Data Protection Policy

Derrinacahara N.S.

13543m

Data Protection Policy of Derrinacahara N.S.

Introductory Statement

The school's Data Protection Policy applies to the personal data held by the school which 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 and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by the school.

Data Protection Principles

The school 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 which can be summarised as follows:

- **Obtain and process *Personal Data* fairly**: Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

- **Keep it only for one or more specified and explicit lawful purposes**: The School will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.

- **Process it only in ways compatible with the purposes for which it was given initially**: Data relating to individuals will only be processed in a manner consistent

with the purposes for which it was gathered. Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.

- **Keep *Personal Data* safe and secure**: Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) should be encrypted and password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data.

- **Keep Personal Data accurate, complete and up-to-date**: Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. The principal may delegate such updates/amendments to another member of staff. However, records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.

- **Ensure that it is adequate, relevant and not excessive**: Only the necessary amount of information required to provide an adequate service will be gathered and stored.

- **Retain it no longer than is necessary for the specified purpose or purposes for which it was given**: As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a student. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law.

- **Provide a copy of their *personal data* to any individual, on request**: Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

Scope

Purpose of the Policy: The Data Protection Acts 1988 and 2003 apply to the keeping and processing of *Personal Data*, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated.

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, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school.

Definition of Data Protection Terms

In order to properly understand the school's obligations, there are some key terms which should be understood by all relevant school staff:

Data means information in a form that can be processed. It includes both *automated data* (e.g. electronic data) and *manual data*. *Automated data* means any information on computer, or information recorded with the intention that it be *processed* by computer. *Manual data* means information that is kept/recorded as part of a *relevant filing system* or with the intention that it form part of a relevant filing system.

Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily, quickly and easily accessible.

Personal Data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller i.e. the school.

Data Controller for the purpose of this policy is the Board of Management, Derrinacahara N.S.

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, 1988 and 2003.

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. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased.

The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's 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 takes into account 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, 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 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 - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Relationship to characteristic spirit of the School (School's mission/vision/aims)

Derrinacahara N.S. seeks to:

- enable each student to develop their full potential
- provide a safe and secure environment for learning
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

We aim to achieve these goals while respecting 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' rights to privacy and rights under the Data Protection Acts.

Personal Data

The *Personal Data* records held by the school **may** include:

A. Staff records:

(a) **Categories of staff data**: As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:
- Name, address and contact details, PPS number
- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)

- Details of work record (qualifications, classes taught, subjects etc.)
- 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-safeguarding guidelines (subject to the DES Child Protection Procedures).

(b) **Purposes**: Staff records are kept for the purposes of:
- 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 resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- 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, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

(c) **Location**: In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:** These records are kept in hard copy files in the Administration Office. They are also kept on a computer files in the Administration Office which are password protected. Only designated staff members directed by the Principal have access to these records.

(e) ***B. Student records:***

(a) **Categories of student data**: These **may** include:
- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
  - name, address and contact details, PPS number
  - date and place 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
  - racial or ethnic origin

- any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply

- 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). See the template "Guidance on Taking and Using Images of Children in Schools" according to the school's A.U.P.
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- 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. (Note: it is advisable to inform parents that a particular incident is being recorded). Accident book is kept in Admin. Office and filled out by teacher only.
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures). Held in Principal's Office.

(b) **Purposes**: The purposes for keeping student records are:

- 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 the 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. Such records are taken and used in accordance with the school's "Guidance for Taking and Using Images of Pupils in Schools" (see template)
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirements for their course,
- 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, TUSLA, and other Schools etc. in compliance with law and directions issued by government departments

(c) **Location**: In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security**. The Aladdin Schools Administration Package is used to arrange and store pupil information. Each class teacher has access to their own class pupil information only. Each teacher is provided with a password to access this information on students in their own class. The Principal and the Deputy Principal are appointed admins and have access to all student files.

C. Board of Management records:

(a) **Categories of** Board of Management data: These may include:

- 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.

(b) **Purposes:** 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.

(c) **Location**: In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.

- **Security:**
- Board of Management files held in Principal's Office.
- Board of Management Computer file held on Administrator computer which is password protected

CCTV images/recordings

(a) **Categories**: CCTV is installed in Derrinacahara NS 4 external cameras to provide surviellence of the main entrances to the school. These CCTV systems may record images of staff, students and members of the public who visit the premises.

(b) **Purposes**: to safeguard school property and equipment.

