



# Catholic Education Office Diocese of Lismore

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Related Documentation:	CEC NSW web site. Privacy Paper. Annexure A contains a standard school Privacy Policy CEC NSW Standard Collection Notice. Schools should review the Collection Notice issued to parents at regular intervals. Guidelines for Collection are set out in Section 7.31 of the CEC Privacy Manual.



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# **STUDENT RECORDS POLICY**

**Version 1 – February 2009**

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## A. POLICY STATEMENT

- A1 The Diocese of Lismore acknowledges that parents and/or guardians are partners with schools in the education of children, and that trust and respect for the dignity of the child and family require that standards are observed in the management of any information retained about the child or family.
- A2 Schools are required under The Privacy Act (1988 Cth) to ensure, where confidential information is collected, that it is managed in such a way as to preserve the dignity of those involved and to maintain confidentiality.
- A3 Good record keeping practices ensure that all school student records, whether hard copy or digital, are accessible, inviolate and credible. To achieve this, records should be managed applying appropriate access and storage protocols. These practices also apply to inactive records that are to be retained.
- A4 The School Privacy Policy must be regularly reviewed to ensure school records practices are consistent with the wording of the current Collection Notice as made available to all parents.

## B. SCOPE: APPLICABLE PRIVACY POLICY AND COLLECTION NOTICE

- B1 As referred to above where school records contain “personal information” then those records must be managed in accordance with the provisions of The Privacy Act (1988 Cth).
- B2 *“Personal information means information or an opinion (including information or an opinion 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. It includes all personal information regardless of its source”.*
- B3 Personal information must only be collected and recorded by a school in accordance with both the school’s Privacy Policy and Collection Notice.
- B4 All school staff must ensure that the collection, recording and use of personal information relating to members of the school community is always undertaken in a manner consistent with the relevant Privacy Policy and the relevant Collection Notice.
- B5 For further information on Privacy Policy and Collection Notice requirements reference should be made to the National Catholic Education Commission and National Council of Independent Schools’ Association’s, **“Privacy Compliance Manual”**. This Privacy Manual can be accessed from the CEC, NSW website ([www.cecnsw.catholic.edu.au](http://www.cecnsw.catholic.edu.au)). Specifically reference should be made to the Privacy Manual at Section 5 ‘Adoption of Privacy Policy’ and Section 7.10: ‘Standard Collection Notice’.
- B6 Attention is drawn to the fact that separate and specific Collection Notices are required for:
- Parents and Students
  - Employment
  - Alumni



## **C. DEFINITIONS**

C1 “Record” means anything produced or reproduced in material form. Records can include files, notes, recordings, emails, opinions. There are three levels of access in respect of student records.

General Access Records (Students)  
Controlled Access Records (Students)  
Restricted Access Records (Students)

### **General Access Records (Students)**

C2 These records include objective and verifiable data which is necessary for the ongoing administrative functioning of the school. Examples of information retained in such records may include:

- student identification and enrolment details
- attendance records
- general medical records, noting that some medical records constitute “sensitive information” and consequently maintenance of their confidentiality is essential
- medical issue notification forms
- results from standardised aptitude or achievement tests, school Report Cards and achievement records including NAPLAN results and results from university sponsored tests
- travel forms
- reports of low level disciplinary action, minor playground issues

C3 This information should be accessible to each student’s teacher(s) and also to administrative support staff and others as delegated by the Principal. General staff access should only be where this is necessary for the discharge of the school’s duty of care.

C4 A common, clearly visible mark on the cover of General Access files should be made to indicate that separate information on this student is held in either Controlled Access Records and/or Restricted Access Records.

### **Controlled Access Records (Students)**

C5 Access to these records is controlled by the Principal. Learning Support files may include the following types of information and are accessible to the class teacher and other staff but only with the approval of the Principal:

- references for secondary school entry
- Individual Education Plans (IEP), associated learning support documentation
- information from outside experts pertaining to children with additional needs such as specialist assessments (examples include cognitive, speech/language, occupational therapy, psychologist and paediatric reports), diagnostic reports (examples include WIAT2, NEALE Reading Analysis and Reading Recovery Reports) medical records (examples include neurology, dietician, hearing and vision reports)



### **Restricted Access Records (Students)**

C6 Highly confidential, personal and sensitive records are kept safely and securely in the Principal's office. Examples of information contained in such records may include:

- sensitive medical records
- family records including DOCS reports, Ombudsman Notifications, Family Court or legal correspondence
- correspondence relating to significant disciplinary action leading to suspension or expulsion
- correspondence relating to serious student misconduct, cheating or harassment
- student risk assessment reports
- correspondence relating to actual or alleged student violence
- correspondence about students considered a risk to self, a risk to others or those who have suffered abuse or neglect

### **D. PRINCIPLES: SECURITY, ACCESS AND PRIVACY CONSIDERATIONS**

D1 The Principal or nominee has the responsibility to ensure that records are stored in accordance with Principle 4 of the Privacy Act 1988.

