**Access to records held in schools**

**Special matters – court orders, verification etc.**

*Court orders affecting parental rights*

If a court order exists in relation to a particular child that denies parental responsibility to one parent for the long term care of a child, or gives sole responsibility for educational matters to one parent, the parent denied responsibility for the child is not entitled to access records or information about the child from a school under this policy. Generally, in such circumstances, a parent or their legal representative may only seek access to documents about the child by making an application under the *Information Privacy Act 2009* (Qld), the *Right to Information Act 2009* (Qld) or through court procedures, such as the issuing of a subpoena, available in relation to court proceedings. However, in some court orders, despite denying a parent their parental responsibilities, the court will make an order authorising the parent who no longer has parental responsibility to obtain school records for the child. For example:

*That a copy of this Order shall be sufficient authority for each parent and each parent shall be hereby authorised to obtain information relating to either child from the child's school and from the organiser of child's extracurricular activities wherever applicable, as each parent may request from time to time, with such information to be provided to the parent requesting the information at their expense (if any).*

In such cases, treat the parent who no longer has parental responsibility as if they are a parent for the purposes of this procedure and give him/her access to the child’s records accordingly.

*Inspection of documents*

Sometimes access to documents may only be given by means of inspection of the documents at the school premises. An inspection will allow the requestor to look at the documents and take written notes but not to remove them from the school premises or to photograph or otherwise record them. The school principal should ensure that an inspection is supervised by a school staff member and the restrictions mentioned above are observed.

*Redacting documents*

Documents requested will often contain the personal information of third parties (not including routine personal work information of a public servant). It is necessary to redact this personal information before the documents are given out.

The simplest method of redaction is to:

* Photocopy the original document(s);
* Mark up the photocopy(ies) by using a marker to black out the relevant personal information on the photocopy(ies);
* Photocopy the marked up document(s);
* Inspect the photocopy(ies) to ensure that the marking up completely obscures the relevant personal information (sometimes the original marking is not sufficient).

*Verifying identity*

The principal may require a person to provide copies of documents to verify their identity. Copies of documents should be certified by a Justice of the Peace or a Commissioner for Declarations. The following are examples of documents that may be sufficient for verifying a person’s identity:

* a current passport;
* a copy of a certificate or extract from a register of births; or
* a current driver's licence or Adult Proof of Age Card.

*Verifying parentage*

The principal may require a person to provide copies of documents to verify they are a parent of, or have parental responsibility for, a child. Copies of documents should be certified by a Justice of the Peace or a Commissioner for Declarations. The following are examples of documents that may be sufficient for verifying parentage or parental responsibility:

* a copy of a certificate or extract from a register of births for the child; or
* a Family Court or other court order concerning parental responsibility for the child.

*Verifying authorisation to act*

The principal may require an agent, solicitor or other third party applying for a person’s information to provide sufficient evidence of their authority to act on behalf of that person. In most cases a person authorised to act on behalf of a person will be able to produce a written authority to act signed by the person. A principal is entitled to ask for a copy of such authorisation in writing. File notes should be kept stating why a principal is or is not reasonably satisfied that the authorisation is legitimate and what steps, if any, were taken to reach that conclusion.

*Written requests for documents*

All requests for documents under the *Access to records held in schools* procedure must be in writing. An email from the requestor will be sufficient for this purpose. The written request must outline the requestor’s name, the name of any person they are making the request about and provide sufficient information for the school principal to identify and locate relevant documents.

*Requests for access to information under legislation*

Schools or other business units may receive correspondence from individuals, solicitors or insurers, requesting information relating to a student or member of staff. These requests are usually framed as requests under the *Personal Injuries Proceedings Act 2002* (Qld), the *Motor Accident Insurance Act 1994* (Qld), or the *Workers’ Compensation and Rehabilitation Act 2003* (Qld). The claimant or client in relation to these matters must sign an “authority to access information”, and this written authority must accompany the request for information.

These Acts authorise the production of documents pursuant to and within the scope of this authority, but it is important to note that the authority in the *Personal Injuries Proceedings Act 2002* (Qld) is limited to relevant academic records only.

Because the request is made by a person other than the person to whom the documents relate, costs of production can be recovered as per the provisions of the department’s procedure [Information management (IM)](https://ppr.qed.qld.gov.au/category/technology-and-information-management).