



Data Protection Policy

21-04-2018

Introduction:

The school's Data Protection Policy applies to the personal data held by the Intermediate School which is protected by The Data Protection Acts 1988 and 2003 and the General Data Protection Regulation (GDPR) 2018.

The policy applies to the keeping and processing of data, in both manual form and automated form, including personal data pertaining to school staff, management, students, parents/guardians and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school). 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.

The Intermediate School, as data controller, is committed to the proper processing of data in a manner consistent with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.

The following definitions apply to the Data Protection Policy:

- *Data: means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should 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 information relating to a particular individual is readily accessible.*
- *Personal data: means data relating to a living individual who is or can be identified from the data or in conjunction with other information that is in, or is likely to come into, the possession of the data controller.*

- *Data Controller: A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the Principal acting for the Manager in exercising the functions involved.*

The policy applies to all school staff, the Manager, parents/guardians, students and others insofar as the measures under the policy relate to them.

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 and the General Data Protection Regulation, 2018.

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 Intermediate 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 Manager 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 management.

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:*

- Schools are obliged to comply with the Data Protection Act, 1988, the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts) and the General Data Protection Regulation (GDPR) 2018.
- 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 his or her education.
- Under Section 20 of the Education 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 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* (2017) published by the Department of Children and Youth Affairs, school, their boards of management (Managers) and their staff have responsibilities to report child abuse, neglect and in some instances bullying to TUSLA – Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Mission Statement

The policy is reflective of the Mission Statement and aims of the Intermediate School which
'wishes to educate its pupils in happy and pleasant surroundings and to achieve their potential'

The Intermediate School seeks to:

- enable each student to develop to 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.

The Intermediate School aims 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 and General Data Protection Regulation.

Objectives

The objectives of the Data Protection Policy include:

1. To ensure that the school complies with the Data Protection Acts, The Education Act 1998, The Education Act 2000, The Education (Welfare) Act 2000 and the General Data Protection Regulation 2018.
2. To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts.
3. To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

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 as 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 GDPR 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 Intermediate 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 and USB keys) 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 the Department of Education and Skills (DES) guidelines on the storage of Personal Data and Sensitive Personal Data relating to students. 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 their personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

Details of all personal data which may be held

The personal data records held by the school may include:

1. 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 records may include:

- name, address and contact details, PPS number, email address, phone number, Teaching Council number
- original records of application and appointment
- record of appointments to promotion posts
- details of approved absences (career breaks, parental leave, study leave etc.)
- medical and illness records
- details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- details of work record (qualifications, classes taught, subjects and level taught etc.)
- details 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)
- details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.

Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.

(b) Purpose of retaining staff data:

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 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 relevant governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

The above data may be held in the format of manual record and/or electronically recorded.

Data stored in manual form is kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data that is stored electronically is stored on encrypted devices. Only personnel who are authorised to use the data can access the data. Employees are required to maintain the confidentiality of any data to which they have access.

2. Student Records

(a) Categories of student data:

- information which may be sought and recorded at enrolment and may be collated and compiled during the course of a 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, ethnic or national 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
- academic record – subjects studied, class assignments, examination results as recorded on official school reports
- photographs and recorded images of students (including at school events and noting achievements)
- whether the student is repeating the Leaving Certificate
- whether the student is exempt from studying Irish
- record of significant achievements
- records of disciplinary issues/investigations and/or sanctions imposed
- Garda vetting outcome record (where the student is engaged in work experience organised with or through the school which requires that they be Garda vetted)
- 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 (subject to the DES Child Protection Procedures).
- other records e.g. records of any serious injuries or accidents etc.

(b) Purpose of retaining student data:

Student records are kept for the purposes of:

- to enable each student to develop 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 schools 'Image Consent Policy'
- to ensure that the student meets the school's admission criteria
- to ensure that the student meets 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
- 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
- in respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the school will assist the student in obtaining their Garda vetting outcome (with the consent of the student and the student's parents/guardian) to the work experience employer.

The above data may be held in the format of manual record and/or electronically recorded.

Data stored in manual form is kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data that is stored electronically is stored on encrypted devices. Only personnel who are authorised to use the data can access the data. Employees are required to maintain the confidentiality of any data to which they have access.

3. Management Records

(a) Categories of data:

These may include:

- Name, address and contact details of the Manager
- Minutes of meetings with the Manager and correspondence with the Manager which may include references to particular individuals

(b) Purpose or retaining data:

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

The above data may be held in the format of manual record and/or electronically recorded.

Data stored in manual form is kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data that is stored electronically is stored on encrypted devices. Only personnel who are authorised to use the data can access the data. Employees are required to maintain the confidentiality of any data to which they have access.

4. 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 (this list is not exhaustive)

(a) Creditors

Categories: 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.

The above data may be held in the format of manual record and/or electronically recorded.

Data stored in manual form is kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data that is stored electronically is stored on encrypted devices. Only personnel who are authorised to use the data can access the data. Employees are required to maintain the confidentiality of any data to which they have access.

