



# Access to records held in schools procedure

**Version:** 3.3 | **Version effective:** 16/08/2021

## Audience

Students, parents and carers, schools and educators, other – members of the community, employees

## Purpose

Provides a means of access to documents held by schools and guides principals through the process of responding to requests for administrative access to documents held by schools.

If principals determine that it is not appropriate for documents held by schools to be released, they will advise the person making the request that they can lodge a request with the Department of Education and Training for statutory access to the information under the [Right to Information Act 2009 \(Qld\)](#) (RTI Act) or the [Information Privacy Act 2009 \(Qld\)](#) (IP Act).

## Overview

This procedure guides principals through the process of administratively releasing certain types of documents held by schools, when requested.

When a request for a document(s) containing the personal information of the applicant is received, information contained in the document(s) relating to other persons must be removed before the document(s) is given out.

Documents that schools are required under the [Education \(General Provisions\) Act 2006 \(Qld\)](#) to give to students and parents/carers – for example, report cards, disciplinary and absence documents – are unaffected by this procedure.

Access is available to existing documents only. School staff are under no obligation to create new documents in response to a request – although they may do so where the principal considers it appropriate in a particular case.

The schedule, [Documents held in schools – access and requests](#), describes the types of documents held by schools and indicates whether access to the documents may be given via administrative access or only under statutory access.

DEPARTMENTAL STAFF ONLY - For information about family law matters affecting state schools, refer to [OnePortal](#).

Also see [Special matters – court orders, verification](#) for further information.

**Uncontrolled copy.** Refer to the Department of Education Policy and Procedure Register at <https://ppr.qed.qld.gov.au/pp/access-to-records-held-in-schools-procedure> to ensure you have the most current version of this document.

## Responsibilities

### Principals

- The principal is responsible for deciding whether access is granted in each particular case.

## Process

### Principals

In deciding whether to give a person access to documents or information, the principal must take into account the following:

- A person must make a request for documents in writing to the principal of the relevant school.
- If the person is requesting access to information on behalf of someone else, the person making the request has provided sufficient evidence of their authority to act on behalf of the other person.
- If the request is for access to a document(s) containing personal information of the person making the request, the person has provided sufficient evidence of their identity.
- If the request is for access to a document(s) containing personal information of a child, and the request is made by a person purporting to be a parent, or other person having parental responsibility for the child to whom the information relates, the person making the request has provided sufficient evidence of:
  - their identity; and
  - status as a parent; or
  - status as a person exercising parental responsibility
- If the request is for access to a document(s) containing personal information of an individual(s), and the request is made by a person purporting to be an agent for the individual(s) to whom the information relates, the person making the request has provided sufficient evidence of:
  - their identity; and
  - their authorisation to act on behalf of the individual(s)
- If the request is for access to a document(s) containing personal information of a child, and the request is made by a person purporting to be an agent for a parent of the child to whom the information relates, the person making the request has provided sufficient evidence of:
  - the parent's identity and status as parent; and
  - their identity and authorisation to act on behalf of the parent
- If the requested document(s) contains personal information of any third party (other than routine personal work information of a public servant), access is permitted only to those parts of the document(s) that relate to the person making the request (or on whose behalf the request is made, if applicable). Information relating to any other person must be redacted before the document(s) are given out.
- If access is to be given to a document(s) by inspection in person, the inspection of documents is supervised at all times.
- If charges are payable for the request, the person making the request has been notified of the charges payable and has paid any applicable charges before release or inspection of the document(s).

If principals decide that it is not appropriate to release document(s) administratively (for example, where documents relate to a family law dispute and were not authored by the applicant, or where document(s) relate to an independent student and the student objects, or where the disclosure of the document(s) may not be in the best interests of a child or may pose a risk to someone's health and/or safety), they should:

- notify the applicant of the decision that administrative release of the requested document(s) is not suitable and inform applicant that access may be sought by [making an application](#) to the department under the IP Act or RTI Act (whichever is applicable); or
- identify the document(s) that are not suitable for administrative release and give applicant a brief description of the relevant document(s) so that they may be included in an RTI/IP application.

### **Requests for a document(s) that does not contain personal information of the person making the request**

Charges may apply for a request for access to a document(s) that does not contain personal information of the person making the request (or of the person on whose behalf the request has been made).

If access is given to non-personal document(s) by provision of photocopies, a charge of \$0.20 for each A4 black and white photocopied page applies.

However there is no charge payable if:

- the total charge would be less than \$50; or
- access is given by provision of an electronic copy of the requested documents.

For requests that take five or more hours to process, there is an additional \$6.00 charge for every 15 minutes (or part of 15 minutes) in excess of five hours spent processing the request.

Where administrative access is not given under this procedure, access may only be sought by [making an application](#) to the department under the IP Act or RTI Act (whichever is applicable).

Under the IP Act, a person (or their duly authorised agent) has a right to apply for access to documents of an agency that contain the individual's personal information. Under the RTI Act, a person has a right to apply for access to documents of an agency (irrespective of whether the documents contain the individual's personal information).

## **Definitions**

<b>Term</b>	<b>Definition</b>
<b>Document</b>	Any document in a state school including paper records, electronic records, audio and video tapes, disks and reports.
<b>Personal information</b>	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.

Term	Definition
<b>Statutory access</b>	Access granted as a consequence of an application made under the Right to Information Act 2009 (RTI Act) or the Information Privacy Act 2009 (IP Act).
<b>Routine personal work information of public sector employees</b>	Information that is solely and wholly related to the routine day to day work duties and responsibilities of a public sector employee. For examples of the types of information that do, and do not, constitute routine personal work information, refer to the Office of the Information Commissioner's guideline <a href="#">Routine personal work information of public sector employees</a> .

## Legislation

- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [Right to Information Act 2009 \(Qld\)](#) Chapters 1 to 7

## Delegations/Authorisations

- Nil

## Policies and procedures in this group

- Nil

## Supporting information for this procedure

- [Administrative access form](#)
- [Documents held in schools – access and requests](#)
- [Notification letter](#)
- [Special matters – court orders, verification etc.](#)

## Other resources

- [Information sharing under the Child Protection Act 1999 procedure](#)
- [Disclosing personal information to law enforcement agencies procedure](#)
- [Office of the Information Commissioner Queensland – Privacy Principles - guidelines](#)
- [Family law matters affecting state schools](#) (DoE employees only)
- [Technology and information management](#)

## Contact

For further information, schools please contact a principal advisor in your [closest regional office](#).

Central and regional offices please contact:

Information and Governance Management, Information and Technologies Branch

Email: [InformationManagement.INFOMNGT@qed.qld.gov.au](mailto:InformationManagement.INFOMNGT@qed.qld.gov.au)

## Review date

31/12/2017

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

3.0 Access to Records Held in Schools

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