

Data Protection Policy

Introductory Statement

This Data Protection Policy applies to the personal data held by Scoil Mhuire an Chroí gan Smál and is protected by the Data Protection Acts 1988 and 2003. The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, volunteers, visiting professionals and applicants for staff positions within the school) insofar as the measures under the policy relate to them. The Data Protection Acts apply to the keeping and processing of *personal data*, both in manual and electronic form. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which the school will meet its statutory obligations, to explain those obligations to school staff, students and their parents/guardians and to outline how personal data and sensitive personal data will be protected by the school.

Executive Summary

Scoil Mhuire an Chroí gan Smál is a data controller of Personal Data relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003. The Education Act 1998, The Education Act Welfare Act 2000 and A guide for Data Controllers.

Rationale

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts. This policy explains what sort of data is collected, why it is collected, for how long it will be stored, and with whom it will be shared.

The school takes its responsibilities under Data Protection law very seriously, and wishes to put in place safe practices to safeguard individuals' personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the principal and board of management to make decisions in respect

of the efficient running of the school. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and board of management.

Other Legal Obligations

Implementation of this policy should take account of the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. **For example:**

- Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education.
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the school.
- Under section 20(5) of the Education (Welfare) Act, 2000, a principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the principal of another school to which a student is transferring.
- Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day.
- Under Section 28 of the Education (Welfare) Act, 2000, the School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board(from 1st January 2014 known as TUSLA), the National Council for Special Education, other Schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training).

- Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the School is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers (“SENOs”)) such information as the Council may from time to time reasonably request.
- The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be “personal data” as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills etc.), these records could be disclosed if a request is made to that body.
- Under Section 26(4) of the Health Act, 1947 a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of a medical inspection e.g. a dental inspection.
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2011) published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - CPA (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Relationship to the characteristic spirit of the school:

We help all children to appreciate moral, spiritual, religious, social and cultural values of their own country and other countries. We promote codes of safety, respect, health and human rights. We the teachers and pupils try to aim to respect the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals’ right to privacy and rights under the Data Protection Acts.

Aims:

- To ensure the school complies with legislative requirements
- To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies
- To put in place a proper recording and reporting framework on the educational progress of pupils
- To establish clear guidelines on making these records available to parents and pupils over 18
- To stipulate the length of time records and reports will be retained
- To outline how data is to be stored in a safe and secure manner
- To ensure data protection terms are clearly explained **(Appendix 1)**

Personal Data

Scoil Mhuire an Chroí gan Smál is a data controller of personal data of its past, present and future staff, students, parents/guardians and other members of the school community. To ensure that it is in compliance with current legislation, all personal data requested, obtained and stored must be identified and documented for the whole school community.

If an individual feels that the information held is incorrect they should complete the **“Personal Data Rectification/Erasure Request Form”** set out at **Appendix 2** and submit it to the chairperson. **(Appendix 2)**

Scoil Bhríde’s Data Protection Statement outlines information regarding personal data for parents. **(Appendix 3)**

Details of arrangements in place to ensure compliance with the eight rules of data protection

The policy will be implemented so as to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

1. Obtain and process information fairly

The school will ensure that data subjects (staff, students, parents, board of management members, etc.) are aware, at the time the personal data is being collected, of the following information:

- the name of the school (the “data controller”)
- the purpose of collecting the data
- the persons or categories of persons to whom the data may be disclosed
- whether replies to questions asked are obligatory and the consequences of not providing replies to those questions
- the existence of the right of access to their Personal Data
- the right to rectify or delete their data if inaccurate, excessive or processed unfairly
- any other information which is necessary so that processing may be fair and to ensure the data subject has all the information that is necessary so as to be aware as to how their data will be processed.

Parents will be required to sign a consent form to allow *Sensitive Personal Data* be collected, store on the POD system and shared with the DES.

In the case of *Sensitive Personal Data*, explicitly given consent is required unless consent may be implied to be given, for example where it is necessary:

- urgently to prevent injury or other damage to the health of a person or to prevent serious loss or damage to property
- for the purpose of obtaining legal advice or in the course of legal proceedings in which the person doing the processing is a party or witness required by or under any enactment or by a rule of law or court order.

2. Keep it only for one or more specified, explicit and lawful purposes

Scoil Mhuire an Chroí gan Smál will ensure that the data collected will be done so for the intended purpose and done so in a lawful manner.

3. Use and disclose it only in ways compatible with these purposes

Under Section 20 of the [Education \(Welfare\) Act, 2000](#), each school principal must maintain a register with the names of all children attending that school. When a child is transferring from the School, the principal must notify the principal of the new school of any problems relating to school attendance of the child and any other matters relating to the child's educational progress that he or she considers appropriate.