(b) Charity tax-back forms

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 and
- the gross amount of the donation

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 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.

The above data may be held in the format of manual record and/or electronically recorded.

Data stored in manual form is kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data that is stored electronically is stored on encrypted devices. Only personnel who are authorised to use the data can access the data. Employees are required to maintain the confidentiality of any data to which they have access.

(c) CCTV images / recordings

Categories: CCTV is installed externally in the school as well as in the library. These CCTV systems may record images of staff, students and members of the public who visit the premises.

Purposes: Safety and security of staff, students and visitors and to safeguard school property and equipment.

Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in the Principal's office.

Access to the images/recordings is restricted to the Manager, Principal, Deputy Principal of the school. In circumstances, additional staff may be asked to view images. Tapes, DVDs, hard disc 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 of the Data Protection Acts.

(d) Examination results

Categories: The school will hold data comprising examination results in respect of its students. These include entrance, class, mid-term, annual, continuous assessment and mock-examination results.

Purposes: The main purpose for which these examination results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment, the State Examinations Commission and other such bodies.

This data is retained 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. Electronic data will be retained on encrypted devices.

(e) October Returns

Categories: At the beginning of each academic year (and for 1st year or transferring students, on enrolment) parents/guardians and students are asked to provide the school with certain information so that the school can make returns to the Department of Education and Skills referred to as 'October Returns'. These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians and students on the basis of explicit and informed consent. The October Return contains individualised data (such as an individual student's PPS number) which acts as an 'identifier' for the DES to validate the data that belongs to a recognised student. The DES also transfers some of this data to other government departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant

to the Social Welfare Acts, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy-making and research purposes. However the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has a data protection policy which can be viewed on its website (www.education.ie). The DES has also published by a 'Fair Processing Notice' to explain how this personal data of students and contained in October Returns is processed. This can also be found on www.education.ie

Purposes: The school asks parents/guardians and students to complete October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the school. The main purpose of the October Returns is for the DES to determine whether the student qualifies for English language support and/or additional resources and support to meet their particular educational needs. The October Returns are submitted to the DES electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as the school's aim is to ensure that each student is assisted in every way to ensure that s/he meets his/her full potential.

The above data may be held in the format of manual record and/or electronically recorded.

Data stored in manual form is kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data that is stored electronically is stored on encrypted devices. Only personnel who are authorised to use the data can access the data. Employees are required to maintain the confidentiality of any data to which they have access.

(f) Volunteers and Voluntary associations linked to the school

Categories:

- Name of organisation
- Contact name, address, phone number, email address
- Garda Vetting status
- Qualifications
- Charitable status
- Area(s) of interest or support

Purpose: This data will be retained to contact voluntary organisations that the school can support or that may be of benefit to the school.

The above data may be held in the format of manual record and/or electronically recorded.

Data stored in manual form is kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data that is stored electronically is stored on encrypted devices. Only personnel who are authorised to use the data can access the data. Employees are required to maintain the confidentiality of any data to which they have access.

Links to other policies and to curriculum delivery

the policies of the Intermediate School 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
- Code of Behaviour
- Acceptable Use Policy
- Admissions/Enrolment Policy
- Transition Year Policy
- CCTV Policy
- Substance Use Policy
- Vetting Policy
- RSE Policy
- Guidance Plan
- Health and Safety Statement

Processing in line with Data Subject's rights

Data in the Intermediate School will be processed in line with the data subjects' rights.

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
- Ask to have all of their data retained erased/removed
- Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Data Access Requests

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 the Data Protection Acts and the General Data Protection Regulations)
- Request must be responded to within one month
- One copy of the data will be provided free of charge, further copies may incur a fee
- 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.
- The school has a Data Access request form which should be submitted when seeking an access request. This must be accompanied by appropriate forms of identification as outlined on the form.

Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts. The Intermediate School will continue to communicate with the parents of current students after their 18th birthday unless explicitly requested by the student to cease.

- Students under 18 years of age can be given access to their personal information, depending on the age of the student and the nature of the record i.e. it is suggested that:
 - if the information is ordinary, routine or non-controversial (e.g. a record of a test result), the student could readily be given access
 - if the record is of a sensitive nature, it would be prudent to seek parental/guardian consent.
 - if a student has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent should be sought.

Note B: Exceptions to note:

- Data protection regulations prohibit the supply of:
 - health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such

data is to be communicated only by, or after consultation with, an appropriate "health professional", normally the patient's own doctor.

- personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. The regulations apply to social work carried by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

Implementation, Roles and Responsibilities

The school Manager has the responsibility for the implementation and dissemination of this policy to all of the school community including: staff, parents and pupils.

The staff of the Intermediate School, both teaching and administrative, have a role in adhering to the Data Protection Policy when collecting and distributing data.

Evaluation and Review of the Policy

The Data Protection Policy will be evaluated on a regular basis and will be reviewed and amended when necessary.

Ratified by:

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Date:

21 / 04 / 18 _____