

Data Protection Policy

Introduction

This policy was formulated by the staff in consultation with the Board of Management, the Parents' Association and students. The policy sets out in detail what data exists on staff, students, parents and members of the Board of Management and how this data is stored.

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. It applies to all school staff, Boards of Management, parents/guardians, students and others insofar as the measures under the policy relate to them.

Rationale

1. A data protection policy is necessary to fulfil the requirements as outlined in:

- The Data Protection Acts 1988 and 2003
- Section 9(g) of the Education Act 1998 which gives parents or students, over 18 years of age, access to records kept by the school in relation to student progress.
- Section (20) of the Education (Welfare) Act 2000 which emphasises that a school must maintain a register of 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.
- Section (28) of the Education (Welfare) Act 2000 which specifies that the data controller may supply personal data kept by him/her to the data controller of another prescribed body provided s/he is satisfied that it will be used for a "relevant purpose" only.

2. This policy is necessary to ensure that the school has proper procedures in place in relation to accountability and transparency.

Relation to the Mission Statement

St Brigid's Primary School maintains an open and co-operative relationship between teachers, parents and students as a means of nurturing and developing all students

Aims

1. To ensure that the school complies with legislative requirements.
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.
4. To clarify the types of records maintained and the procedures relating to making them available to relevant bodies
5. To put in place proper storage and data protection framework on the recording of educational progress of students.
6. To establish clear guidelines on making these records available to parents and to pupils who have reached 18 years of age.
7. To stipulate the length of time records and reports will be maintained

The school principal is the data controller and is responsible for the supervision and application of the Data Protection Acts in the school.

Content of policy

The policy is divided into the following two sections

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

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

The personal data records held by the school may include:

Staff records:

- 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, in-service attended)
- 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.

Format: These records will be kept as a manual record (personal file within filing system) and have restricted access.

Purpose for keeping staff records may include: to facilitate the payment of staff, for school administration purposes ,to make returns to the Department of Education and Skills and to facilitate the inspectorate.

Student records:

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
 - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply.
- Individual Education Plans, where applicable
 - Learning support/Resource data such as progress reports, informal tests and targets attained.
 - Information on previous academic record

- Psychological assessments
- Attendance Records
- Academic records
- Records of disciplinary issues and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.
- Portfolios of work and profiles
- Medical data and doctor details
- Other information provided by parents/guardians

Format: These are a combination of manual and computerised records and are stored in the school office / individual teacher filing cabinet with restricted access.

Purpose for keeping student records: For administrative purposes, to facilitate contact with parents/guardians, to facilitate returns to the Department of Education and Skills and the National Educational Welfare Board, to provide information for parents and teachers, to ensure eligible students can benefit from relevant additional resources

Board of Management records:

- Name, address and contact details of each member of the Board of Management
- Records in relation to appointments to the Board
- Minutes of Board of Management meetings and correspondence to the Board.

Format: These are in manual form and some computerised records which are stored in the principal's office.

Purpose for keeping such records: To enable contact to be made with members and to document decisions taken by the Board.

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

The minimum age at which at which consent can legitimately be obtained for processing and disclosure of personal data is not defined in the Data Protection Acts. However guidance 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, 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”

1. Obtain and process information fairly

Anybody providing personal information is made aware of the following:

- The identity of the person(s) collecting the data

- The purpose in collecting the data
- The persons or categories of persons to whom the data may be disclosed

2. Keep data only for one or more specified, explicit and lawful purposes

- The person whose data is being collected is made aware of the reasons why it is collected and retained.
- All personal data is collected and kept lawfully

3. Use and disclose data only in ways compatible with these purposes

- Data is used solely for the purpose for which it was obtained.
- In certain circumstances information may be transferred to another school in accordance with section 20 of the Education (Welfare) Act, 2000, when a student transfers from the school. In these circumstances the principal is obliged to notify the principal of the new school of any problems relating to attendance or educational progress of the student as she considers appropriate.
- In accordance with Section 28 of the Education (Welfare) Act 2000 the school 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 with which the school may share information are prescribed as follows:
 - 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.

4. Use and disclose data only in ways compatible with these purposes

- Access to information stored is restricted to school management. Teachers may have access to this information, for specific purposes, and with the permission of school management.
- Relevant computer is password restricted.
- Personal information on computer screens and in files is shut down or put away as soon as possible.
- Data is backed up regularly
- Personal data no longer required is shredded.
- Old computers have their memory wiped before they are disposed of.
- The office and school is locked and alarmed when not in use.

5. Keep data accurate, complete and up to date

- Data held will be as accurate and as up to date as is reasonably possible. If a data subject informs the school of a change of circumstances, their record will be updated as soon as is practicable.

6. Ensure that data is adequate, relevant and not excessive

- Data kept is adequate, relevant and not excessive in relation to the purpose for keeping such data.

7. Data will be retained for no longer than necessary for its purpose or purposes

Personal data will not be kept for longer than is necessary to fulfil the function for which it was first recorded. There is no hard and fast rule to cover every possible situation and the length of time that data is kept will vary. However the following requirements will be met:

- School registers and roll books will be kept indefinitely in the school
- Pay, taxation and related school personnel service records will be retained indefinitely in the school
- Information on student files will be retained for a period of six years subsequent to the student having completed senior cycle and/or having reached 18 years of age

8. Give a copy of individual's 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
- Specify information required
- The information, if available, will be supplied within 40 days.
- The individual will be informed within 40 days if no information is available

The Data Protection Act extends to all data subjects a right of access to their own personal data.

Note A: Access requests by students

- Students aged 18 years and older are entitled to access their personal information in accordance with the Data Protection Acts
- Students under 18 years of age will be given access to their personal information subject to the nature of the information. If the information is ordinary, routine or non- controversial the student will readily be given access. Parents will be consulted in relation to sensitive information or if the student has some disability or medical condition that would impair his/her ability to fully understand the information. If disclosure would be likely to be harmful to the individual concerned, parental/guardian consent will be sought.

Note B: Exceptions:

- 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 on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

Roles and responsibilities

All staff, under the direction of the principal will monitor and implement this policy. The principal will have overall responsibility for co-ordinating this policy and in ensuring that staff are familiarised with their data protection responsibilities.

Ratification and Review

This policy was ratified by the Board of Management on_____.

It replaces the existing policy and is implemented forthwith.

Signed: _____ Date:_____

Chairperson, Board of Management

Review: June 2018

Communication: This policy is available on the school's website. It is also available on request from the Principal / Secretary