

Release of a student's personal data to a third party

SCOPE

This business process applies to staff receiving requests, and students initiating requests, from third parties for access to the student's personal data, including academic progress and standing, exclusion, assignments and examinations, results and details of practical and clinical placements (if applicable). This process applies to all undergraduate and postgraduate coursework courses and units where the Chief Examiner or Unit Coordinator is from the Faculty of Medicine, Nursing and Health Sciences.

PURPOSE

- Provide clear direction to staff and students regarding the circumstances in which a student's personal data can be provided to or discussed with a third party including a family member; and
- Establish a process for obtaining a student's informed consent for the University to disclose their personal data to a specified third person.

GROUNDINGS FOR RELEASE OF A STUDENT'S PERSONAL DATA TO A THIRD PARTY

The [Monash Data Protection and Privacy Procedure](#) together with the [Student Data Protection and Privacy Collection Statement](#) explains what personal data will be collected as part of a student's record, how it will be processed and used, who it is shared with and how students can exercise their rights in relation to the personal data held on them. A student's record includes personal information about their academic progress and standing, exclusion, assignments and examinations, results and details of practical and clinical placements (if applicable).

In line with the Student Data Protection and Privacy Collection Statement, Monash staff are not authorised to disclose (including in writing or verbally) any personal information about a student to a third party without the student's specific written consent, or unless authorised or required by law. If information about a student's progress has been sought by a sponsor of the student bound by an International Student Course Agreement ("ISCA"), a student will generally have provided consent to this disclosure as part of the ISCA.

Where there is no student consent in place and the third party is seeking access to information on the student's behalf, staff should request evidence of the basis on which the third party is seeking access to information (e.g. court or tribunal order, medical certificate, statutory declaration, guardianship arrangement etc). Please seek advice from the DPPO if you are unsure about the basis on which the information is being requested.

TEMPLATE RESPONSE

A standard email response has been developed for staff to ensure consistent messaging and direct the third party and the student to the correct process and form.

Thank you for your interest in the academic progress and performance of a student enrolled at Monash University. The University is not authorised to release a student's personal data including academic progress and standing, exclusion, assignments and examinations, results and details of practical or clinical placements (if applicable) without the student's consent or where authorised or required by law.

A Monash student may request this information themselves from the University as outlined in the [Marking and Feedback Procedure](#). Alternatively, the student may authorise the disclosure of their personal data to a third party in accordance with the Faculty Release of a Student's Personal Data process and completing a [Release of Information Consent Form](#).

Regardless of the persistence of the person requesting the information, the response should be no. Staff should feel empowered to escalate the matter if the person becomes aggressive or harassing.

PROCESS FOR OBTAINING CONSENT

Student authorising release

Students can authorise the release of their personal data to a third party, including parents/guardians by submitting the Faculty of MNHS [Release of Information Consent Form](#) and submitting it to the Chief Examiner. As set out in the Release of Information form, consent must include:

- details of the type of personal information being disclosed;
- all relevant information about the specific purpose for disclosing the personal information;
- details of the third parties to whom the information may be disclosed;
- an "opt in" consent process, by which students give their consent through a positive act (e.g. ticking a box). You must avoid "opt out" consents and pre-checked boxes.

The Chief Examiner must assess the form and be satisfied that (a) the student is providing informed consent before releasing or discussing the student's personal information and (b) the identity of both the student and the nominated person have been verified with appropriate identification and a record kept that it was verified by the staff member (noting that identity documents themselves should not be retained by the University).

The completed form must then be stored on a Monash S:\ drive file storage.

Authorised person acting on behalf of the student

If the student is unable to provide consent for the release of their personal information, or other grounds for disclosure of a student's information may exist, an authorised person must provide evidence (e.g. medical certificate, statutory declaration, guardianship arrangement, etc) that they are authorised to act on their behalf.

The Chief Examiner must assess the form and be satisfied that the evidence is valid before releasing or discussing the student's personal information.

The evidence must then be stored on a Monash server for retrieval if required at a later date.

Other requests (e.g. subpoenas, orders for production of information, Freedom of Information Requests)

These types of requests should be referred immediately to the Office of General Counsel - ogc@monash.edu, as statutory timeframes and other legal considerations may apply.

MANAGING CONSENTS

Any consents obtained will need to be actively managed. This will include:

- keeping a record of consents obtained in a secure location;
- referring to consents as required when handling students' personal information, to ensure that the University is able to disclose the relevant information;
- considering arrangements for deletion of any personal information being stored by the University. Personal information for as long as it is needed for a particular activity, or if Monash has a legal obligation to retain the information. For any queries about Monash's retention obligations under the Public Records Act, please contact archives@monash.edu;
- having access controls in place to ensure that the consent details are only accessible by those with a legitimate reason to see it; and
- when transitioning to the new system, ensuring that any existing consents are migrated to the new system, or otherwise still available to those staff who will need to manage them.

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Approval Body	Name: Faculty Education Committee Meeting: 4/2022

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Related Policies	Monash Data Protection and Privacy Procedure Student Data Management and Privacy Collection Statement Marking and Feedback Procedure
Related Documents	MNHS - Chief Examiner role and responsibilities Business Process Privacy and Data Protection Act 2014 (Vic)