

**Data Protection/Record Retention Policy
St. Patrick's Infants National School
18154D**

**POLICY IN RELATION TO PROTECTION
OF
PUPIL and STAFF
PERSONAL DATA**

CODE OF DATA PROTECTION PRACTICE FOR COMPLIANCE WITH GUIDELINES OF DATA PROTECTION COMMISSIONER

Introduction

The school's Data Protection Policy 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.

This policy was formulated by Staff and Board of Management of Saint Patrick's Infants School, Gardiner's Hill, Cork. The purpose of the policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by parents and authorised stake holders.

Rationale

- A policy on data protection and record keeping is necessary to ensure that the school has proper procedures in place in relation to accountability and transparency
- It is best practice to record pupil progress so as to identify learning needs
- A policy must be put in place to ensure our school complies with legislation

The Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 safeguard the privacy rights of individuals with regard to personal data i.e. data relating to them which are held on computer files or in manual files which are structured or searchable by reference to individuals.

As schools keep records of personal data for students and staff, they must comply with data protection legislation and boards of management have a key role in ensuring implementation of effective policy and practice in this regard. The document [A Guide for Data Controllers](#) issued by the Data Protection Commissioner has been consulted in the preparation of this policy document.

Please note that from 1st October, 2007, schools which hold sensitive personal data on computer, are no longer obliged to register with the Data Protection Commissioner in accordance with the Acts.

In this document the school referred to below is St Patrick's Infants, NS, Gardiner's Hill, Cork.

Where the word 'parent' is used, the words 'guardian' can be substituted in respect of a child who has a legal guardian.

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 and board of management.

Other Legal Obligations

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. *For example:*

- Under Section 9(g) of the [Education Act, 1998](#), the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in 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).

Relationship to School Ethos

Saint Patrick’s Infants School promotes openness and co-operation between staff, parents and pupils as a means towards providing a safe, secure and caring environment through which a child can develop and grow to his/her unique

potential. We promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

Data Protection Principles

The school is a *data controller* of *personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- Obtain and process *Personal Data* fairly: Information on students is gathered with the help of parents/guardians and staff. Information 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/guardians of students etc.), the information is furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- Keep it only for one or more specified and explicit lawful purposes: The School 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.

- Process it only in ways compatible with the purposes for which it was given initially: Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.
- Keep *Personal Data* safe and secure: Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) 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.
- Keep Personal Data accurate, complete and up-to-date: Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all 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.
- Ensure that it is adequate, relevant and not excessive: Only the necessary amount of information required to provide an adequate service will be gathered and stored.

- Retain it no longer than is necessary for the specified purpose or purposes for which it was given: As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a student. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law.
- Provide a copy of their *personal data* to any individual, on request: Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

Aims/Objectives

- To ensure the school complies with legislative requirements
- To explain these requirements to school staff
- To inform staff and parents/guardians how their data will be treated
- To clarify the types of records maintained and the procedures relating to making some or all of them available to the relevant authorised disclosees
- To put in place a proper recording and reporting framework on the educational progress of pupils
- To establish clear guidelines on making these records available to parents/guardians and past pupils when they are over 18 years
- To stipulate the length of time records and reports will be retained

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.

Guidelines

Guidelines

The Board of Management assumes the function of data controller and supervises the application of the Data Protection Act within the school. The data under the control of the Board of Management comes under the following headings:

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.

The data under the control of the Board of Management comes under the following headings:

1. Definition of Personal Data

Personally identifying information or sensitive data (including but not limited to names, addresses, date of birth, gender, ethnic origin, nationality, religious belief, medical details, dietary information, PPSN, telephone and mobile contact details of parents/guardians and other personal details) is defined as personal data. Personal data includes any expression of opinion about the individual and information about the individual's hobbies, likes and dislikes, etc. It does not include parents and guardians details. These are kept in the Administration Office in hard copy format and on computer by the school. Personal data includes images and CCTV footage.

Explicit parental consent must be given for sensitive personal data (i.e. Category 2 data) to be transferred from one school to another.

Note:

- The school cannot request a PPSN number for the purpose of expressions of interest in enrolment of pupils i.e. at pre-enrolment stage
- The school can request a PPSN number for actual enrolment purposes itself

All SEN applications must be accompanied by the personal details of a pupil, including the PPSN number.

Category 1 refers to data which is non-sensitive personal data such as name, address, Personal Public Service Number (PPSN), etc.

