

St. Colman's National School



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Data Protection Policy

Introductory Statement

The Data Protection Policy of St. Colman's NS, Ballindaggin 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.

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.

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.

Relationship to Characteristic Spirit of the School

School's mission/vision/aims

St. Colman's NS, Ballindaggin seeks to:

- provide a safe and secure environment for learning
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society
- Promote openness and co-operation among staff, parents, management and pupils as a means towards providing the caring environment through which the child can develop and grow to full potential
- We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

Personal Data

The *Personal Data* records held by the school includes:

A. Staff records:

- i. **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. Our school will retain these records for a period of 5 years or indefinitely should there be any query re: any position or applicant. 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 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)

ii. **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 other than the Teaching Staff /SNA'S 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 of Ancillary Staff 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, Occupational Therapists and Speech Therapists working with pupils and any other governmental, statutory and/or regulatory departments and/or agencies
- band for compliance with legislation relevant to the school.

B. Student records:

Categories of student data: The Department of Education and Skills is developing an individualised database of primary school children ,called the Primary Online Database [P.O.D.] All data relating to the pupils in our school will be stored on our Aladdin

Administration System. The information, when gathered will be transferred to the D.E.S. Primary Online Database. This database will hold data on all primary school pupils including their PPSN, Name as per Birth Cert, Mother's Maiden Name, Address, Date of Birth, Gender, Nationality, whether one of the pupil's mother tongues is English or Irish, whether

the pupil is in receipt of an exemption from Irish and if so the reason for same ,whether or not the pupil is in a mainstream or Special Class. The data base will also contain, on an optional basis, information on the pupil's religion and on their ethnic or cultural background.

Enrolment Policy at St. Colman's Primary

The following information is sought and recorded at enrolment [see enrolment policy]:

When the child is enrolling in Junior Infants:

- name, address and contact details, PPS number of child enrolling
- 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) ,their present employment and whether or not any legal order exists under family law
- Names of siblings already attending the school
- Contact numbers in case of emergency if parents cannot be contacted
- Religious denomination [with parental consent]
- 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
- If the child has been with the Early Intervention Team, details need to be submitted along with any available Assessment Reports
- Name of Pre-school attended
- When enrolling, permission is requested from the parents for the child's work and photographs to be uploaded on the school website, local newspapers or on school projects

When a child is enrolling in any other class the above information is sought along with the following:

- Assessment reports carried out by Professionals to assist in teaching and learning [eg. copies of any Psychological Assessment Reports, Occupational Therapy Reports, Speech and Language Therapy Assessments or copies of any other assessments which may have been carried out during the course of the child's development.]
- Attendance Records

Other Data relating to the pupils in our school includes the following :

- Standardised Test results such as M.I.S.T, N.R.I.T., Micra T/Sigma T , Drumcondra Maths and Literacy Test Result. Other tests such as Quest, Dyslexia Screening tests, or other Diagnostic Test results are kept by the Special Education Team in locked filing cabinets for a period of seven years after the child has completed the senior Cycle, Individual Education Plans, Classroom Support Plans and Classroom Support Plus Plans relating to Children with Special Needs are also kept and filed by the Special Ed. Team in locked filing systems. Records of meetings with stakeholders regarding these plans are stored likewise indefinitely.
- Teacher Designed Tests and results, portfolios of students work eg. Projects/Art are stored in the classroom by the class teachers.
- Records of any significant achievements
- Whether the student is exempt from studying Irish. Certificates of exemption are given to the children, parents and a copy of same is filed in the Principal's office.
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc
- Records of any reports the school (or its employees) have made in this information in respect of any student to State Departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures). These records will be stored indefinitely

- i. **Purposes:** The purposes for keeping student records are:
- to enable each student to develop to their full potential
 - to comply with legislative or administrative requirements
 - to ensure that eligible students can benefit from the relevant additional teaching or financial supports
 - to 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 child
 - to ensure that the child 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 schools
- ii. **Location:** In a secure, locked filing cabinet in the Principal's Office, that can only be accessed by the Principal or by Teaching Staff with the Principal's permission. Employees are required to maintain the confidentiality of any data to which they have access.
- iii. **Security:** Manual records are kept securely in the filing cabinet in the Principal's office and on the school computer in the main Reception Office. All Data relating to the pupils is stored on our Aladdin School Administration system and can only be accessed by a password known only by the secretary and the Principal. Each teacher has access to information relating to the children in their own class and each teacher has their own password for access to Aladdin. In the event of a teacher leaving the school during the year, that teacher's Aladdin access is disabled and a new password is set up by the school's I.T. coordinator, Mairead Terry.

C. *Board of Management records:*

- i. **Categories of Board of Management data:** These may include:
- Name, address and contact details of each member of the Board of Management (including former members of the Board of Management)
 - Records in relation to appointments to the Board
 - Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals
- ii. **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.

