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Data Protection Policy

BOM Approved April 2018; next review April 2021

Scope

The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on both school staff and students.

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 it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it will 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.

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 board of management in exercising the functions involved.

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

Rationale

- Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts)
- 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 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 him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a “relevant purpose” only. See Section B.3 under Key Measures below.

Goals/Objectives

The objectives may include the following:

1. To ensure that the school complies with the Data Protection Acts.
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 (see below).
3. To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

Key measures (content of policy)

A. Details of all personal data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case

JSNS has conducted a data audit and identified the following information sources, some which are stored digitally; these are indicated by ‘GD’

GD: Google Drive; HC: Hard Copy

Staff & Volunteers

Contact Details: GD & HC
 CVs: GD
 Interview Notes: HC
 Contracts: HC
 Vetting Record: GD & HC
 Payroll Details: Sage Micropay & GD & HC
 Leave Records on GD

Current Pupils

Contact Details on GD & HC
 Birth Certificate: HC
 Attendance Record: GD & HC
 Tusla Records: HC & GD
 Medical Information: HC & GD
 EOT Reports: GD
 Standardised Testing: GD & HC
 Other testing: HC
 Teacher Notes on GD & Teacher laptops
 Parent Email Threads on GD
 Incident Report

Pupils with Special Needs (incl EAL)

Professional Reports: HC
 IEPs: GD

Prospective Pupils and Parents

Contact Details: GD & HC
Registration Forms: HC
School Reports: HC
Parent Email Threads on GD

Misc: Suppliers, BOM, BOT

Contact Details: GD & HC
Invoices: HC & GD
Transaction details on Sage Accounts

Parents:

Information on Registration form: GD and HC
(see reg form)

B. Details of arrangements in place to ensure compliance with the eight rules of data protection

1. *Obtain and process information fairly: prompt questions*

Staff members, parents/guardians and students are made fully aware when they provide personal information of the identity of the persons who are collecting it, the purpose in collecting the data, the persons or categories of persons to whom the data may be disclosed and any other information which is necessary so that processing may be fair (as stated above, the sample statement in Appendix 1 could be included on relevant forms where personal information is being requested).

Personal information processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, parents/guardians or students, where required.

Sensitive personal information processed fairly in accordance with the Data Protection Acts, with explicit consent being obtained from staff members, parents/guardians or students, where required.

2. *Keep it only for one or more specified, explicit and lawful purposes: prompt questions*

Persons whose data is collected know the reason/s why it is collected and kept.

The purpose for which the data is collected and kept a lawful one.

School management is aware of the different sets of data which are kept and the specific purpose of each.

3. *Use and disclose it only in ways compatible with these purposes: prompt questions*

Data is used only in ways consistent with the purpose/s for which it was obtained.

Data is disclosed only in ways consistent with that purpose.

There is a procedure in place, which is in accordance with the Data Protection Acts to facilitate the transfer of information to another school when a student transfers?

Note: Under Section 20 of the [Education \(Welfare\) Act, 2000](#), each school principal must maintain a register with the names of all children attending that school. When a child is transferring from the school, the principal must notify the principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate. Under Section 28 of the Act, schools may supply personal data, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:

- § The Minister for Education and Science (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
- § The National Council for Special Education (NCSE)
- § The National Educational Welfare Board (NEWB)
- § Each school recognised in accordance with section 10 of the Education Act, 1998
- § Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.

Data be disclosed to third parties, including the Department of Education and Science, the NEWB, Gardaí, in legal proceedings, HSE personnel etc. where required by law.

There is a procedure in place, which is in accordance with the Data Protection Acts to facilitate the transfer of personal data abroad.

Exceptions to disclosure rule:

- o Data can be disclosed when required by law
- o Data can generally be disclosed to an individual himself/herself or with his/her consent (see 8 below).

4. *Keep it safe and secure: prompt questions*

Appropriate security measures are taken against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction.

Access to the information (including authority to add/amend/delete records) restricted to authorised staff on a "need to know" basis.

Computer systems are password protected.

Information on computer screens and manual files is kept out of view of callers to the school/office.

Back-up procedures are in operation for computer held data, including off-site back-up.

All reasonable measure are taken to ensure that staff are made aware of the security measures, and comply with them.