Category 2 refers to data which is sensitive personal data, in the context of POD. This data includes the ethnic\cultural background of the pupil, and the pupil's religion. In relation to these fields, the express written consent of the parents/guardians or students (over 18 years) is required, before this data can be recorded for a student on POD and accessed by the Department of Education and Skills.

Explicit parental consent must be given for sensitive personal data (i.e. Category 2 data) to be transferred from one school to another.

2. Age of Consent

The minimum age at which a person can give consent to having their personal data processed is not specified in the Data Protection Acts. However, in the education area, the rights of parents, and in particular the parents of very young children, are given strong protection in the Constitution and in legislation. Therefore, the school obtains the consent of a pupil's parents to the processing of personal data concerning her or him, even though the processing is required by law or is self-evidently necessary (for example, the keeping of attendance and other routine pupil records).

3. National Education Welfare Board (NEWB)

Schools are obliged by law to report on school attendance since the inception of the Education (Welfare) Act 2000. Four pupil absence reports and one annual attendance report are submitted every year. The school is obliged to inform the NEWB when a pupil is absent for more than 20 days in a school year or when a pupil is not attending regularly. The NEWB is responsible for promoting attendance and will make all reasonable efforts to ensure attendance at school.

4. On Line Claims System (OLCS)

The on-line claims system (OLCS) enables the St Patrick's Infants NS management to input claims to the Department of Education & Skills for the payment of casual

and non-casual teachers and special needs assistants and records teacher and special needs assistants' absences on line from the school office.

5. Data Subjects

It is necessary to collect personal data relating to all pupil applicants (whether or not they enrol as pupils) and their parents or guardians and all staff and all applicants for employment in the school. It is also necessary to collect personal data relating to other individuals, e.g. students from third level on work experience placement, members of the Board of Management, etc.

6. Communication of Data Protection Policy

This Data Protection Policy (relating to staff that are both data subjects and data processors) is printed in the Staff Handbook and is available online together with the reminder that 'Under the terms of St Patrick's Infants NS Data Protection Policy, all staff members are responsible for keeping pupil and colleague personal data safe and secure and processing it only in ways compatible with the purposes for which it was given to the school'.

Application forms for day pupil places carry the statement 'St Patrick's Infants NS has a code of practice in relation to pupil/parent personal data which is available on the school website or on request at the school office'.

Since the collection of pupil personal data is self-evidently necessary to process applications, the details of the data protection code of practice are not emphasised further at the application stage. However, the statement 'St Patrick's Infants NS has a code of practice in relation to pupil, parent and staff personal data which is available for consultation in the school office on request' is clearly visible on the school website together with a downloadable copy of the full policy document.

7. Disclosees

The following is a list of disclosees.

- Teaching staff, learning support/resource teachers, home school liaison officers, special needs assistants and the clerical staff of the school
- Department of Education and Skills
- National Educational Psychological Service (NEPS)
- Garda Síochána
- National Education Welfare Board (NEWB)
- Department of Social & Family Affairs
- Other government agencies, e.g. Office of the Controller & Auditor General
- Social workers, educational psychologists and other professionals
- Board of Management members

It is a legal obligation of St Patrick's Infants NS to share information with some government bodies. Other disclosures are necessary as part of administration. Contact details of students are not disclosed to third parties to be used in any form of direct marketing and may not be used internally for direct marketing. Disclosure is on a needs be only basis, i.e. only the minimum data about an individual is revealed.

Staff members are aware of their responsibility to avoid inadvertent casual disclosure of personal data about any individual pupil, about a member of a pupil's family or about a colleague in conversation or by revealing contents of documents either inside or outside the school premises.

8. Data acquired from applicants' parents/guardians and entered into the Pupil Computerised Records and/or filed as hard copy

Application Form Details

The following data items are requested to create statistical returns to the Department of Education and Skills (DES) and/or for general administration purposes and/or to help ensure safety and welfare of the child.

Application Form Details

The following data items are requested to create statistical returns to the Department of Education and Skills (DES) and/or for general administration purposes and/or to help ensure safety and welfare of the child.