- i. **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 and
 - amount paid
- ii. **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 Commissioner.

Details of arrangements in place to ensure compliance with the eight rules of Data Protection.

1.

- The school will ensure that data subjects are aware at the time the personal data is being collected of the purpose of the data collection, the persons to whom it will be disclosed and any other information which is necessary so that processing may be fair
- Any information furnished to the D.E.S. may be disclosed if a written request is made to that body. Consent from Parents/Guardians must always be obtained for processing or disclosure of personal data

2. All data is to be kept for explicit and lawful purposes.

3. All data is to be used and disclosed only with the written consent of Parents /guardians.

4. When a child is transferring from our school ,the Principal will notify the principal of the new school of any problems relating to school attendance or any other matters relating to the child's progress. In accordance with former Minister Ruairi Quinn's **Education Passport**, the child's end of year report card, including results from the Standardised Tests taken in Sixth Class and any other Assessment information, will be available to the Secondary School.

(e) Storage and Location of storage. All Data relating to staff of St. Colman's is stored in a secure, locked filing cabinet in the Principal's Office and can only be accessed by the Principal unless permission is sought by other Teaching Staff. All pupil information is located in locked filing cabinets in each teacher's classroom. Other less confidential data is stored in a locked filing cabinet which is located in the School Administration office [secretary's office]. Files of children who have left the school are located in a locked store room. Employees are required to maintain the confidentiality of any data to which they have access.

(f) The following will have access where relevant and appropriate to school data [under section 28] if the school is satisfied that the information will be used in recording the student's educational history, monitoring the child's educational progress or developing the child's full educational potential.

- Parents/Guardians
 - Past pupils over 18
 - H.S.E.
 - The National Council For Special Education[NCSE]
 - National Education Psychological Service.
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- TUSLA
 - Speech and Language therapists/Occupational Therapists
 - Designated School Personnel
 - Department of Education and Science including the Inspectorate.
 - First and Second level schools (where relevant)

Data relating to Child Protection,(Child First Guidelines) attendance (Tusla) or data relating to achievements in Literacy/Numeracy may be supplied to outside agencies without parental consent. If any other data relating to a child in our school is to be supplied to any outside agencies parental consent must be provided in **writing**. Such agencies must request access to records in writing to the Principal Mr Conor Mc Donald.

Parents/Guardians of current pupils can make such a request for information by phone or in writing. Past pupils and parents of past pupils seeking data must do so in writing to Mr Conor Mc Donald, St. Colman's NS, Ballindaggin, Enniscorthy, Co. Wexford [Section 4 access request]. Individuals are entitled to a copy of their personal data on written request. The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act). Request will be responded to within 40 days and no fee applies. Where a subsequent or similar request is made soon after a request has just been dealt with, the Principal will comply with the second request within at least two months (no fee applies).

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. Any reference to another

individual in any data being submitted will be blanked to ensure that no other person is identifiable.

Note : A written agreement will be put in place between parties in advance of any data transfer.

(g) Security: Manual Records are kept in personal files in a locked filing cabinet in the Principal's Office. Computer records are stored on the computer in the main Administration office [secretary's office] nearest the main door. All computer data is accessed only by password. We will make every effort to provide appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of any data. Access to information is restricted to the teaching staff on a 'need to know' basis. We endeavour to keep personal data on computer screens and in manual files out of view of callers to the school office. Our computer systems are Password protected and are protected by up-to-date anti-virus and firewall software. Waste papers, printouts etc are disposed of using a shredder and recycled. Our Premises are secured by an alarm system when unoccupied each evening and entry to the main building is by number code once the children have entered each morning.

Retention Periods For School Data

Schools are advised by the DES that roll books and school registers are required to be kept **indefinitely** within the school.

Pay, taxation and related personnel services will also be retained **for a period of seven years.** After this time these records will be shredded.

Where litigation may potentially arise in the future [e.g. in relation to accidents /personal injuries occurring on school property, or in relation to school duties or activities] or where child safeguarding issues have arisen in relation to a particular student or member of staff, the relevant records will be retained **indefinitely** or until the possibility of litigation ceases.

The statute of limitations is a complicated legal issue and varies from case to case.

In general the limitation does not begin until the person concerned acquires knowledge of the facts giving rise to the claim.

In the case of minors with Special Ed. Needs, the statute of limitation may **never** expire .

In the case where a person may have suffered from abuse, in general, the statute of limitations does not begin to run until the person has ceased to be under the 'dominion ' of that abuse .

The information gathered on the Primary Online Database will be retained until the student's **19th Birthday.**

The day-to-day ordinary information on student files such as Standardised Test results [Micra T and Sigma T, Drumcondra tests], report cards will be kept for a period of **seven years** after the student has completed the Senior Cycle or reached the age of **18 years**, whichever is the later.

