of birth
- Gender
- Contact details
- Citizenship/residency status
- Previous, current and concurrent study
- Disabilities

The information is collected and used for a range of purposes these may include:

- Statistical purposes
- Student admission
- Enrolment and progression
- Scholarship and exemption administration
- Provision of student services
- Mandatory reporting to external agencies such as Centrelink, Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)
- Archival purposes

In addition to, and without limiting any of the disclosure provisions of the Act, NAS may disclose a student's personal information to other educational institutions or authorities for the purpose of obtaining information relevant to the student's admission to, or assessment at, NAS. Also, after graduation, some personal information regarding students may be provided to Friends of National Art School or Alumni Association in order to keep graduates informed of NAS activities and events.

While the provision of personal information to NAS is voluntary, if you do not provide all or any of the information requested it may delay or prevent your participation in activities offered by NAS. Your personal information will be stored securely. You may access or correct any personal information provided by contacting NAS.

A student's personal information must not be released to a third party without the student's written consent.

Examination marks are confidential and may only be released to authorised NAS staff. Examination marks may not be given to students. There are certain exceptions to the general rule that information will not be released without the consent of a student: These are:

- Where disclosure of the information is for the purpose for which it is collected; for example, Centrelink checks
- Where disclosure of the information is necessary to prevent or lessen a serious and imminent threat to the life or health of the student concerned or to another person

- Where information from a previous institution provided by a student is considered to be untrue, incomplete or misleading in any respect, the NAS may take such action as it believes necessary including the disclosure of the information to any person or body the NAS considers has a legitimate interest in receiving it and the NAS reserves the right to vary or reverse any decision made on the basis of untrue, incomplete or misleading information.
- And all other cases discussed in 5.1.

5 Procedures and standards

5.1 Situations for Disclosure of Information

In the context of NAS, a student's personal information can be disclosed in the following situations:

- Court orders or subpoenas
- Where a government agency has specific statutory authority to request information, (e.g. Commonwealth Department of Immigration and Multicultural Affairs) and the agency specifically advises in writing the reason for its request;
- Procedures established under the Freedom of Information Act (FOI)

5.2 Collection of Personal Information

5.2.1 When collecting personal information from a student the student should be made aware of the following:

- The purpose for which the information is being collected
- The intended recipient/s of the information.

5.2.2 Personal information must only be collected for the purpose of supporting the functionality, goals and objectives of NAS which is to provide students with the best opportunities in education.

Information should be collected directly from the student, unless he/she is under 16 years old or attending a government school, whereby, information can be provided by a parent/custodial carer.

5.2.3 A student can authorise a third party to provide their personal information but this must be in writing.

5.3 Security and Right of Access

5.3.1 A student should be allowed to have access to their own personal information in order to update or amend that information.

5.3.2 Access to a student's information should be restricted to authorised NAS staff on a "need to know" basis.

5.3.3 Student information must be kept under proper security at all times to ensure access is not gained by unauthorised persons. Areas in which student information is stored must only be

- accessed by persons whose duties require them to be in that area.
- 5.3.4 Personal information kept in filing cabinets must be kept in locked cupboards or secured rooms and information stored on electronic files must be password protected.
- 5.3.5 The transport of student information between locations should be undertaken with care. Documents being carried or posted should be marked confidential and should not be left unattended outside secure areas or in motor vehicles.
- 5.3.6 Fax transmission should not be used unnecessarily and only when the receiving machine is in a secured location or the receiving officer is standing by.

5.4 Groups commonly seeking disclosure of a student's personal information

- 5.4.1 Parents/Custodial Carer
- Parents/Custodial Carer have no right to information about students who are attending NAS. Consent must be sought from student before information is released to a parent/custodial carer.
- 5.4.2 Police
- Police should be given assistance in locating a student including their whereabouts on campus, the student's full name, address and photo. If further information is required however a warrant, subpoena or court order would be required. The police may also obtain information by an FOI application.
- 5.4.3 Researchers
- Researchers have no right to information about students unless the student consents in writing after receiving an explanation of the purpose and nature of the research. Only NAS, (not the researcher) should contact the student with this explanation.
- 5.4.4 Solicitors
- No information should be released to Solicitors, unless a signed consent from the student is produced, a subpoena is presented, a FOI request is made or the solicitor is acting for the personal representative (executor or administrator) of a deceased student about whom the information is sought.
- 5.4.5 Auditors (DET Audit Office & Audit Office of NSW)
- Auditors should be given full and free access to a student's personal records. Under the Public Finance and Audit Act 1983, authority is given to Auditors to access all records and

documents required in the Audit process.

5.5 Ascertaining Identity

- 5.5.1 NAS staff should be reasonably satisfied with the identity of the person seeking disclosure of a student's personal information before releasing the information.
- 5.5.2 If the person is seeking release of information in person, then they should be asked for some form of identification. As well, NAS staff should satisfy themselves that the release of the information is within the context of this policy.
- 5.5.3 If the request for the student information is made by telephone, then ask for the request to be made in writing. This can be via fax or email. Once the request is received then NAS staff should process the request in accordance with this policy.

6 Responsibilities and delegations

6.1 Head of Studies

- 6.1.1 Head of Studies is responsible for:
 - ensuring that NAS staff are aware of and carry out their responsibilities in respect of the release of student information in an effective and efficient manner.

6.2 Registrar

- 6.2.1 Registrar is responsible for:
 - managing the release of student information process
 - ensuring that the release of student information process is consistent with this policy.
- 6.2.2 Student Academic Services staff are responsible for:
 - providing advice to students and other persons on the release of student information process.

7 Associated documents and forms

- Privacy and Personal Information Protection Act 1998
- Public Finance & Audit Act 1983
- Department of Education and Training - Privacy Code of Practice. 22 December 2000
- Privacy Bulletin No. 5 - Information for Staff. 20 February 2001

8 For further information

Further information regarding the Privacy & Personal Information Protection Act 1998 can be located at this website:

<http://detwww.det.nsw.edu.au/directorates/leglserv/privacy/privacy.htm>

For further information or enquiries with regards to this policy, please contact:

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9 Appendices

9.1 Definitions

Student:

For the purpose of this policy, is a person who has applied for, or has been offered a place and enrolled in an NAS course.

Personal Information:

Is information collected by NAS about students as defined above (section 4.1). It incorporates information collected about the student whose identity is apparent or can reasonably be ascertained from the information. The following is a representative sample of the types of personal information about students which is received and stored by NAS:

- Names, addresses and telephone numbers
- Other personal information/General statistics e.g. date of birth, photographs, ethnicity, sex, residency status
- Academic records including awards, prizes, grades and marks, mutual recognition
- Attendances (either collected manually, roll books, or electronically)
- Centrelink information collected as part of the administration charge exemption process
- Discipline matters
- Disability support
- Financial details eg. credit card information, debtor information, bank details collected as part of payment process

Rights of Access:

Refers to the storage and security of a student's personal information. This would also be applicable to NAS staff who handle student personal information as part of their daily work routine.

Disclosure of Personal Information:

Refers to the act of releasing a student's personal information to a third party outside NAS other than the individual student to whom the information relates.

Authorised NAS staff:

Staff who have or should be given the clearance to access students' personal information as a requirement of their work duties eg. student administration staff, lecturers, cashiers, NAS management.