1. Child's full name, child's date of birth (DOB), child's home address, child's gender. The child's original birth certificate is required to be submitted at registration and a copy is taken and kept in the child's file.
2. Child's religion, parish in which child lives, date of baptism, place of baptism.
3. Child's nationality and year of arrival in Ireland if born abroad.
4. Child's languages. Information about whether English is the child's first language.
5. Mother's name, nationality, address and mobile telephone number, father's name, nationality, address and mobile telephone number (including any special arrangements with regard to guardianship, custody or access)
6. Details of child's siblings: number of sisters, number of brothers, child's position in the family (first born, third child, etc.).
7. Details of child's playschool or previous school if there were any.
8. Names, addresses and contact telephone numbers of two family members or neighbours who could be contacted if a parent was uncontactable in the event of the child becoming ill at school. Names of persons who have permission to collect the child after school.
9. Details of any physical or emotional or behavioural problem which may affect the child at school.
10. Details of any medical condition which may affect the child at school and copies of medical reports. Name, address and contact telephone number of the child's Family Doctor. Record of consent or otherwise of parent or guardian to the local doctor treating the child in the case of an emergency. Indication of whether the parent is a medical card holder or otherwise.
11. Records of parent/guardian permission for the child to access the internet and to participate in educational trips and tours.
12. Records of parent/guardian permission for the child's image (in a group setting) or the child's artwork to appear on the school's website or in press photos.

13. Records of parent/guardian permission for the child's preschool or previous school to be contacted, for other agencies and services (e.g. psychological or medical services) to be contacted in the child's interest.
14. Records of parent/guardian permission for screening tests, Belfield (Junior Infants) and MIST (Senior Infants), to be administered to the child.
15. Records of parent/guardian permission for the child to be supported in small group settings in class by the school's special educational needs (SEN) team.
16. Records of parent/guardian permission for the child's data to be transferred to another school when the child progresses from senior infants to first class or moves to another school for another reason.
17. Records of parent/guardian acknowledgement that the data they have supplied is true to the best of their knowledge, that they are aware that it is stored on computer and filed as hard copy, that they and their child agrees to abide by the school's code of behaviour.

9. Data compiled about pupils by staff

The following data is compiled by teaching staff in respect of pupils during the school year in order to monitor academic progress and to modify negative behaviour. It is an essential aspect of teacher professionalism and accountability to compile these records. The teacher can form an objective opinion about the child's progress based on these records and use them as a basis to devise ways to help each child reach suitable targets. Special needs assistants may also record some or all of this data in respect of the children they look after with a view to supporting the role of the teacher as fully as possible in allowing the children with special needs to advance to their full potential but are advising that their interaction with parents should be through the teacher.

- Attendance records
- Absences
- Incidents (late arrival, early collection, feeling ill, injuries, etc)
- Accident Report Book detailing injury and treatment applied.
- Administration of Medicines indemnity forms

- Individual Healthcare Plans
- Records kept in line with Children’s First Procedures (Child Protection)
- Behavioural incidents (inappropriate language, roughness towards others, etc.)
- Assessment results carried out by professionals to assist teaching and learning (e.g. results of psychological or psychiatric reports, occupational therapy reports; speech and language assessments; etc...)
- Achievements in literacy, numeracy, etc.
- School annual report cards
- Motor-neuron skills (ability to put on a coat, use a computer mouse and keyboard, etc.)
- Screening Tests such as MIST, Belfield Infants Assessment Profile
- Teacher observations
- Developmental checklists
- Teacher-designed tests
- Diagnostic Tests Reports
- Individual Education Plans, Individual Pupil Learning Plans and records of meetings with stakeholders regarding the plans.
- Learning Support/Resource Data such as records of refusals to allow children access to LS/RT services in the school
- Portfolios of student work
- Parent-teacher consultation notes

Purposes: The purposes for keeping student records are:

- to enable each student to develop to his/her unique potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction
- 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 student
- photographs and recorded images of students are taken to celebrate school achievements, establish a school website, record school events, and to keep a record of the history of the school.
- to ensure that the student meets the school's admission criteria
- 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

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.

Security: These records are kept in a personal or class file within a relevant filing system, computer record (database) or both.

10. Administrative Data

Data in relation to pupils

1. Attendance Reports, Roll Book, Registers, Class files, Pupil Profile files, Enrolment applications, baptismal certificate copy (where applicable), birth certificate copy
2. Correspondence between parents/guardians and teachers where relevant
3. Accident Report Book detailing injury and treatment applied.
4. Administration of Medicines indemnity forms
5. Individual Healthcare Plans
6. Records kept in line with Children's First Procedures (Child Protection)

Data acquired from staff, applicants for employment, work placement personnel, members of Board of management, etc.