The following records will be kept indefinitely and will not be destroyed:

- Psychological Assessments
- Special Education Needs Files and I.E.P.s
- Any Child Protection Records
- Child safe-guarding issues
- Reports to HSE or An Garda Siochána
- Any records of previous service of any staff member (including correspondence with previous employers)
- Records relating to Posts of Responsibility and POR appeal documents
- Calculation of service
- Accidents/personal injuries
- School related accidents [tours etc]
- Allegations of bullying or harassment
- Disciplinary records/notes
- Records of complaints made by parents /guardians. If the complaint is relating to teacher handling, child safe-guarding, or an accident will not be destroyed

* The following records may include data which give additional information in relation to particular incidents, including:

- Incident logs/accident report
- Notes of meetings
- Correspondence with parents
- Board of Management Agenda and Minutes
- Principals Monthly Reports including Staff Absences

The following Records will be kept until the student reaches the age of eighteen plus seven years . After this time these records will be shredded:

- Enrolment Forms, even where the child is not enrolled or refused enrolment
- Student Transfer Forms , N.R.I.T., M.I.S.T., Drumcondra English and Maths Tests
- Results of MicraT/SigmaT (Standardised Testing)
- End of Year Report Cards
- Book Rental Scheme Applications
- Section 29 Appeal Records

The following records relating to the Recruitment Process will be retained for eighteen months from the close of competition plus six months for the Equality Tribunal to inform the school that a claim is being taken. This does not apply to successful candidates.

- Applications and CVs of candidates called for interview
 - Data base of applications
 - Selection Criteria
 - Applications of those not shortlisted
 - Unsolicited applications for jobs
 - Candidates shortlisted but unsuccessful at interview
 - Successful candidates who refused offer
-
- Panel recommendations by Interview Board

The following records relating to Staff Personnel will be retained for the duration of employment plus seven years. After this time these records will be shredded:

Applications, Qualifications, References, job specification/job description, Teaching Council Registration, Records of Staff Training etc. Contract/conditions of employment, Probation letters and forms, POR applications and correspondence (whether successful or not) Leave of absence applications, Job Sharing applications, career break applications, Maternity Leave applications, Working Time Act (attendance hours ,breaks, holidays), any allegations/complaints, any grievance and disciplinary records, sickness absence records/certificates, pre-employment medical assessment, any occupational health referrals, any correspondence re retirement on ill-health grounds, any accident/injury at work reports (retain for ten years), medical assessments or referrals, sick leave records/benefit forms, pension calculations, salary claim forms, any returns which identify individual staff/pupils will be kept indefinitely.

Interview: database of applications (the section which relates to the employee only), selection criteria, interview marking scheme and Board notes, Recruitment Medical, any records relating to Paternity Leave, Force Majeure or carers leave will be retained for **eight years after which time they will be shredded.**

Links to other policies and to curriculum delivery

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

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Mobile Phone Code

- Admissions/Enrolment Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE/CSPE etc.

Processing in line with data subject's rights

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

Data subjects have a right to:

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

Dealing with a data access requests

Section 3 access request:

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

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

Providing information over the phone

In our school, any employee dealing with telephone 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:

Name	Responsibility
Principal:	Implementation of Policy
Teaching Personnel:	Awareness of Responsibilities, confidentiality
Administrative Personnel:	Security, confidentiality

Monitoring the implementation of the policy

The Policy applies from the date on which it was ratified by the Board Of Management. The implementation of the policy shall be monitored by the Principal, Deputy Principal and a sub-committee of the board of management. At least one annual report will be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented.

Reviewing and evaluating the policy

On-going review and evaluation should take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the NEWB), legislation and feedback from parents/guardians, students, school staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Ratification of Policy

This policy was adopted by the Board of Management on _____ [date].

This policy has been made available to school personnel, published on the school website and provided to the Parents' Association. A copy of this policy will be made available to the Department and the patron if requested.

This policy and its implementation will be reviewed by the Board of Management once in every school year. Written notification that the review has been completed will be made available to school personnel, published on the school website and provided to the Parents' Association. A record of the review and its outcome will be made available, if requested, to the patron and the Department.

Signed: _____
(Chairperson of Board of Management)

Signed: _____
(Principal)

Date: _____

Date: _____

Date of next review: September 2018

* *This policy was drafted on 19/10/17*

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 opinions or religious or philosophical beliefs
- membership of a trade union
- physical or mental health or condition or sexual life
- commission or alleged commission of any offence or
- any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

Data Controller for the purpose of this policy is the board of management of St. Colman's Primary School

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.

- Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School

- Under section 20(5) of the Education (Welfare) Act, 2000, a principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the principal of another school to which a student is transferring
- Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day
- Under Section 28 of the Education (Welfare) Act, 2000, the School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)
- Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers ("SENOs") such information as the Council may from time to time reasonably request
- The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body
- Under Section 26(4) of the Health Act, 1947 a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2011) published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).