



Data Protection Policy

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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.

These Principles state that personal data must be:-

- **obtained and processed fairly; and only such data as is adequate, relevant and not excessive**
 - ✓ *The school only collects and holds such information as is necessary internally for teaching purposes or the smooth operation of the school, or which is mandated by the Department of Education and Skills (DES). No information is collected without the knowledge and approval of the parents.*
- **kept only for specified and lawful purposes**
 - ✓ *In the case of the school, this is primarily the purposes specified in DES Rules, Regulations and Circulars, in addition to the current Data Protection legislation.*
- **used and disclosed only in accordance with or compatible with the stated purpose for which obtained.**
 - ✓ *Any educational assessments or other detailed or personal information about a child shall be stored in such a way as to only be available to the relevant class teacher; or the Principal or Deputy Principal (or another staff member acting on their direct instruction).*
 - ✓ *Personal data will **not** be made available to third parties (or made available in such a manner as could facilitate access by third parties), except as legally required or as explicitly approved by the parent concerned. Such a legal requirement could arise*
 - *Where required by the DES or by rule of law or Court order; or*
 - *urgently required to prevent injury to a person or property: or*
 - *as privileged information as part of legal proceeding or getting legal advice.*
 - ✓ *Where a child is transferring to another school, the 'sending' principal may transfer only necessary relevant information about the education progress of the child to the 'receiving' principal*
- **maintained complete, accurate and up-to-date, and kept no longer than is necessary**
 - ✓ *The school endeavours to ensure the integrity of the information it holds. When any shortcomings are drawn to our attention, they will be rectified promptly, and the parent advised of that fact.*
 - ✓ *After a child leaves the school, all information held about them will be archived. This data is required to be kept during the timeframe specified in the Statute of Limitations law, but it will not be accessed unless requested by the person concerned (or their parent if under 18 years) or unless mandated for an appropriate legal purpose.*

- **kept safe and secure with appropriate and adequate security measures to ensure no inappropriate disclosure**

- ✓ *In the school, computer based data is password protected (and regularly backed up), and hard copies (or other paper records) are kept in locked cabinets or presses. Specific assessments of pupils are only available to the relevant teachers or the Principal and Deputy Principal.*
- ✓ *Parental (or guardian if relevant) consent must be obtained for taking or using photographs of school pupils, where the identity of a pupil can be clearly identified. However, photographs taken by students or parents at school events for personal use do not come within the terms of the Data Protection Acts*

- **make available a copy of the personal data held by the school, in relation to a specific pupil, available on request by their relevant parent/guardian.**

- ✓ *as required by law, such requests will be complied with within a maximum of 40 days from receipt*
- ✓ *note that any references to or information about third parties are required to be removed or rendered illegible when fulfilling such a request*
- ✓ *as stated above, the data will be promptly amended/corrected if any inaccuracy or omission can be demonstrated.*
- ✓ *Noting however that in a few special cases, for legal reasons, such a request for a copy of the information held need not or cannot be complied with. In addition, matters of professional judgement – as distinct from facts, made objectively in good faith, need not automatically be made available if doing so could be deemed to be detrimental to the person concerned.*

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.

Sensitive Personal Data refers to *Personal Data* regarding a person's

- Racial or ethnic origin
- Political opinion
- **Religious or other beliefs**
- **Physical or mental health**
- Sexual Life
- Criminal convictions

Data Controller for the purpose of this policy is the Board of Management represented by the Chairperson, Board of Management, Malahide/Portmarnock Educate Together NS.

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, Túsla 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 Malahide/Portmarnock Educate Together N.S.

Malahide/Portmarnock Educate Together N.S. is primary school under the patronage of Educate Together. Malahide/Portmarnock Educate Together NS seeks to

- *Promote full personal and social development in a caring community of learning and teaching*
- *Promote respect for the diversity of all*

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: All manual data is kept in a secure, locked filing cabinet in the Principal's office. The Principal and Chairperson (as Data Controller) only will have access to those files which will contain information solely related to professional matters. Digital files are retained on the School computer and are protected by password known only to the Chairperson (as Data Controller) and Principal. These records will be retained in the school and
- (d) Security: The records of staff members current and former are kept in manual format (in personal files) and in digital format on the school computer as well as on the OnLine Claims System(OLCS provided by Department of Education and skills.(DES).
- (e) Retention: In general data is stored for the duration of employment plus 7 years, however the **Records' Retention Schedule Appendix 2** is to be consulted at all times.

B. Student/Pupil records:

(a) Categories of student/Pupil data:

These may include: Information which is 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
- membership of the Traveller community, where relevant
- whether they (or their parents) are medical card holders

- whether English is the student’s first language and/or whether the student requires English language support
- 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.
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Test results including class, mid-term, annual, continuous assessments
- Records of significant achievements
- 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.
- Records of any reports the school may 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).

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

- to enable each student to develop to their full potential
- to monitor a student’s progress and to provide a sound basis for the planning of teaching and learning. Test data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The
- to comply with legislative or administrative requirements (POD, standardised test score submissions)
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- 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 “Acceptable use” policy.
- 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, TUSLA, and other Schools etc. in compliance with law and directions issued by government departments
- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to second -level educational institutions (after enrolment).

(c) Location: All manual student records are kept in secure, locked filing cabinets and presses that only personnel who are authorised to use the data can access. Automated data is kept on password protected school computers. Other digital files are retained in the schools Administration package which is a password protected cloud based system (Aladdin). Employees are required to maintain the confidentiality of any data to which they have access

(d) Security: The records of staff members current and former are kept in manual format (in personal files) and in digital format on the password protected school computer as well as on the OnLine Claims System(OLCS provided by Department of Education and skills.(DES). Employees are required to maintain the confidentiality of any data to which they have access.