Some or all of the following data items are requested of staff and associates to create statistical returns to the Department of Education and Skills (DES) and/or for general administration purposes and/or to help ensure safety and welfare of the children.

1. Full name, date of birth (DOB), home address, other address if relevant, telephone contact numbers, gender. An original birth certificate may be required to be submitted upon employment and if so, a copy is taken and kept on file
2. Nationality and year of arrival in Ireland if born abroad
3. Bank account details for employees employed directly by the school
4. Details of qualifications and previous work experience
5. Original records of application and appointment to promotion posts
6. Name, address and contact telephone numbers of next of kin, contactable in case of emergency
7. Medical report
8. References

Garda vetting is required of members of the Board of Management, new teachers and ancillary staff, volunteers and any work placement personnel who may have unsupervised access to children.

Garda vetting application forms that are forwarded by the school to the Garda Central Vetting Unit require the applicant to provide the following information: surname, forename, previous surname (if any), alias (if any), former name (where name was changed), date of birth, place of origin, all addresses from year of birth to present and details of any previous convictions, in Ireland or elsewhere.

The Teaching Council issues newly qualified teachers with Garda Vetting documentation and thus the school does not have to make an application for them. The Garda Central Vetting Unit subsequently provides the school with information about previous convictions and prosecutions pending.

11. Data compiled about staff during employment

Some or all of the following data is compiled about staff for administrative purposes

- Attendance/hours worked
- Absences
- Timekeeping

- Croke Park hours and how they were used
- Leave taken, leave requests pending
- Incidents (injury or accident in the classroom, serious argument with parents, etc.)
- Records of training received (on-site and elsewhere)
- Record of service
- Any formal complaints made by parents
- Any formal complaints made by the staff member about management, colleague, etc.
- Information relating to involvement with any child welfare incident
- Achievements relating to employment
- Disciplinary proceedings
- Promotions, acting-up roles in the absence of a colleague
- 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).

(a) Purposes: Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)

- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

(b) **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.

(c) **Security:** These records are kept in a personal file within a *relevant filing system*

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 and correspondence to the Board 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 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.

(a) **Security:** These records are kept in a file within a relevant filing system.

CCTV images/recordings

(a) Categories: CCTV is installed in our school. These CCTV systems may record images of staff, students and members of the public who visit the premises.

(b) Purposes: Safety and security of staff, students and visitors and to safeguard school property and equipment.

(c) Location: Cameras are located externally and internally. Recording equipment is located in the front reception office of the school.

(d) Security: Tapes, DVDs, hard disk recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts 1988 and 2003.

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.

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 must be responded to within 40 days
- Fee may apply but cannot exceed €6.35
- Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.
- No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

Providing information over the phone

In our school, any employee dealing with 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.

12. Fair obtaining of Data

At the time the school collects information about individuals their attention is drawn to the fact that the school has a code of practice in relation to personal data: 'St Patrick's Infants N.S. has a code of practice in relation to personal data which is available on request'.

This statement is also clearly visible on the school website, pupil application forms, school's server with a copy of this full policy document accessible to visitors to both web places.

Disclosures of student personal data to third parties are made in accordance with legislation and in connection with administration.

Data subjects are made aware of school policy in respect of personal data and staff members are required to not disclose or misuse the information provided to other parties.

There are no secondary uses of pupil, staff or others' personal data.

We describe our data-collection practices as open, transparent and up-front.

Access to Records

The following will have access where relevant and appropriate to the data listed above where pupils are identified by name:

- Parents/Guardians
- Past Pupils over 18 years
- Health Service Executive staff
- National Educational Psychological Service
- National Educational Welfare Board
- Occupational Therapists or Speech Therapists working with pupils
- Designated School Personnel
- Department of Education and Skills (where necessary)
- Primary and secondary level schools (where relevant).

At the time the school collects information about individuals their attention is drawn to the fact that the school has a code of practice in relation to personal data: 'St

Patrick's Infants NS has a code of practice in relation to personal data which is available on request'.

This statement is also clearly visible on the school website, pupil application forms, Staff Intranet with a copy of this full policy document accessible to visitors to both web places.

Disclosures of student personal data to third parties are made in accordance with legislation and in connection with administration. Disclosees are listed at 7 above.