All waste papers, printouts etc. disposed of carefully.

Steps are taken to ensure that no unauthorised person can access data from computers which are no longer in use or subject to change of use.

5. *Keep it accurate, complete and up-to-date*

Clerical and computer procedures are adequate to ensure high levels of data accuracy.

6. *Ensure that it is adequate, relevant and not excessive*

The information held adequate in relation to the purpose/s for which it is kept.

The information held relevant in relation to the purpose/s for which it is kept.

The information held is not excessive in relation to the purpose/s for which it is kept.

7. Retain it for no longer than is necessary for the purpose or purposes: prompt questions

In general, personal data will not be kept for any longer than is necessary to fulfil the function for which it was first recorded. Retention times cannot be rigidly prescribed to cover every possible situation and schools need to exercise their individual judgement in this regard in relation to each category of records held. However, the following particular requirements will be met:

- § School registers and roll books are required to be kept indefinitely within the school. Consideration is being given to amending the Data Protection Acts to allow schools to deposit completed school registers and roll books which are no longer required for administrative purposes with the Local Authority Archive Service. The Department will notify schools of any changes to the Acts in this regard.
- § Pay, taxation and related school personnel service records will be retained indefinitely within the school.
- § Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property), the relevant records will be retained until the possibility of litigation ceases.

Note: The statute of limitations in relation to personal injuries is currently two years. The limitation period for other causes of action varies, but in most cases is not greater than six years. A limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim. In the case of minors, the limitation period does not begin to run until they reach their 18th birthday or later if the date of knowledge post dates their 18th birthday. While schools may wish to draw up their own policies as to how long to retain such records, it would appear prudent not to destroy records likely to be relevant in litigation at least until the **six year limitation period** has expired.

8. Give a copy of his/her personal data to that individual on request

On making an access request any individual (subject to the restrictions in Notes A and B below) about whom you keep personal data, is entitled to:

- § a copy of the data which is kept about him/her
- § know the purpose/s for processing his/her data
- § know the identity of those to whom the data is disclosed
- § know the source of the data, unless it is contrary to public interest
- § know the logic involved in automated decisions
- § a copy of any data held in the form of opinions, except where such opinions were given in confidence.

To make an access request, an individual must:

- § apply in writing
- § give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
- § pay an access fee if the school wishes to charge one. The school need not do so, but if it does it cannot exceed the prescribed amount of €6.35.

There are a number of exceptions to the general rule of Right of Access, including those specified in Notes A and B below.

Handling access requests:

The Administrator is the named person responsible for handling access requests?

The outcome of any legal proceedings which may limit the right of one or both parents to access information about their child.

Note: If spouses are separated and one of them has obtained an order for custody but both of them remain guardians, then both of them are entitled to be involved in important decisions which affect the child.

All relevant manual files and computers will be checked for the data in respect of which the access request is made

Any inaccurate information as identified by the individual on whom the data is kept will be erased, within 40 days of the request being made

The information will be supplied promptly and within 40 days of receiving the request.

The information provided will be in a form which is clear to the ordinary person?
The individual will be informed within 40 days of the request if no information is held on them?

Implementation Arrangements, Roles and Responsibilities

The Principal is responsible for implementing the policy

Ratification & Communication

Staff are familiar with the policy and ready to put it into practice in accordance with the specified implementation arrangements. .

Parents/guardians and students will be informed of the data protection policy from the time of enrolment of the student e.g. by means of a statement of the key elements of the policy.

Implementation Date: 1 May 2018

Monitoring the implementation of the policy

The BOM will monitor implementation.

Reviewing and evaluating the policy

The policy will be reviewed and evaluated at certain pre-determined times and, as necessary. Ongoing review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Science), 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.

Appendix 1

Sample Data Protection Statement for inclusion on relevant forms when personal information is being requested

The information collected on this form will be held by JSNS school in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is *(School will insert the relevant information eg. for administration, to facilitate the school in meeting the student's educational needs etc.).*

Disclosure of any of this information to statutory bodies such as the Department of Education and Science or its agencies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians or students aged 18 or over if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of students and students aged 18 or over have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

Signed Parent/Guardian: _____

Signed Student: _____