



Educate
Together

Harold's Cross Educate Together
National School
School Roll Number: 20520o



Harold's Cross Educate Together National School

Data Protection Policy

This policy was ratified by the Board of Management on November 10th 2021

Data Protection Policy

Introduction:

This Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003. This policy was first developed in 2018, reflecting the General Data Protection Regulation (GDPR), which replaces the existing data protection framework under the EU Data Protection Directive.

The policy applies to all school staff, the Board of Management, parents/carers, pupils and others, including prospective or potential pupils and their parents/carers and applicants for staff positions within the school, in so far 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.

Rationale:

In addition to its legal obligations under the broad remit of educational legislation, Harold's Cross Educate Together National School has a legal responsibility to comply with the Data Protection Acts.

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 are 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 and Board of Management.

Scope:

The Data Protection Policy applies to all school staff, the Board of Management, BOM, parents/carers, pupils (past and present) and others, including prospective or potential pupils and their parents/carers, and applicants for staff positions in the school in so far as the school handles or processes their personal data in the course of their dealings with the school.

Relationship to characteristic spirit of the school:

Harold's Cross Educate Together National School is a multi-denominational, equality-based, child-centred and democratically-run school. It seeks to enable each student to develop their full potential; provide a safe and secure environment for learning; and 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 pupils, staff, parents/carers and others who interact with us. The school wishes to achieve such while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

Data Protection Terms and Definitions:

In order to properly understand the school's obligations, there are some key terms which should be understood by all relevant school staff:

Data Protection Acts. The Data Protection Acts 1988 to 2018 confer rights on individuals as well as responsibilities on those persons handling, processing, managing and controlling, personal data. All school staff must comply with the provision of the Data Protection Acts when collecting and storing personal information. This applies to personal information relating both to employees of Harold's Cross ETNS and to individuals who interact with Harold's Cross ETNS.

Data Protection legislation applies 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, pupils and their parents/carers how their data will be treated.

Data means information in a form that can be processed. It includes both automated 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 is accessible.

Personal data means any information relating to an identified or identifiable natural person ("Data subject"). An identifiable natural person is one who can be identified, directly or indirectly, in particular by an identifier such as a name, an identification number, location data, an online identifier or by one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special Categories of Data relates to specific categories of data which are defined as data relating to a person's: racial or ethnic origin, political opinions or religious or philosophical beliefs; membership of a trade union; physical or mental health, sexual life and sexual orientation; commission of an offence

Data controller means any natural or legal person, public authority, agency or body which, alone or jointly with others, determines the purposes and means of the processing of personal data. This means any organization or person holding personal data about any individual. In this instance, the data controller is the Board of Management of Harold's Cross Educate Together National School.

Data subject means an individual who is the subject of personal data

Data processing means performing any operation or set of operations on data, including; obtaining, recording or keeping data, collecting, organizing, storing, altering or adapting data, retrieving, consulting or using data, disclosing the data by transmitting, disseminating, or otherwise making it available, aligning, combining, blocking, erasing or destroying data.

Data processor is a person who processes personal information on behalf of a Data Controller, but does not include an employee of a data controller who processes such data in the course of their employment. In this instance, this refers to Aladdin Schools, i.e. an organization to which the data controller outsources work. Note: The Data Protection Acts place responsibilities on such entities in relation to their processing of data.

Policy statement:

1. Data Principles

The school is a data controller of personal data relating to its past, present and future staff, pupils, parents/carers and other members of the school community. As such, the school is obliged to comply with the principles of data protection as follows:

1.1 Obtain and process personal data fairly:

Information on pupils is gathered with the help of parents/carers and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the school, parents/carers of pupils, 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 relevant Data Protection legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

1.2 Keep it only for one or more specified and explicit lawful purposes:

Harold's Cross ETNS will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.

1.3 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.

1.4 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 with password protection in the case of electronically stored data. In this regard, the school uses Aladdin Schools as a Management Information System. Aladdin Schools is a secure software service application which is owned and run by Cloudware Ltd. (T/A Aladdin Schools). Portable devices storing personal data, such as laptops, must 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.

1.5 Keep personal data accurate, complete and up-to-date:

Pupils, parents/carers, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up to date. Once informed, the school will make all necessary changes to the relevant records. The Principal may delegate such updates/amendments to another member of staff. However, records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.

