

Monash University Procedure

Procedure Title	Privacy of Student Records Procedures
Parent Policy	Privacy of Student Records Policy
Date Effective	09-August-2010
Review Date	09-August-2013
Procedure Owner	Divisional Director, Student and Community Services
Category	Operational
Version Number	1.1
Content Enquiries	Execserv Policy
Scope	All campuses All staff and students
Purpose	To affirm the University's commitment to respect privacy in relation to the collection, maintenance, use and disposal of student records information. Disclosure of such information to a third party otherwise than as described in the associated procedures is not permitted.
PROCEDURE STATEMENT	

As stated in the parent policy, Monash is committed to respecting the privacy of student's records. However, laws in all jurisdictions in which the University has campuses may require the release of student records or personal information contained in student records (student record information) and thereby override this privacy policy. Examples of such laws include those relating to taxation, the ombudsman, social security, immigration, higher education, judicial processes and criminal law enforcement. Emergencies may also necessitate the release of student record information, and students may access their own student records.

The University will disclose student records and student record information in the specific, exceptional circumstances described below.

Exemptions to Prohibition on Disclosure of Students Records or Student Record Information

1. Disclosure to meet Legal Obligations

Information may be released by the Director, Student Administration and Systems, or approved delegate, where appropriate on advice of the University Solicitor, to the extent permitted or required by law.

While there may be some variation in the laws of particular jurisdictions and the release of information they require or authorise, examples of release to meet legal obligations may include release:

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- in response to a subpoena or search warrant;
- to cooperate with authorities undertaking an investigation of breach of the law including the criminal law;
- in response to a request from an ombudsman or a request under freedom of information legislation;
- to an external person or body authorised to act on behalf of the University;
- to a government department or agency pursuant to legislation relating to the funding of the University;
- to relevant bodies administering social service benefits or immigration permits;
- to professional registration bodies to establish the entitlement of graduates to practise; and
- to the extent required by any other present or future laws in the jurisdiction.

Responsibility

Australia: Director, Student Administration and Systems

Sunway: Director, Academic Support and Registrar

Monash South Africa: Director, Student Services

University Solicitor

2. Disclosure in Emergencies

Student record information may be released in the event of an accident or an emergency or where Monash believes the use or disclosure of the information is necessary to respond to, lessen or prevent a serious and imminent threat to a student's life, health, safety or welfare or a serious threat to the health, safety or welfare of the public.

Student record information may also be released where the student becomes incompetent to manage his/her affairs, on the authority of a power of attorney, or of a parent or guardian in the case of a minor, or of a legal guardian.

In such circumstances personal information may be released to the police, medical or hospital personnel, civil emergency services, the student's legal representative or nominated emergency contact person or such other person where the University reasonably believes this would address the identified threat.

It is essential to establish the credentials of any person to whom information is to be released, and to obtain authority to release the information from the Director, Student Administration and Systems (or approved delegate) unless to do so would cause unreasonable delay in the circumstances. If the Director, Student Administration and Systems (or approved delegate) is unavailable, authority to release may be obtained from the Director, Student and Community Services or the University Solicitor.

Responsibility

Australia: Director, Student Administration and Systems

Sunway: Director, Academic Support and Registrar

Monash South Africa: Director, Student Services

3. Use of Information within the University

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- 3.1 Information relevant to the conduct and administration of University functions, eg teaching and research, library and information technology services, student parking, fee collection, equity and access and student conduct may be accessed by and communicated to staff responsible for or involved in the conduct of such functions.

Where a student has, in writing, asked a staff member to provide the student with a reference, the student's records may be made available to the staff member.

- 3.2 Disclosure to Student Bodies

Student contact addresses, telephone numbers and other information collected by the University may, at the discretion of the Director, Student Administration and Systems, or approved delegate, be provided to properly constituted student associations of the University to facilitate the conduct of student elections; data is provided only in hardcopy format, solely for the purposes of providing a Roll for a specific Student Association election, and will consist of ID, Family Name, First Name, and campus. This disclosure is listed in the [Enrolment Forms Collection Statement](#) and authorised by the student as part of enrolment and re-enrolment.

- 3.3 Disclosure with Student Authorisation

In accordance with the [Enrolment Forms Collection Statement](#) students may access any personal information that Monash University holds about them subject to any exceptions in relevant legislation. The University will also release to organisations providing practical experience, clinical placements and the like such personal information as is needed to secure the opportunity. The University may also release information on tuition fees and academic progress to third parties authorised by students. Requests for access to, or release of, personal information should be made in writing to the Director, Student Administration and Systems, or approved delegate at Sunway campus and Monash South Africa.

Responsibility

Australia: Director, Student Administration and Systems

Sunway: Director, Academic Support and Registrar

Monash South Africa: Director, Student Services

Responsibility for implementation	Director, Student Administration and Systems (Australian campuses): Director, Academic Support and Registrar, (Sunway campus): Director, Student Services, (Monash South Africa) Manager and University Archivist, Records and Archives Services University Privacy Officer Faculty Managers
Status	Revised
Approval Body	Name: Vice-President (Administration) Meeting: n/a Date: 09-August-2010 Agenda item: n/a
Definitions	
Legislation Mandating Compliance	Monash University Act 2009 Privacy and Data Protection Act 2014 No.60 (VIC) Privacy Act 1998 (Commonwealth)

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	Freedom of Information Act 1982 (Vic) (Neither Malaysia nor South Africa have data protection legislation.)
Related Policies	Disability Liaison Unit Privacy Statement Freedom of Information Policy Recordkeeping Policy
Related Documents	Collection of Personal Information (including the Enrolment Forms Collection Statement) Conduct and Compliance Procedure – Privacy (sections 3-5) Guidelines for Collecting/Distributing Student Results/Assignments and Other Information