Data subjects are made aware of school policy in respect of personal data and staff members are required to not disclose or misuse the information provided to other parties.

There are no secondary uses of pupil, staff or others' personal data.

We describe our data-collection practices as open, transparent and up-front.

13. Purpose Specification of Data Collected

The school has clear, lawful purposes for which it keeps personal information, namely, for administration and record keeping. Individuals about whom we collect and store personal data are informed in the data protection policy available for download from the school website or for inspection in the school office.

The school seeks and keeps personal data for explicit, lawful purposes and will use and disclose the data only in ways compatible with these purposes. Queries about the purpose for which data is required will be dealt with as quickly as possible.

Schools, colleges, etc. are not required to register with the Data Protection Commissioner.

The Principal as Database Coordinator, is responsible for maintaining the pupil data sets and for overseeing the purposes for which the data is used. The school can

justify its requests for all items of data sought in terms of administration. The data collected is not used to discriminate.

14. Use and Disclosure of Information

This document constitutes a set of defined rules for teaching staff and other staff about the use and disclosure of information about students' personal data. St Patrick's Infants NS Code of Practice on Personal Data Protection is included in the Staff Handbook and on the Staff Intranet. The Staff Handbook also refers to the Teaching Council revised draft *Code of Professional Conduct for Teachers* that stipulates teachers 'respect the privacy of others and the confidentiality of information relating to colleagues, students and families gained in the course of professional practice, unless the wellbeing of an individual or a legal imperative requires disclosure'.

All members of the teaching staff have been issued with a copy of the Staff Handbook and therefore are aware of these rules.

All members of the clerical staff have been made aware of St Patrick's Infants NS Policy Document on Personal Data Protection. Disclosures of pupil personal data to third parties are made in accordance with legislation and in connection with administration. Disclosees are listed at 7 above. Disclosees, other than government bodies and their agencies, are made aware of school policy in respect of student personal data and that they are required not to disclose or misuse the information provided.

Parents/guardians of pupils are made aware in the Policy Document on Personal Data Protection in the school website that there are disclosures of their child's personal data. They may consult the list of disclosees in the full policy document and are welcome to query what information is disclosed to each one.

15. Security of Data

Storage

Records are kept for until a past pupil has reached the age of 21 years of age or 23 years if in full time education. MIST and Belfield tests booklets are shredded after 2 year but the results are kept on record until past pupils reach adulthood (21 years of age or 23 years if in full time education).

- A pupil profile is held by each teacher in his/her individual classroom and passed on to the next teacher as the child moves to the next class.
- As children pass to senior primary level their personal records are stored in the school for a period of time (7 yrs minimum).
- All completed school roll books and registers are stored in storage in the halla. Access to these stored files is restricted to authorised personnel only. For computerised records, systems are password protected.

There is a security protocol in place for personal data. Every user must assume responsibility for protecting student data they are given, that they request, that they store or dispose of.

The Principal as database coordinator is responsible for developing and reviewing provisions for security of personal data. He/she is responsible for disclosing personal data on a needs must only basis and ensuring that it processed only in ways compatible with the purposes for which it was given to the school.

Computers with personal data are password-protected but not encrypted.

Computers and servers are locked away. Most paper files with personal data are held in locked or code protected offices. Filing cabinets containing these files should be locked. CCTV fitted in the school to discourage/control unauthorised access to these rooms. Not all files and printed versions of pupil personal data can always locked away when staff are consulting them and using them in various ways and such materials are at a greater risk because of their portable nature and lack of office space for all staff. Because of the nature of the work carried out in the school

and the necessity for a large number of people to have access to some pupil personal data (for record keeping, etc.) it is recognised that paper versions of pupil data constitute the greatest security risk.

A confidential shredding facility is available in the Office and the shredded material is disposed of in general waste.

16. Adequacy, Relevance and Necessity of Data Sought

It is the policy of the school to collect only the information it needs to serve its purpose effectively and to deal with individuals in a fair and comprehensive manner. Annually, a review takes place to check that all the information collected is relevant and not excessive for our specified purpose(s).

The school consults with Primary Administration Section of the Department of Education & Science to confirm that the personal data sought on school application forms is not excessive.

The school has a specific purpose for collecting all the other information and can justify every piece of information we hold about pupils, staff and others.