1.6 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.

1.7 Retain it no longer than is necessary for the specified purpose or purposes for which it was given:

Data will be retained for no longer than is necessary for the specified purpose or purposes for which it was given. See Appendix 1 for Data retention periods.

1.8 Provide a copy of their personal data to any individual, on request:

While Harold's Cross Educate Together National School is not subject to the Freedom of Information Acts 1997-2003, the school is subject to data protection legislation. Data subjects have a right to access all data relating to them, including written notes. (See school's Data Access Procedures policy.)

2. Personal data:

The *personal data* records held by the school **may**

include:

2.1 Staff records:

(a) **Categories of staff data:** As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These 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 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
- 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)
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.

(b) **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; and 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
- and for compliance with legislation relevant to the school.

(c) **Location:** In a secure, locked filing cabinet or electronic database, that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

- (d) **Security:** There is a mix of manual and electronic records. Manual records are stored in a locked filing cabinet. Electronic records are stored with appropriate password protection, with appropriate electronic security measures in place.

2.2 Pupil records:

(a) **Categories of pupil data:**

These **may** include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the pupil's time in the school. These records may include:
 - name, address and contact details, PPS number, date and place of birth
 - names and addresses of parents/guardians and their contact details, including any special arrangements with regard to guardianship, custody or access
 - whether English is the pupil's first language and/or whether the pupil requires English language support, any relevant special conditions, for example, special educational needs, health issues, etc., which may apply
- Information on previous academic record, including reports, references, assessments and other records from any previous school(s) attended by the pupil
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of pupils, including at school events and noting achievements
- Academic records – subjects studied, class assignments, assessment results as recorded on official school reports
- Records of significant achievements
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records, for example, records of any serious injuries/accidents, etc.
- Records of any reports the school (or its employees) have made in respect of the pupil to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines, subject to the DES child protection procedures.

(b) **Purposes:** The purposes for keeping pupil records are:

- to administer education to each pupils
- to enable each pupil to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible pupils 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/guardians 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 pupil
 - photographs and recorded images of pupils are taken to celebrate school achievements, compile yearbooks, for use on our Facebook page, to establish a school website, to record school events, and to keep a record of the history of the school.
 - to ensure that the pupil meets the school's admission criteria
 - to ensure that pupils meet the minimum age requirements for their class
 - to ensure that any pupil 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. Section 28 of the Education Welfare Act 2000 allows for personal data to be transferred to other schools, the DES, the NCSE, and Tusla. Principals of primary schools furnish secondary schools (which have confirmed enrolment of pupils concerned) with 'Education Passports', which include a copy of the end-of-year report card and information from standardized literacy and numeracy completed in sixth class.
 - to furnish, when requested by the pupil (or their parents/guardians in the case of a pupil under 18 years) documentation/information/references to second level educational institutions
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** There is a mix of manual and electronic records. Manual records are stored in a locked filing cabinet. Electronic records are stored with appropriate password protection, with appropriate electronic security measures in place.

2.3 Board of management records:

- (a) **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
 - Correspondence to and from the Board of Management which may include references to particular individuals.

- (b) **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 of Management appointments and decisions.
- (c) **Location:** In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.
- (e) **Security:** There is a mix of manual and electronic records. Manual records are stored in a locked filing cabinet. Electronic records are stored with appropriate password protection, with appropriate electronic security measures in place.

2.4 Other records

The school will hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), and/or computer record (Aladdin Schools). Some examples of the type of other records which the school will hold are set out below.

2.5 Creditors

- (a) **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.
- (b) **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.
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** There is a mix of manual and electronic records. Manual records are stored in a locked filing cabinet. Electronic records are stored with appropriate password protection, with appropriate electronic security measures in place

2.6 CCTV Images/recording

CCTV is currently not in operation at Harold's Cross ETNS. Should such be introduced, a CCTV policy will be devised to reflect Data Protection legislation and the Data Protections Acts.

