

# Data Protection Policy of St Laurence's National School, Sallins, Co. Kildare

March 2018

## 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, 2003 and the GDPR (General Data Protection Regulation) 2018.

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.

This policy was formulated by staff in March 2018.

## 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, 2003 and the GDPR May 2018 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 may 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, the GDPR and the terms of the Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified, explicit and lawful purposes:** The School will inform individuals of the reasons their data is collected and 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 the 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.

- **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 for no longer than is necessary for the 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 purpose 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 that 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.

The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data is not defined in the Data Protection Acts. However, guidance material published on the Data Protection Commissioner's website states the following:

*"As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."*

## Scope

**Purpose of the Policy:** The Data Protection Acts 1988, 2003 and the GDPR 2018 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 in meeting its statutory obligations, to explain those obligations to school staff, and to inform staff, students and their parents/guardians how their data will be safeguarded.

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 which can be processed. It includes both automated data (any information on computer or information recorded with the intention of putting it on computer) and manual data (any 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 specific 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 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
- trade union membership
- political opinions or religious or philosophical beliefs
- physical or mental health or condition
- sexual life
- criminal convictions or the alleged commission of an offence, any proceedings for an offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

**Data Controller:** A data controller is the individual or legal entity which controls the contents and use of personal data. For the purpose of this policy the Board of Management of St Laurence's N.S., Sallins is considered to be the data controller.

### 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, 2003 and GDPR 2018.

This policy explains what sort of data 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 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 individuals' personal data. It is also recognised that recording factual information accurately and storing it safely, facilitates an evaluation of the information, enabling the principal and the 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 the 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 his or her 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 data controller may supply personal data kept by it to certain prescribed bodies (Department of Education and Skills, Tusla, National Council for Special Education, other schools or 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 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 and 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)**

St Laurence’s National School seeks to

- enable each student to develop his/her 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 while fully respecting the individuals’ rights to privacy and rights under the Data Protection Acts.

### **Personal Data**

The Personal Data records held by the school may include:

#### **Staff records:**

**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
  - Record of appointments 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
  - Garda vetting outcome record
  - 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.
- 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 DES Child Protection Procedures).

#### **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
- For compliance with legislation relevant to the school.

**Location:**

In a secure area that only personnel who are authorised to use the data are allowed access. Employees are required to maintain the confidentiality of any data to which they have access.

**Security:**

These records will be kept in a secure area with filing facilities and/or locked strong room. They may also be kept on computer database which is password protected and only visible to those with authorised access.

**Student Records:**

**Categories of student data:** These may include:

- Information which may be sought and recorded at enrolment, including:
  - name, address and contact details, PPS number
  - names and addresses of parents/guardians and their contact details
  - religious belief
  - racial, ethnic or national origin
  - membership of the Traveller community, where relevant
  - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
  - where 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 reports from any previous school(s) attended by the student)
- Psychological, psychiatric and/or medical assessments
- Attendance Records
- Academic record – subjects studied, class assignments – both in class and as a result of distance learning, examination results as recorded on official school reports
- Whether the student is exempt from studying Irish
- 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”
- Records of significant achievements
- 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)

- 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).

### **Purposes:**

Student records are kept for the purposes of:

- enabling each student to develop his/her full potential
- complying with legislative or administrative requirements
- ensuring that eligible students can benefit from the relevant additional teaching or financial supports
- supporting the provision of religious instruction
- enabling parent/guardians to be contacted in the case of emergency, or in the case of school closure
- informing parents of their child's educational progress
- informing parents/guardians of school events
- meeting the educational, social, physical and emotional requirements of the student
- photographs and recorded images are taken to celebrate school achievements, establish a school website, record school events and to keep a history of the school. Such records are taken and used with parental/guardian permission.
- ensuring that the student meets the school's admission criteria
- ensuring that any student seeking an exemption from Irish meets the criteria in order to obtain the exemption from the authorities
- furnishing 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

### **Location:**

In a secure area that only personnel who are authorised to use the data are allowed access. Employees are required to maintain the confidentiality of any data to which they have access. With regard to distance learning all platforms must be GDPR compliant.

### **Security:**

These records will be kept in a secure area with filing facilities and/or locked strong room. They may also be kept on computer database which is password protected and only visible to those with authorised access. With regard to distance learning all platforms must be GDPR compliant.