17. Accuracy and Time-Sensitivity of Data

We check our data for accuracy and update it regularly. Spellings of names and dates of birth are checked and corrected. The contact details of pupils are checked by teachers after Christmas every year and the parents/guardians and all staff members are asked to keep the school informed of changes of address and telephone numbers.

Pupil attendance details are added on a daily basis to the student records. Pupil leaving dates are regularly updated.

Some of our personal data is time-sensitive, i.e. is likely to become inaccurate over time. The school takes measures to keep contact details of current pupils' parents/guardians up to date but does not have the resources to do so for pupils who have left the school.

18. Retention Times for Personal Data

In the pursuit of the school's role in record keeping and compilation of pupil statistics computerised items of information about students, staff and others need to be retained indefinitely.

Paper files of former pupils are in long-term on site secure storage.

19. The Right of Access of Staff members to a Copy of their Personal Data and of Parents/Guardians to a Copy of their Child's Personal Data

The Principal is the individual responsible for handling, in compliance with the Data Protection Act's requirements, access requests by staff to a copy of the personal data and of parents/guardians to a copy of their child's personal data as kept the school. A written request must be made by the staff member (or the parent/guardian of a pupil) outlining what information is required and giving a reason for the request. The school undertakes to respond as quickly as possible to such requests as follows. An immediate acknowledgement to such requests will be made by the Principal indicating when the information can be made available and the request will be processed as promptly as possible.

20. Training & Education of Staff and other Disclosees

Data protection is included as part of the training programme for our staff. In service training of existing staff is regularly undertaken to increase and maintain levels of awareness about data protection in this organisation. Staff is made aware in these training sessions of their data protection responsibilities including the need for confidentiality. Staff and other disclosees (BOM members, work experience students, etc.) are made aware of their responsibility to avoid inadvertent casual disclosure of personal data about any individual pupil or colleague at staff meetings, in staff handbooks, at training sessions, etc.

The Teaching Council revised draft *Code of Professional Conduct for Teachers* stipulates that teachers 'respect the privacy of others and the confidentiality of information relating to colleagues, students and families gained in the course of

professional practice, unless the wellbeing of an individual or a legal imperative requires disclosure’.

21. Co-ordination of Student Data and Legal Compliance

The Principal is the student data protection co-ordinator and compliance person. Colleagues are made aware of his/her role during staff training. The co-ordinator of personal data protection activities within the school undertakes an annual formal review of the school’s data protection mechanisms and compliance with the Data Protection legislation and makes a report to the Board of Management which includes proposals for improvement where appropriate.

22. Outline Data Protection Policy

The following is a brief outline of the school’s responsibilities towards data subjects and the data subjects’ rights in respect of the information sought and stored by the school about them.

School Responsibilities

- Obtain and process information fairly for the purposes of administration
- Keep it only for one or more specified and lawful purposes
- Process it only in ways compatible with the purposes for which it was given to the school initially
- Keep it safe and secure
- Keep it accurate and up-to-date
- Ensure that it is adequate, relevant and not excessive
- Retain it no longer than is necessary for the specified purpose or purposes
- Give a copy of his/her personal data to any individual staff member or to the parent/guardian of a pupil, on request
- Disclose student personal data only to bodies listed in the school Data Protection Code of Practice and for an explicit, lawful purpose

Data Subject's Rights in Respect of their Personal Data

- To be treated fairly in the way information is obtained, stored, used and shared by the school
- To know the identity of the data controller and the purpose for obtaining their personal information
- To request that inaccurate information is corrected
- To request that information is deleted when the school has no valid reason to hold it
- To see and obtain a copy of any information the school holds on file about them
- To have a human input in the making of important decisions relating to them
- To reject direct marketing phone calls, emails or text messages from the school that they don't want
- To complain to the Data Protection Commissioner if they feel that their rights have been infringed

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 school staff, under the direction of the Principal, will implement and monitor this policy. Individual teachers will design, administer and record all in-class testing. The Principal will ensure records are maintained and stored.

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

Name	Responsibility
Board of management:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

Implementation Data

This policy will take effect immediately.

Success Criteria

- Compliance with Data Protection Acts 1998-2003
- Compliance with Statue of Limitations Act 1957-2000
- Easy access to records
- Framework in place for ease of compilation and reporting
- Manageable storage of records.

Monitoring the implementation of the policy

The implementation of the policy shall be monitored by the principal and a sub-committee of the board of management.