(c) **Security**: Access to images/recordings is by secure log-in protocols restricted to the principal of Derrinacahara NS but others, designated as appropriate by the principal, may at times be allowed to view recordings. Recordings are retained, on our behalf by GGL Monitoring for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made

available to An Garda Síochána pursuant to section 8 Data Protection Acts 1988 and 2003.

Test results

(a) **Categories**: The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual, continuous assessment, standardised tests results and diagnostic tests.

(b) **Purposes**: The main purpose for which these test results and other records are held is to monitor a student's progress and to provide a sound basis for informing their parents or guardians about their progress or additional needs. The data may also be aggregated for statistical/reporting purposes, and may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.

Location: In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(c) Security: The format in which these records are kept are manual record (personal file within a *relevant filing system*).

Links to other policies and to curriculum delivery

Our school policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place or being developed or reviewed, shall be examined with reference to the data protection policy and any implications which it has for them shall be addressed.

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Mobile Phone Code
- Admissions/Enrolment Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE/CSPE etc.

Processing in line with data subject's rights

Data in this school will be processed in line with the data subjects' rights.

Data subjects have a right to:

(a) Request access to any data held about them by a data controller
(b) Prevent the processing of their data for direct-marketing purposes
(c) Ask to have inaccurate data amended
(d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Dealing with a data access requests

Section 3 access request

Under Section 3 of the Data Protection Acts, an individual has the right to be informed whether the school holds data/information about them and to be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing and the data controller will accede to the request within 21 days.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.

Section 4 access request

Individuals are entitled to a copy of their personal data on written request.

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 40 days
- Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.
- No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

Access to Records

The following will have access where relevant and appropriate to the data held on school files.

- Parents/Guardians
- Past Pupils over 18
- Health Service Executive staff

- National Education Welfare Board
- Occupational Therapists or Speech Therapists working with pupils
- Designated School Personnel
- Department of Education and Skills (where necessary)
- First and Second level schools (once it has been confirmed by that school that the child has been enrolled)
- Board of Management Derrinacahara N.S.

With the exception of child protection-related data which is governed y "Childrens First Guidelines and Procedures 2011",data on attendance, (governed by NEWB) and data regarding achievements in literacy and numeracy, (governed by National Strategy for literacy and numeracy), parental authorisation must be provided by parents in the event of data being transferred to outside agencies. Outside agencies requesting access to records must do so in writing. Parents/Guardians of current pupils can make such a request either by phone or in writing. Past pupils and parents of past pupils seeking data must do so in writing.

A standardised school report form, provided by the National Council for Curriculum and Assessment and provided under "Aladdin" software is used. These are issued by post in June to all parents along with results of standardised testing of pupils from 2st to 6th classes.

Storage:

Records are kept for a minimum of 7 years. Standardised tests booklets are shredded but the percentiles are kept on record until past pupils reach adulthood (21 years of age).

- A pupil profile is held for each pupil in the school administration office in the report booklet and on computer file on Aladdin package.
- As children pass to second level their records are stored in the school administration office (labelled with the school year in which they completed 6th class) for a period of time (7 years minimum).
- All completed school roll books and school registers are stored in the Principal's office indefinitely. Access to these stores files is restricted to authorised personnel only. For computerised records, systems are password protected, information on data software package is encrypted and office computers/laptops have encryption software installed.

Implementation arrangements, roles and responsibilities

In our school the Board of Management is the data controller and the principal will be assigned the role of co-ordinating implementation of this Data Protection Policy and for ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities.

The following personnel have responsibility for implementing the Data Protection Policy:

Name	Responsibility
Board of Management:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

Ratification & communication

When the Data Protection Policy has been ratified by the Board of Management, it becomes the school's agreed Data Protection Policy. It should then be dated and circulated within the school community. The entire staff must be familiar with the Data Protection Policy and ready to put it into practice in accordance with the specified implementation arrangements. It is important that all concerned are made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students should be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Policy as part of the Enrolment Pack, by either enclosing it or incorporating it as an appendix to the enrolment form.

Monitoring the implementation of the policy

The implementation of the policy shall be monitored by the principal and a sub-committee of the Board of Management.

At least one annual report should be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented.

Reviewing and evaluating the policy

The policy should be reviewed and evaluated at certain pre-determined times and as necessary. On-going review and evaluation should take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the NEWB), legislation and feedback from parents/guardians, students, school staff and others. The policy should be revised as

necessary in the light of such review and evaluation and within the framework of school planning.

Signed: .....

For and behalf of Board of Management

Date: .....