### **Board of Management records:**

**Categories of 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.

### **Purposes:**

Board of Management records are kept for the purposes of:

- recording board appointments
- documenting decisions made by the board etc.
- enabling the Board to operate in accordance with the Education Act 1988 and other applicable legislation

### **Location:**

In a secure area that only personnel who are authorised to use the data are allowed access. Employees are required to maintain the confidentiality of any data to which they have access.

### **Security:**

These records will be kept in a secure area with filing facilities and/or locked strong room. They may also be kept on computer database which is password protected and only visible to those with authorised access.

In the circumstances where a remote meeting is deemed necessary the following will apply:

- Issues of child protection or child safety are not discussed.
- All records pertaining to these issues will be brought to the first face-to-face Board meeting.
- Confidentiality will be maintained in accordance with guidelines.
- The minutes will reflect that it was a remote meeting and the particular platform will be specified.

### **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):

### **Creditors**

**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

### **Purposes:**

This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

### **Location:**

In a secure area that only personnel who are authorised to use the data are allowed access. Employees are required to maintain the confidentiality of any data to which they have access.

### **Security:**

These records will be kept in a secure area with filing facilities and/or locked strong room. They may also be kept on computer database which is password protected and only visible to those with authorised access.

### **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
- The gross amount of the donation

**Purpose:**

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 parent's 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.

**Location:**

In a secure area that only personnel who are authorised to use the data are allowed access. Employees are required to maintain the confidentiality of any data to which they have access.

**Security:**

These records will be kept in a secure area with filing facilities and/or locked strong room. They may also be kept on computer database which is password protected and only visible to those with authorised access.

**CCTV images/recordings**

**Categories of data:** CCTV is installed in our school externally and internally. These CCTV systems may record images of staff, students and members of the public who visit the premises. Notices are prominently displayed informing the public of the presence and use of CCTV in the school.

**Purposes:**

- Safety and security of staff, students and visitors
- To safeguard school property and equipment

**Location:**

Cameras are located externally and internally. Recording equipment is located at reception.

**Security:**

Access to images/recordings is restricted to those permitted by the Board to do so. Recordings are retained for at least 28 days, possibly longer if required for an investigation of an incident. Images/recordings may be viewed by or made available to An Garda Síochána pursuant to Data Protection Acts 1988, 2003 and the GDPR 2018.

**Standardised Test Results**

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

**Purposes:**

The main purpose for assessment results and other records are held is to monitor a student's progress and to provide a basis for advising their parents or guardians of their progress in school and how best to support them. The data may also be aggregated for statistical/reporting purposes. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and other such similar bodies.

**Location:**

In a secure area that only personnel who are authorised to use the data are allowed access. The results of such tests are also kept on the Aladdin Schools Online Database. Employees are required to maintain the confidentiality of any data to which they have access.

**Security:**

These records will be kept in a secure area with filing facilities and/or locked strong room. They may also be kept on computer database which is password protected and only visible to those with authorised access.

## **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:

- Acceptable Use Policy
- Anti-Bullying Policy
- Child Safeguarding Statement
- Code of Behaviour
- Admission Policy
- Digital Plan
- Special Educational Needs Policy
- Social, Personal and Health Education Policy
- Substance Use Policy

## **Processing in line with data subject's rights**

Data in this school will be processed in line with the data subject's 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 data access request**

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 exceptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 30 days
- Fee may apply but cannot exceed €6.35
- 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 a reasonable interval from the date of compliance with the last 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.

### **Providing information over the phone**

In our school any employee dealing with phone enquiries should 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 principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

### **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:

<u>Name</u>	<u>Responsibility</u>
Board of Management	Data Controller
Principal	Implementation of Policy
Staff	Awareness of responsibilities, security, confidentiality
IT personnel	Security, encryption, confidentiality

### **Ratification and communication**

This policy has been compiled by Board of Management, Parents Council and staff. It was ratified by the Board of Management on 23<sup>rd</sup> May 2018.

The school community will be informed of the policy through the school website and newsletters.

### **Reviewing**

This policy was reviewed in May 2020. The policy will be revised as necessary within the framework of school planning.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_