Parents and the Privacy Act

Under the Privacy Act, individuals are entitled to access personal information held about them. There is no age limit to this, children and young people have the same rights as everyone else.

Parents have no automatic right to access all of the information the school may hold about their child or request corrections of information held about their child. The school, however, is bound by the principles of the Privacy Act and one of them is to endeavour to keep information about a person up to date and correct. If a parent points out that information is incorrect, the school should correct it.

Parents are not entitled to information about other parents, or students who are not their own children.

Parents and guardians are entitled to information about the progress of their child under the Education and Training Act 2020 . They are also entitled to access educational information, and are usually able to access other information if they request it, through the provisions of the **Official Information Act**.

In considering a request from a parent, the school must consider the following:

- Is it information that the parent has a right to, for instance, about their child's academic progress, or is it information the child has a right to keep private?
- Is the parent acting as the child's representative, or acting without the child's consent?
- Is the child of an age or maturity that allows them to decide to give consent or not?
- Is disclosure of the information a breach of the child's confidentiality?
- Is it in the child's best interest?
- Does other legislation affect the decision? For example, the Education and Training Act 2020 requires principals to tell parents about matters which are preventing or slowing a student's progress at school or harming the student's relationships with teachers or other students.

In practice there are very few occasions when a school would be justified in withholding any information from a parent. One example of such a situation might be a child at school who confides in a counsellor who is trying in their professional role to help the child. The child insists that the parents or (perhaps in a situation of abuse), a particular parent, are not to be told the child's information by the counsellor. A counsellor is required to respect and consider the wishes of the child.

When in doubt, seek advice from the school's privacy officer or the **Office of the Privacy Commissioner**.

In the case of separated parents, each parent is entitled to educational information about their child, for example, school reports, and matters which are preventing or slowing a student's progress at school or harming the student's relationships with teachers or other students. These should be provided unless there is a Court Order preventing it. It is the responsibility of the parent to alert the school of any such Order. See **The Rights of the Guardian and the School**.