- Incoming student transfer information – ‘The Education Passport’

Minister Quinn in June 2012 announced: ‘I believe that the sharing of information between primary and second-level schools is a common-sense approach that will benefit both students and teachers. This “education passport” will mean that the child's end-of-year report card, including results from the standardised tests taken in sixth class, will be available to the second level school’.

It is important that assessment information is transferred between schools when students transfer from primary to post-primary school. Each post-primary principal is responsible for informing the principal of each primary school of the names of students for whom enrolment in his or her post-primary school has been confirmed.

Upon receipt of this information, the principal of each primary school is required to send, by the end of the first week of September at the latest, a copy of the end-of-year report card (including the information from standardised tests at sixth class in primary school) to the post-primary school to which a student is transferring. Reporting templates have been developed for this purpose by the NCCA.

- Under Section 28 of the Act, schools may supply *Personal Data*, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:
 - The Minister for Education and Skills (which includes the Inspectorate and the National Educational Psychological Service (NEPS))

- The National Council for Special Education (NCSE)
- The National Educational Welfare Board (NEWB) (now known as TUSLA)
- Each school recognised in accordance with section 10 of the Education Act, 1998

Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.

4. Keep it safe and secure

Scoil Mhuire an Chroí gan Smál will ensure that data collected will be stored in a safe manner and will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction. It will also ensure that any Third Party with which it shares data, will do so under the confines of a Service Agreement.

Scoil Mhuire an Chroí gan Smál has a Personal Data Security Breach Code of Practice in place which forms part of any Third Party Service Agreement.

5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. All information will be stored in the office filing system or on an encrypted computer
Information will only be provided to staff on a “need to know” policy.
8. All waste paper, printouts will be disposed of carefully.
9. Retain it for no longer than is necessary for the purpose or purposes.

Schools are advised by the Department of Education and Skills that school registers and roll books are required to be kept indefinitely within the school.

- Pay, taxation and related school personnel service records should be retained indefinitely within the school, as advised by DES.
- Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents

occurring on school property, or in relation to school duties or school activities) or where child-safeguarding issues have arisen in relation to a particular student or a particular member of staff (including volunteers), the relevant records should be retained indefinitely or until the possibility of litigation ceases, which may be very many years after the event first occurred. In such cases, schools will need to obtain specific legal advice.

Note: The statute of limitations is a complicated legal issue and varies from case to case. In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim but the statute of limitations period may be different in every case. In the case of minors who are not suffering under a mental disability or medical condition that would impair their capacity to give their consent, the limitation period does not begin to run until they reach their 18th birthday or later if the date of knowledge post-dates their 18th birthday. In the case of minors with special educational needs, it can be said that the statute of limitations may never expire, and therefore the school may be exposed to litigation many decades after the student has left the school. In the case of any person who has suffered from abuse, in general, the statute of limitations does not begin to run until the person has ceased to be under the “dominion” of that abuse, and determining this is a complex legal issue. There are cases which have come before the courts many decades after the alleged abuse and where the claimant has been successful notwithstanding the passage of time and where they have taken their claim long after the “normal” statute of limitations period has expired.

In line with the above, it is suggested that the day-to-day ordinary information on student files (such as class work, examination results, report cards) might, as a general rule, be retained for a period of seven years after the student has completed the Senior Cycle and/or reached the age of 18 whichever is the later (ie, 6 years in which to take a claim, plus 1 year for proceedings to be served on the school). However, some records may need to be retained indefinitely, such as those which relate to more sensitive or controversial matters such as:

- child-safeguarding issues
- reports to the HSE/An Garda Síochána
- accidents/personal injuries involving school personnel/students
- accidents occurring on school property, on School trips or in relation to school activities (sports matches etc)
- allegations of bullying or harassment
- disciplinary records, etc.

These records may include data which give additional information and background in relation to particular incidents, including:

- incident report logs
- correspondence to statutory bodies
- notes of meetings
- correspondence with parents
- classroom notes
- playground notes and
- teacher notes.

10. Give a copy of his/her personal data to that individual on request.

(See separate Data Access Procedures Policy and Data Access Request Form)

Note: While these rules apply to all computer-held data and any new manual records created from July 2003, they only apply to existing manual records from October 2007.

Guidelines:

The Principal assumes the function of data controller and supervises the application of the Data Protection Act within the school. The data under the control of the Principal comes under the following headings.