- (e) Student attendance records (currently in roll books) and PPS numbers are maintained on the POD system and are maintained in line with DES Guidelines. Access is by permission of the Principal or (when absent) Deputy Principal, to authorised personnel only.
- (f) Retention: In general data is stored up until the studs 18 years of age plus 7 years, however there are situations when the student records are to be kept indefinitely and therefore the **Records' Retention Schedule Appendix 2** is to be consulted at all times.

C. Board of management records:

- (a) Categories of board of management data: These may include:
 - Name 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 or press and on school computer system protected by passwords known to Principal and Chairperson BOM (as Data Controller). Only personnel who are authorised by Chairperson or Principal to use the data, can access it. Documentation which is circulated to BoM members outside of meetings is always password protected.
- (d) Employees are required to maintain the confidentiality of any data to which they have access.
- (e) Retention: In general data is stored for the duration of term on the board plus 7 years, however the **Records' Retention Schedule Appendix 2** is to be consulted at all times.

D. Other records:

Records relating to contacts with such as patron bodies /insurance companies/legal advice/ buildings and lands etc. will be securely maintained in the manner appropriate to its origins e.g paper correspondence or email as appropriate.

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) as appropriate.

Creditors

- (a) Categories of data: 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
amount paid		
- (b) 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.

- (c) Location: As with BoM records. Bank details are stored on the online banking system which is password protected.

Charity tax-back forms

- (a) Categories of data: the school may hold the following data in relation to donors who have made charitable donations to the school:

Name	address	telephone number
PPS number	tax rate	signature
the gross amount of the donation		

- (b) Purposes: Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the parents' name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the school in the case of audit by the Revenue Commissioners.
- (c) Location: In a secure, locked filing cabinet in the Secretary's Office, that only personnel who are authorised to use the data can access.
- (d) Security: The Principal, Chairperson (As Data Controller) and Treasurer of BoM only will have access to these records as appropriate.

CCTV images/recordings

- (a) Categories: CCTV is installed at the front door of the school, This CCTV system may record images of staff, students and members of the public who visit the premises.
- (b) Purposes: Safety and security of staff, students and visitors and to safeguard school property and equipment.
- (c) Location: Cameras are located externally as detailed above. Recording equipment is located in the Principal's office .
- (d) Security: Access to images/recordings is restricted to Chairperson of BoM, as Data Controller, the Principal and Deputy Principal (in the absence of the Principal). Tapes, DVDs, hard disk recordings are retained 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.

Links to other policies

To ensure that our school policies are 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 including Cyber Bullying.
- Code of Behaviour
- Admissions and Participation Policy
- Health and Safety Policy
- Substance Use Policy
- ICT Acceptable Usage Policy

Processing in line with data subject's rights

Data in Malahide/Portmarnock Educate Together N.S. ,will be processed in line with the data subjects' rights. Data subjects are the students/pupils, parents/guardians, employees and BoM members and all others whose records are covered by this policy.

Data subjects have a right to:

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

Submitting and Dealing with 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 by submitting a **Data Access Form (Appendix 3)** 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, by submitting a **Data Access Form (Appendix 3)**

- 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**
- No fee will apply in Malahide/Portmarnock Educate Together N.S.
- 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 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 will 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.

All requests and responses will be recorded by the school secretary.

Providing information over the phone

In Malahide/Portmarnock Educate Together N.S. any employee dealing with telephone enquiries will be careful about disclosing any personal information held by the school over the phone. In particular the employee should:

- Check the identity of the caller to ensure that information is only given to a person who is entitled to that information
- Suggest that the caller put their request in writing if the employee is not sure about the identity of the caller and in circumstances where the identity of the caller cannot be verified
- Refer the request to the Data Controller/PO for assistance in difficult situations. No employee should feel forced into disclosing personal information.

Retention and Disposal

The Records Retention schedule is found in Appendix 2. Manual data that is no longer to be kept will be shredded, automated data will be deleted and recycle bin will be emptied.

Implementation arrangements, roles and responsibilities

In Malahide/Portmarnock Educate Together N.S., the Chairperson of the BOM, on behalf of the BoM, is the data controller and the Principal is assigned the role of co-ordinating the 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:

<u>Name</u>	<u>Responsibility</u>
Chairperson Board of Management	Data Controller
Principal	Implementation of Policy
All staff:	Awareness of responsibilities including security and confidentiality

Passwords for all computers, Aladdin, OLCS, Bank of Ireland business online, BoM files, email addresses are to be changed at the end of every term unless required more frequently by the system. A copy of passwords is to be kept in a sealed envelope, in a locked filing cabinet in Principal's office.

Ratification & communication

This Data Protection Policy is dated the 22nd June 2015 for implementation from June 24th. It shall be placed on the school website from 24th June 2015 following consultation with the parents. All relevant personnel will be made aware of their responsibilities under the policy by presentation from Principal.

All concerned will be made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students are informed of the Data Protection Policy at the time of enrolment of the student by including reference to the Data Protection Policy as part of the Enrolment Pack, and by providing copies on request from the Secretary's office.

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 consisting of a Parent/guardian nominee and patron's nominee.

At least one annual report will be issued to the BOM by the Chairperson to confirm that the actions/measures set down under the policy are being implemented.

Reviewing and evaluating the policy

Review date February 2017.

Review may commence earlier in the light of 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

Appendices

Appendix 1: Data Protection for schools' Compliance Checklist

Appendix 2: Records' Retention Schedule

Appendix 3: Data Access Form

Appendix 4: Third Party Service Agreement