

DATA ACCESS PROTOCOLS
FOR DATA MANAGED BY
ACARA

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Background

ACARA was established under Section 5 of the Australian Curriculum, Assessment and Reporting Authority Act 2008 (ACARA Act) of the Parliament of the Commonwealth of Australia on 8 December 2008. ACARA is committed to meeting all requirements specified in the Act, including fulfilling the Charter set for it by the Ministerial Council (currently the COAG Education Council¹).

ACARA's Charter, includes the following work priority:

In accordance with the [*Principles and protocols for reporting on schooling in Australia*](#) (June 2009), collect, manage, analyse, evaluate and report statistical and related information about schools and the outcomes of schooling, as required by the Council of Australian Governments and under the National Education Agreement (or any successor agreement) for performance monitoring (ACARA Charter, August 2012, Section 9).

Within its role of collecting, analysing and reporting data, ACARA systematically applies the *Principles and protocols for reporting on schooling in Australia, 2009*. These principles and protocols are intended to guide and inform the use and publication of data generated in the process of measuring the performance of schooling in Australia.

Through the *Principles and protocols for reporting on schooling in Australia*, Ministers have agreed to ACARA implementing:

Access rights to third-party requests for data arising from the National Assessment Program [NAP], or other national assessments agreed by Ministers, that have not been released in the public domain, and

Policies and procedures that will specify the conditions under which the full data sets on school performance will be accessible to third parties.

The following protocols relate to the access of data gathered, maintained and managed nationally by ACARA on behalf of Ministers.

¹ The COAG Education Council is the ministerial council comprised of State, Territory and Australian Government Ministers with responsibility for the portfolios of school education and early childhood and includes any predecessor or successor body with the same or similar functions.

Key principles

1. ACARA's data access protocols are intended to facilitate quality research and maximise benefits to students, schools and the Australian community, while mitigating risk of misuse of data and associated harm to schooling in Australia.
2. In support of outcomes of the Australian Education Act 2013, ACARA will enable improved access to nationally consistent data and information and, in accordance with its Charter, will facilitate information sharing arrangements between Australian government bodies in relation to the collection, management and analysis of school data.
3. Education Ministers, through liaison between ACARA and each jurisdictional Education Authority², have privileged access to data managed by ACARA.
4. The Independent Schools Council of Australia (ISCA) and National Catholic Education Commission (NCEC) are recognised in these protocols as the peak non-government school bodies in Australia.
5. School Authorities as defined under the *Australian Education Act 2013* are entitled to access data for their own schools.
6. ACARA's data access protocols are intended to supplement the *Principles and protocols for reporting on schooling in Australia*, June 2009, and operate in conjunction with related legal agreements and procedures to ensure a rigorous and consistent process is in place for assessing applications and releasing data.
7. As stated in the *Principles and protocols for reporting on schooling in Australia*, no data will be provided that identifies, or could lead to the identification of, individual students. Data will only be released subject to an assessment of its compliance with the Australian Privacy Principles (*Privacy Act 1988* (Cth)).

Scope

8. Data collected and managed by ACARA in association with any of its functions will be identified as:
 - a) Source data: data that are not intended for publication, such as NAP item performance data and data that will undergo future transformation in order to generate information for publication.
 - b) Intermediate data: data related to the generation of statistics or indices to be published, for example, ICSEA calculations.
 - c) Data for validation: school level data to be validated by individual schools, jurisdictional Education Authorities, ISCA, NCEC and other non-government representative bodies as part of Quality Assurance prior to publication.
 - d) Data for publication: validated school level data and NAP data.
 - e) Published data: data in the public domain.

² Australian, State and Territory departments of education

Release of source, intermediate and published data

9. All requests for data will be considered in accordance with the *ACARA Act 2008*, Section 40, and the *Privacy Act 1988*³, and other legislation where applicable.
10. Where the data contain information or an opinion about an identified individual, or an individual who is reasonably identifiable (whether the opinion or information is correct or incorrect), the data itself will fall within the definition of personal information for the purposes of the *ACARA Act* and the *Privacy Act 1988*.
11. Data which, in the considered view of ACARA, may hold the risk of potential identification of an individual due to the existence of unusual characteristics within the data will be removed from the data prior to release.
12. Data to be released will be de-identified to a necessary level to prevent identification of an individual student to ensure student privacy is maintained and, where appropriate, to maintain school, test and item security.
13. Data will be released to a nominated Authorised User in line with currently recognised information security standards.

Formal Agreements

14. Where data are provided other than for the purpose of validation, formal agreements will be in place to regulate data storage and usage.
15. Standing Memoranda of Understanding with jurisdiction Education Authorities on behalf of Ministers will operate to facilitate Ministerial requests for data.
16. Standing Memoranda of Understanding with the NCEC and ISCA will operate to facilitate requests for data.
17. Memoranda of Understanding with specific ACARA or government working/advisory groups and government agencies will be signed on a case by case basis in relation to requests for data.
18. All other parties requesting data managed by ACARA, and who meet eligibility criteria, will be required to sign an agreement stipulating obligations regarding purpose, storage and usage of the data including an undertaking not to publish rankings of schools.

Authorised Users

19. Data will only be released by ACARA to a nominated Authorised User who will be responsible for ensuring the data is stored securely and used according to protocols and the agreement signed with ACARA.