A. Student Records

Categories of student data:

- Enrolment information including
 - Name, address and contact details,
 - PPS number
 - Date of birth
 - Names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
 - Religious belief
 - Date and place of baptism
 - Parent occupations
 - Nationality
 - Membership of the Traveller community, where relevant
 - Language spoken at home
 - Any previous schools attended
 - Any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply.
 - Whether they or their parents are medical card holders, social welfare recipients or if in receipt other entitlements
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of students (including at School events and noting achievements).
- Results of any standardised testing, screening tests, diagnostic and any other formal testing done.
- School Report Cards
- Copies of Individualised Education Profiles, IEPs
- Copies of teacher designed tests
- Learning Support/Resource Data such as records of permission or records of refusals to allow children access to LS/RT services in the school or access these service
- Portfolios of student work e.g. Art

- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.
- Records of any reports the school have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (see Child Protection Policy)

Purposes for which student records are kept:

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction
- to enable parents/guardians to be contacted in case of emergency or in the case of school closure, or to inform parents of their child's educational progress, or to inform parents of school events, etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school
- to ensure that the student meets the school's admission criteria
- to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
- to furnish documentation/information about the student to the Department of Education and Skills, the National Council for Special Education, the National Education Welfare Board, Túsla and other schools, etc. in compliance with law and directions issued by governmental departments
- to provide past pupils over the age of 18, documentation pertaining to their schooling

- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years), documentation/information/references to third-level educational institutions and/or prospective employers

Location & Security

- Secure filing cabinet in office or stored in Attic

Manual Records

- Enrolment/Admission data
- Previous academic records
- Psychological, psychiatric or medical assessments
- Attendance Records
- Results of all testing
- Copies of teacher designed tests
- LS/RT Data including permission/refusal forms
- Information on Irish exemptions
- Records of disciplinary issues, investigations and/or sanctions imposed
- Records of any reports made to State departments or agencies under mandatory reporting legislation and/or child safeguarding guidelines

- Secure filing Cabinet in office

Manual Records

- Copies of IEPs and other LS/RT related work
- Results of testing

- Classroom

Manual Records

Portfolios of children's work

- Office laptop (Password encryption)

Computer Records

- School report cards
- Photographs and recorded images

- Office

Manual Records

- Attendance records in Rolla and Leabhar Tinrimh in office
- Enrolment information in Clár Leabhar

B. Staff records

Records may pertain to existing members of staff, former members of staff, applicants applying for or who have applied for positions within the school, trainee teachers, teachers under probation and substitute teachers.

Categories of Staff Data:

- Name, address and contact details, PPS number
- Original records of application and appointment, including applications, CV's and other documents relating to recruitment and selection such as references, Garda vetting outcomes and Medmark assessments
- Record of appointment to promotion posts
- Details of approved absences; career breaks, maternity leaves, parental leave etc.
- Details of qualifications, C.P.D courses done etc.
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- Records of any reports the school, or its employees, have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safe-guarding guidelines(subject to DES Child Protection Procedures)

Purposes for which staff records are kept:

- the management and administration of school business (now and in the future)

- to facilitate the payment of staff and calculate other benefits/entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resource management, including reviewing performance and addressing performance-related issues
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities, etc.
- recording work done by staff members as part of their responsibilities
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act 2005)
- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, the National Education Welfare Board, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- for compliance with legislation relevant to the school.

Location & Security:

- Secure filing cabinet in office

Manual Records

- Name, address and contact details, PPS number
- Original records of application and appointment, including applications, CV's and other documents relating to recruitment and selection such as references, Garda vetting outcomes and Medmark assessments.
- Record of appointment to promotion posts.
- Details of approved absences; career breaks, maternity leaves, parental leave etc.
- Details of qualifications, C.P.D courses done etc.

- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.
 - Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties.
 - Records of any reports the school, or its employees, have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safe-guarding guidelines(subject to DES Child Protection Procedures)
- Office Computer Systems (Password encryption)
 - Computer Records**
 - Annual staffing schedules
 - Supervision rotas

C. Board of Management Records//Categories of Board of Management Data

- Name, address and contact details of each member of the board of management (including former members of the board of management)
- Records in relation to appointments to the Board
- Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals

Purpose

- To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of board appointments and decisions.

Location & Security

- Secure filing cabinet in office

Manual Records

- Name, address and contact details of each member of the board of management (including former members of the board of management)

- Records in relation to appointments to the Board
 - Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals
- Office laptop (Password encryption)

Computer Records

- Board of Management correspondence with Parents' Association and parties outside the school community.

D. Other Records

The school will hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), and/or computer record (database). Some examples of the type of other records which the school will hold are set out below

Creditors:

The school may hold some or all of the following information about creditors (some of whom are self-employed individuals):

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid

Purposes:

This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial

accounts and complying with audits and investigations by the Revenue Commissioners.

Location & Security

- Secure filing cabinet in office

Manual Records

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid

- **BOM treasurer**

Manual Records

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid

Implementation

It will be the role of the Principal teacher and the Board of Management to ensure that this policy is being implemented and adhered to by Scoil Mhuire an Chroí gan Smál

Review

Reviews and amendments to this policy will be conducted as required or as legislation changes.

This policy was reviewed by the BOM of Leenane NS on ____ / ____ / ____

Stephen Coyne

Chairperson _____

Date ____ / ____ / ____

This code will be reviewed in June 2020