2.7 Assessment Records

- (a) **Categories:** The school holds data comprising assessment records in respect of its students. These include continuous assessment and class, annual, screening, diagnostic and standardised tests.
- (b) **Purposes:** The main purpose for which these results and other records are held is to monitor pupil progress and to provide a sound basis for advising them and their parents/carers of such. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** There is a mix of manual and electronic records. Manual records are stored in a locked filing cabinet. Electronic records are stored with appropriate password protection, with appropriate electronic security measures in place

3. Rights of Data Subjects and Dealing with Data Access Requests

The Data Protection legislation enables parents and pupils over 18 years to enquire whether schools are processing information about them and, if so, to access that information. It enables these individuals to ensure that personal information about them is being fairly processed and if not, to have that personal information rectified or erased.

See Data Access Request Procedures Policy for information on the process of such.

4. Providing information over the telephone

In our school, employees 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.
- Employees are not obliged to disclose personal information over the phone if they feel uncomfortable in doing so.
- With regard to requests for data access, the Data Access Requests Procedures Policy should be adhered to.

Related documentation - 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 pupil, or a pupil 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 pupils 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 pupils 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, for example, a dental inspection.

Under Children First: National Guidance for the Protection and Welfare of Children 2017, published by the Department of Children and Youth Affairs, schools, their Boards of Management and their staff have responsibilities to report child abuse or neglect to Tusla - the Child and Family Agency, or in the event of an emergency and the unavailability of Tusla, to An Garda Síochána.

Links to other policies:

This Data Protection policy has links to a number of other relevant school policies in Harold’s Cross Educate Together National School, including;

- Data Access Requests Procedures Policy
- Privacy Statement
- Child Protection Policy
- Anti-Bullying Policy
- Garda Vetting Policy
- Code of Behaviour
- Enrolment Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE policy

Implementation arrangements, roles and responsibilities:

In Harold’s Cross Educate Together National School, the Board of Management is the data controller. The Principal is responsible for co-coordinating the implementation of this Data Protection Policy and for ensuring that staff who engage in data-processing activities are familiar with their data protection responsibilities and the procedures as set out in this policy.

The following personnel have responsibility for implementing the Data Protection Policy:

Name	Responsibility
Board of Management:	Data controller
Principal:	Implementation of policy
Teaching staff:	Awareness of responsibilities
Administrative staff:	Security, confidentiality
ICT personnel:	Security, encryption, confidentiality

Policy review:

This policy will be reviewed as necessary, and particularly to comply with any relevant changes to DES guidelines and circular or legislation.

Ratification, communication and implementation:

This policy was ratified and adopted by the Board of Management of Harold' Cross Educate Together National School on

This policy will be circulated to all parent(s)/carer(s) following ratification and a copy will be published on the school website.

This policy will be brought to the attention of all staff members upon their appointment to the school.

The implementation of the policy shall be monitored by the Principal and the Chairperson of the Board of Management.

Signature of Chairperson: _____ *John Lavelle* _____

Signature of Principal: _____  _____

Date: 10/11/2021

Appendix 1: Data Retention Periods for schools

Pupil Related	Retention Periods
School Register/Roll Books Enrolment Forms Disciplinary notes Test Results – Standardised Psychological Assessments etc. SEN Files/IEPS Accident Reports Child Protection Reports/Records S.29 Appeals	Indefinitely Hold until Pupil is 25 Years Never Destroy Hold until pupil is 25 Years Never Destroy Never Destroy Never Destroy Never Destroy Never Destroy
Interview Records	Retention Periods
Interview Board Marking Scheme Board of Management notes (for unsuccessful candidates)	18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken
Staff Records	Retention Periods
Contract of Employment Teaching Council Registration Vetting Records Accident/Injury at work Reports	Retention for duration of employment + 7 years (6 years to make a claim against the school plus 1 year for proceedings to be served on school)
Board of Management Records	Retention Periods
BOM Agenda and Minutes CCTV Recordings Payroll & Taxation Invoices/receipts Audited Accounts	Indefinitely 28 days normally. In the event of criminal investigation – as long as is necessary Revenue require a 6-year period after the end of the tax year Retain for 7 Years Indefinitely
<p><i>Why, in certain circumstances, does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age?</i></p> <p><i>The reasoning is that a pupil reaches the age of majority at 18 years and that there should be a 6-year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The Statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time barred.</i></p>	

Note: All data will be deleted/destroyed within 6 months of the above retention periods