Principle 4 states:

#### *Storage and Security of Personal Information*

*'A record-keeper who has possession or control of a record that contains personal information shall ensure:*

- a. that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and*
- b. that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.'*

D2 This being the case schools must:

- Ensure all reasonable steps will be taken to ensure that electronic and hard copy information about students' external assessment results and semester reports is securely stored and not misused.
- Clearly articulate in school policy statements the normal practices with respect to the security of student records and delegation of authority.
- Ensure that authorised staff members are given appropriate access to all school-held information to enable a complete assessment of a student's performance or welfare.
- Ensure that within the school, a student's class or subject teacher and those staff members working directly with a student or cohort have right of access to that student's achievement information.
- Ensure that files and records in current use are kept in a safe and secure manner at all times.



## **E. IMPLEMENTATION: RECORD MANAGEMENT**

- E1 General Access Records and Controlled Access Records may be kept as separate records. Where they are located is a Principal's decision made with regard to the conditions of access as outlined in this policy. Restricted Access Records are to be secure to the Principal.
- E2 Where an employee works as a member of a team it may become necessary for that employee to share information with other team members in the course of planning for a student's needs. This shared information will remain confidential to the team.
- E3 Schools must have procedures in place to ensure the timely and orderly transfer of information from one teacher to the next as the student changes teachers, moves classes, year levels or is transitioning from a Catholic primary school to a Catholic secondary school.
- E4 Records will only be provided to an outside agency/consultant upon written request for such information. Information will not be provided without the consent of the author, parent and/or guardian.

## **F. IMPLEMENTATION: PARENT ACCESS TO AND CORRECTION OF RECORDS**

- F1 Parents have a right of access to all information held by the school on their child. File access by parents is available through the Principal or nominee and under their supervision. All notes and records made by school staff during parent interviews are regarded as recoverable and are the property of the school (whether in a file or not as the case may be) and therefore care should be taken when meeting notes are taken. Parents may also have a 'right of request of correction' in certain circumstances. When parents request that a file be "corrected" advice is to be sought from the CEO.
- F2 Particular care with student information must be taken in situations where material may be shared as part of a discussion to ensure privacy rights and obligations are respected.
- F3 File notes and records may be sought as part of court action. All notes must be legible and reflect a high professional standard. Notes must be non-judgmental, objective and evidence based.
- F4 Where schools are unsure of the appropriate action to be taken regarding the management of confidential, personal or sensitive information the CEO Education Consultant or CEO Employment Relations Consultant should be contacted for advice.

## **G. IMPLEMENTATION: RETENTION OF RECORDS**

- G1 Schools are responsible for the creation, management, storage and disposal of records relating to all aspects of student management. All records remain the property and responsibility of the school.

The student file retention schedule in the table below is to be regarded as a minimum standard.



Item/Description	Retention Period
<b>Admission Records</b>	
Application and enrolment forms GA	Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Interview Notes GA	Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Admission Register	<b>Permanent</b>
<b>Attendance Records</b>	
Class Rolls/Attendance Registers	Retain for 7 years after last date in roll (CEO requirement)
Correspondence relating to absenteeism GA	Retain for 2 years after action completed.
<b>Assessment Records</b>	
Certificates and statements of assessment not collected by students GA	Destroy 2 years after assessment
Exam books and student answer sheets GA	Destroy 2 years after assessment
Exam papers (unused samples) GA	Retain 1 copy for 7 years or when reference ceases
External exam results GA	Retain for 7 years after student has left school or age 25 years, whichever is the greater
Informal exams and test papers, answers and results GA	Destroy when reference ceases
Individual student results including copies of certificates and statements of assessment GA	Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater
Master records of results of student cohorts GA	<b>Permanent</b>
Master records of Standardised Achievement Tests GA	<b>Permanent</b>
SAT – individual student results GA	Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Work samples and other data used in assessment (including student diaries, reports and journals) GA	Return to student or destroy 2 years after assessment.
<b>Student Discipline</b>	
Individual cases requiring significant disciplinary action, such as expulsion RA	Retain a minimum of 20 years after action completed and then destroy.



