RELEASE OF STUDENT INFORMATION POLICY

No: P201

1. Purpose

The Release of Student Information Policy (this Policy) establishes a framework to ensure that personal and enrolment information in respect of students is not released where it is unlawful to do so.

2. Scope

This policy applies to Challenger Institute of Technology’s Governing Council and employees.

3. Approval and version control

The following table provides version control related information with respect to this Policy. Despite the inclusion of version control, policy users must ensure they are using the most current version of this Policy available from the Document Management System.

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<th>Version</th>
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<td>1.0</td>
<td>10 June 2013</td>
<td>Approved by General Manager Client Services and Communications</td>
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4. Key definitions

**Challenger Executive** refers to the CEO and their direct management reports

**Document Management System** refers to the online repository of policies, procedures and forms maintained by the Planning and Evaluation unit available through the Intranet.

**Enforcement body** refers to a government body empowered to administer or perform a function under a law that imposes a penalty or sanction e.g. state and federal police, child protective services etc.
**Enrolment information** refers to information about a student’s enrolment at Challenger Institute including but not limited to the financial status of the student’s enrolment, unit results, course details, time table details etc.

**Government agency** refers to an organisation established by government to undertake government functions.

**Personal information** refers to information or an opinion, whether true or not, whether recorded in a material form or not, about an individual whose identity can reasonably be ascertained from the information or opinion. Such information includes amongst other things contact details and sensitive information.

**Responsible Officer** refers to the General Manager responsible for ensuring this Policy is reviewed as required.

**Sensitive information** refers to information or an opinion about an individual’s ethnic origin, memberships, religious beliefs, political opinions, sexual preferences or practices, criminal record, genetic and health information.

5. **Policy governance**

This Policy has been developed with consideration to the following, regulatory requirements, standards or Challenger Institute policy:

- Part 10, Division 2 of the *Student Youth Assistance Act 1973* (Cth);
- *State Records Act 2000* (WA);
- Public Sector Commission Commissioner’s Instruction No.7 Code of Ethics 2012 (WA);
- *Freedom of Information Act 1992* (WA);
- *Children and Community Services Act 2004* (WA);
- *Family Court Act 1997* (WA); and

6. **Policy statement**

6.1 **Release of information to students**

Each existing or former Challenger Institute student shall, on request, be provided with personal or enrolment information about themselves which Challenger Institute possesses.

Such requests should be directed to the appropriate individual(s) from the following list:

- Manager Admissions and Customer Service;
- Academic Coordinators;
- Academic Record Centre staff;
• Manager Records;
• Coordinator Apprenticeship and Traineeship;
• Coordinator Duty of Care for Minors;
• Program Managers; and
• Training Services Directors.

6.2 Information requests from third parties

Where a person or entity other than a student requests the student’s personal or enrolment information which Challenger Institute possesses, such information shall only be released upon receiving consent from the student or in accordance with sections 6.5 to 6.8 of this Policy.

Requests for information should be directed to the appropriate individual(s) identified in the list detailed in section 6.1 of this Policy.

6.3 Information requests which include information about third parties

Where the release of information about a current or former student is requested and such information includes personal or enrolment information about another party (e.g. about an employer or another student), the information may only be released with the consent of the other party or in accordance with sections 6.5 to 6.8 of this Policy.

6.4 Consent

Consent must be in writing and clearly state that consent is given. Where consent cannot be provided in writing, Challenger Institute will consider alternative methods of receiving consent subject to the requirements of applicable law.

6.5 Situations where consent to release information is not required – purpose of collection

Consent to release personal information which Challenger Institute possesses is not required where the release is for the primary purpose of collecting the information and this purpose was made reasonably apparent to the applicable individual or entity at the time of collection.

Personal information which Challenger Institute possesses may also be released for a secondary purpose that relates to the primary purpose of collecting the information where it is reasonably expected by the applicable individual or entity that Challenger Institute may release information for the secondary purpose.

6.6 Situations where consent to release information is not required – government department or agency
Consent to release personal or enrolment information which Challenger Institute possesses is not required where the release is to a government department or agency and is authorised under law.

Such situations include but are not limited to:

- Mandatory reporting of sexual abuse of students that are under 18 years of age to the Government of Western Australia Department for Child Protection (refer to Challenger Institute’s Duty of Care for Minors Policy).
- Facilitating Centrelink enquiries regarding study assistance to particular students.
- For the purposes of Training Accreditation Council audits.

Requests for the release of personal or enrolment information from a government department or agency must be in writing, clearly identifying the government department or agency making the request and should state the authority under which the information is being requested e.g. details of a court order, the legislation or regulation being acted under etc.

Individuals or entities about whom information is released to a government department or agency must not be informed of the release.

Challenger Institute may provide personal or enrolment information it possesses about individuals or entities to an enforcement body where it reasonably believes that the release of the information is necessary to:

- Reduce or prevent a serious and imminent threat to an individual’s life, health or safety or a serious threat to public health or safety.
- For an investigation into criminal activity or serious improper conduct.
- For the enforcement of law or protection of public revenue.

The Director International Relations must be notified of information released to a government department or agency, or enforcement body in respect of an international student.

The Coordinator Duty of Care for Minors must be notified of information released to a government department or agency, or enforcement body in respect of a student who is less than 18 years of age.

6.7 Situations where consent to release information is not required – employer and other RTOs

Consent is not required for the release of enrolment information and information pertaining to a student’s capacity to complete their training to an employer, where a student is undertaking training as a condition of employment with the employer e.g. an apprenticeship or traineeship.

Consent is not required for the release of a student’s enrolment information to another registered training organisation (RTO) where the information is necessary for the enrolment of the student with that RTO.
6.8 Situations where consent to release information is not required - students less than 18 years of age

Where a student is less than 18 years of age, consent is not required to release information to the student’s parent(s) or legal guardian(s) who are identified in the student’s enrolment records in respect of:

- the payment of outstanding fees;
- results;
- attendance; or
- misconduct at Challenger Institute.

Challenger Institute may release this information to a parent or legal guardian irrespective of their marital status unless a court order is in place which prevents the release.

6.9 Verifying identity

Where a student requires information about themselves that Challenger Institute possesses, all reasonable attempts must be made to verify the student’s identity. Such verification may include requiring the student to confirm personal or enrolment information.

Where a party other than a student requests information about a student which Challenger Institute possess and the party is eligible to receive such information in accordance with this Policy, reasonable attempts must be made to verify the identity of the party.

6.10 Freedom of information

All freedom of information requests must be managed in accordance with Challenger Institute’s Freedom of Information Policy.

7. Documents supporting this Policy

Other Challenger Institute policies support this Policy and are available through the Document Management System.

Policies include:

- Q10.703/03 – Freedom of Information Policy; and
- Q10.201/13 – Duty of Care for Minors.

8. Review and communication of this Policy
The Responsible Officer for this Policy will ensure it is reviewed at least every two years. The Challenger Institute Executive will approve any material amendments to this Policy, whilst the Responsible Officer for this Policy will approve immaterial amendments.

This Policy will be made available to the Governing Council and Challenger Institute employees through the Document Management System.