Access to source data and intermediate data – data not for the public domain

20. Committees and/or advisory/working groups of ACARA or any national Ministerial Council carrying out analysis on behalf of Ministers requiring pre-published data for specific purposes, such as testing and analysis of data, will be provided with access to source and intermediate data.

³ Personal information is defined as information from which the identity of a (living) individual (not an organisation) can be reasonably ascertained.

21. Source and intermediate data will be open to applications from Commonwealth, state and territory government agencies with a responsibility for schools, education policy, resource allocation, reporting against Council of Australian Governments targets and/or provision of statistical services, as well as ISCA and NCEC, as soon as reasonably possible, and no later than two months after finalisation of the derived data.
22. Source and intermediate data will be open to applications from other parties, subject to eligibility requirements being met (see 31-34), from one month after publication of the derived data.
23. Source data provided directly to ACARA by individual schools in response to any requests by ACARA made outside provisions of legislative instruments or formal agreements, as well as associated intermediate data, will not be released unless schools are aware of this additional purpose. In this context, source data volunteered by schools excludes records/data that should have been supplied by schools as part of the regular NAPLAN data collection process.

Access to pre-published school level data and NAP data

24. Committees and/or advisory/working groups of ACARA or any national Ministerial Council carrying out analysis on behalf of Ministers requiring pre-published school-level data for specific purposes, such as testing and analysis of data, will be provided with access to the data.
25. Pre-published school level data will be released to nominated Authorised Users of jurisdiction Education Authorities, non-government school authorities and schools for validation as part of the quality assurance process.
26. Fully validated pre-published national school level data will be released to nominated Authorised Users of jurisdiction Education Authorities, ISCA and NCEC for the purposes of within-jurisdiction/system analysis and the briefing of stakeholders.
27. Pre published NAP data will be released to nominated Authorised Users of jurisdictional Education Authorities for the purposes of analysis and the briefing of stakeholders.
28. Through release of pre-published school level and NAP data to nominated Authorised Users of jurisdictional Education Authorities, Ministers will have access to fully validated national school level and NAP data.

Access to published data

29. Published data includes data from the *My School* website, NAPLAN summary information (preliminary results) and National Report and other ACARA publications. Although available in the public domain, applicants may wish to access these data in another format suitable for analysis, subject to requirements being met (see 35-37).
30. Published data will be open to applications from government agencies, ISCA and NCEC following data publication.
31. Published data will be open to applications from other parties (see 31 and 35), subject to the purpose of the request, from one month after publication of the data.

Assessment of requests for data

32. ACARA will maintain rigorous processes to assess requests for data and will maintain transparency in its process to respond to the requests.
33. An ACARA Committee will assess requests for sensitive and pre-published data within the framework set by these Protocols, and by the Principles and Protocols for Reporting on Schooling in Australia, and make decisions about the appropriateness of data release, treatment of data and conditions applied to data release.
34. The Committee will consider advice provided by relevant jurisdictional Education Authorities, ISCA and NCEC, in relation to applications for sensitive/unpublished data.

Eligibility to receive data

35. Requests for source and intermediate data from the following categories of applicants will be considered by ACARA on a case by case basis in accordance with the protocols:
 - a) Authorised employees of an Australian Commonwealth agency;
 - b) Authorised employees of an Australian State/Territory agency;
 - c) Academics at an Australian university or TAFE with institutional ethics clearance;
 - d) Researchers attached to an Australian University or TAFE with institutional ethics clearance;
 - e) Students at Masters or PhD level who are enrolled at an Australian university with institutional ethics clearance (agreement to also be signed by their supervisor within the university);
 - f) Authorised employees of other research and policy institutions which have been approved by the ACARA Committee as appropriate recipients of national school data based on:
 - o Internal controls/ethics process within institution;
 - o Reputation as a research or policy institution;
 - o Track record in publishing research of value to the Australian community or otherwise strengthening school outcomes.
36. Requests for published data will be considered by ACARA on a case by case basis in accordance with the protocols. Example of requests that ACARA will not agree to include those with the following intended outcomes:
 - a) contacting schools for marketing purposes;
 - b) publication of league tables; and
 - c) publication or presentation of data such that individuals could potentially be identified.

Use of data

37. Users must act in accordance with the written agreement which limits use of the data to the purpose stated by the applicant, prohibits attempts to identify information (e.g., names of schools) that has been de-identified to a necessary level to prevent identification of an individual student and the publication of rankings of schools (simplistic league tables⁴).

⁴ Refers to the publication of test scores of students which rank schools according to their performance

Data storage

38. Where a request for data has met data protocol requirements, the data will only be released to a nominated Authorised User upon receipt of a signed agreement outlining data storage requirements to prevent unauthorised or accidental access, modification, loss, damage or copying.

Monitoring and review

39. ACARA will maintain a regular process of monitoring and review of data storage including the review of its data protocols and associated agreements.
40. ACARA will maintain a register of all requests for access to data managed by ACARA.
41. ACARA will maintain a register of all data released and the names and contact details of the receiving nominated Authorised User.
42. Details of ACARA's Committee decisions will be provided to representatives of government authorities, ISCA and NCEC on a quarterly basis.
43. Substantive changes to the protocols will not be made without consultation with ISCA, NCEC and AEEYSOC⁵, or without the approval of the appropriate ministerial council with oversight of school education affairs.

⁵ Australian Education, Early Childhood Development and Youth Affairs Senior Officials Committee