<b>Item/Description</b>	<b>Retention Period</b>
Individual case files relating to other incidences of student misconduct, cheating and harassment	GA Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Records relating to administrative matters concerning codes of conduct. Includes minor correspondence and copies of policy	GA Retain a minimum of 1 year after action completed and then destroy.
<b>Individual Student Records</b>	
Accident/injury reports	<b>Permanent</b>
Correspondence concerning individual students	GA Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Family Information	GA Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Legal proceedings records	RA <b>Permanent</b>
Records regarding disciplinary action	GA Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
References	CA Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Reports – Copies of reports to parents on student assessment/achievement	GA Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
Specialist Assessment and Diagnostic Reports	CA Retain with individual student files. Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.
DOCS, Ombudsman Notifications pertaining to a Principal's first actions	RA Minimum – retain for 7 years after student has left school or age 25 years, whichever is the greater.



## **H. IMPLEMENTATION: FILE MOVEMENT AND TRANSFER**

- H1 When a student moves from one school to another the content of the existing records pertaining to that student should be reviewed to determine the appropriate information to be copied if a request is received from the new school for information.
- H2 Student records should only be transferred consistent with the terms of the school's Collection Notice or with specific parental consent, or as required by law for example DOCS sharing of information, or the Education Act, risk assessment requests.
- H3 In general if no request is received from a parent or another school Principal (through the parent) no information is copied and released.
- H4 All requests for information release should be made in writing to the Principal. The Principal can seek advice from CEO personnel.
- H5 The current school's complete student record should be kept intact and procedures should be made to securely store the file according to the file retention schedule in this policy.

### **(i) General Access Records**

- H6 Where transition is from a Catholic primary school to a Catholic secondary college all the above advice applies. Secondary colleges and primary schools within the Diocese are required to have agreed communication and transition procedures in place to ensure the orderly transfer of students from one school to another.
- H7 Secondary schools are to seek student performance and other information (for example NAPLAN and PER) from parent sources first during the enrolment interview process. Additional information can be released by the primary Principal on receipt of a request for records from the student's parents and/or guardian.
- H8 The original General Access File remains in the school which first enrolled the student.

### **(ii) Controlled Access Records**

- H9 In the case of students with identified Additional Learning Needs (Learning Support files) file management is to be treated in the following way:
- a. Catholic School to Catholic School (within the Diocese)**  
Given that these student records will be held on the Web Apps system all information is available to the Principal of the new diocesan school. Additional information is to be treated according to advice in H1-H5 above. The original and complete file remains intact in the school and secured as per this policy.



**b. Catholic School to Catholic School (Lismore to another NSW Diocese)**

As long as written parent approval is obtained, file contents pertaining to learning support matters can be copied for transfer to the new Catholic school on request from the new Principal. The original and complete file remains intact in the school and secured as per this policy.

**c. Catholic School to any other school (or any Catholic school outside NSW)**

As long as written parent approval is obtained, file contents pertaining to IEP matters can be copied for transfer to the new school on request from the new Principal. The original and complete file remains intact in the school and secured as per this policy.

**(iii) Restricted Access Records**

H10 In the case of more highly sensitive Restricted Access files such as defined in this policy (Section E), confidential or sensitive information about students shall only be disclosed with the consent of the parents and/or guardians. The exception is generally when:

- A serious risk of harm arises such that protective action is necessary for example a risk to self, a risk to others, abuse or neglect
- it is required by law as in the case of student violence

**I. IMPLEMENTATION: STUDENT RECORD DISPOSAL**

I1 Only the Principal can authorise the destruction of school records. Inappropriate destruction may leave a school, its staff or the CEO in a difficult position in the event of either the need to reassess student needs or in the event of litigation.

I2 Each school should maintain a Register of Records Destroyed. Before destruction of records the records' title/description, inclusive of dates, and destruction method must be noted in the Register. The Principal must sign the Register.

I3 School records must be disposed of in an appropriate manner. Destruction must be by shredding or total incineration and by total erasure if the records are electronic.