

# Scoil Mhuire Maigh Cuilinn



## Cosaint Sonraí Data Protection

2017

## **Introductory Statement**

This policy was formulated by the Staff and Board of Management Scoil Mhuire. The purpose of the policy is to:

- Identify the records required to be retained by the school
- Ensure accountability, transparency, confidentiality and manageable procedures exist in relation to data protection and record keeping and access to the same by parents, staff and other stake holders
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded
- Inform staff, students and their parents/guardians how their data will be treated
- To ensure that Scoil Mhuire meets its statutory obligations and complies with the Data Protection Acts
- Explain those obligations to School staff

This policy was drawn up with reference to legislation such as:

- Education Act 1998
- Education Welfare Act 2000
- Data Protection Act 1988
- Data Protection (Amendment) Act 2003
- Freedom of Information Act 1997

*See Appendix 1 for details*

## **To Whom and to What does the Policy Apply?**

Scoil Mhuire's Data Protection Policy applies to Personal Data held by the school which is subject to the Data Protection Acts 1988 and 2003. The policy applies to the teaching staff, ancillary 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.

## **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 and forwarded to schools to which they have transferred. With regard to information the school holds on others i.e. staff members, applicants for positions within the school, parents/guardians of pupils and this information is normally given 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.

- **Keep it only for one or more specified and explicit lawful purposes:** The school will inform individuals of the reasons for the collection of their data and of the uses to which it will be put.
- **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 in hard copy is securely stored under lock and key. Electronic data is stored on secure servers, i.e. Aladdin or the school's secure network and password protected. Portable devices storing personal data (such as laptops) are password protected.
- **Keep personal data accurate, complete and up-to-date:** Students, parents/guardians, and/or staff are requested to 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.
- **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 his/her 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.

## **Personal information that will be held by the school.**

Personal information to be held by the school will include that relating to:

1. Staff Records
2. Student Records including those of their parents/guardians
3. Board of Management Records
4. Other Records

### **1. Staff Records**

**Staff whose personal information will be held by the school**

- Current members of staff, teaching and ancillary
- Former members of staff, teaching and ancillary
- Applicants applying for positions within the school
- Students on work experience and teaching practice
- Teachers under probation

### **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)

### **Staff Records are kept for the purposes of:**

- The management and administration of school business (now and in the future)
- Facilitating the payment of staff, and calculation of other benefits/entitlements.
- Human resources management
- Recording promotions made and applied for) and changes in responsibilities etc.
- enabling 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)
- Enabling 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
- Compliance with legislation relevant to the school.

### **Staff Records are stored:**

In secure, locked filing cabinets, on password and security protected PCs and on the school's database, Aladdin, which is password protected.

### **Access to Staff Records**

Only personnel who are authorised to use the data relevant to their roles and duties can access it, and they are required to maintain the confidentiality of any data to which they have access.

These personnel may include:

- The Principal
- The Chairperson on the Board of Management
- Members of the Board of Management, relevant to their duties as prescribed by the Board of Management
- The School Secretary, for administrative purposes

## **2. Student records:**

### **Students whose personal information will be held by the school:**

- Students currently enrolled in the school
- Past-pupils of the school
- Pupils who have applied for enrolment

**Student records may include:**

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. This 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)
  - Religious belief
  - Racial or ethnic origin
  - Membership of the Traveller community, where relevant
  - Whether they (or their parents) are medical card holders
  - Whether English is the student's first language and/or whether the student Requires English language support
  - Any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Reports resulting from psychological assessments, psychiatric/medical assessments, speech and language assessments, occupational therapy assessments etc.
- Attendance records
- Photographs and recorded images of students
- Academic record, i.e. test results, standardised test results, 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 e.g. records of any serious injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded)
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures)

**Student records are kept for the purposes of:**

- Enabling each student to develop to his/her full potential
- Compliance with legislative or administrative requirements
- Ensuring that eligible students can benefit from the relevant additional teaching or financial support
- Supporting the provision of religious instruction
- Enabling parents/guardians to be contacted in the case of emergency
- Informing parents of their child's educational progress
- Informing parents of school events etc
- Celebrating school events and pupil achievements (in the case of photographs, videos etc.), in line with the school's policy on the same
- Providing 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

- Providing, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to third-level educational institutions and/or prospective employers

**Student records are stored:**

In secure, locked filing cabinets, on password and security protected PCs and on the school's database, Aladdin, which is password protected. Only personnel who are authorised to use the data relevant to their roles and duties can access it, and they are required to maintain the confidentiality of any data to which they have access.

**Access to Student Records**

Only personnel who are authorised to use the data relevant to their roles and duties can access it, and they are required to maintain the confidentiality of any data to which they have access. These personnel may include:

- The Principal
- The School Secretary, for administrative purposes
- Resource and Learning Support Teachers who hold teaching contracts in this school, or in the school with which this school is in a local Learning Support or Resource cluster.
- Mainstream Class Teachers who hold teaching contracts in this school, or in the school with which this school is in a teacher-exchange arrangement.

Teachers must make every effort to ensure the integrity and security of the records and data that they have accessed by:

- Making sure that their laptops are password protected
- Making sure that their laptops have security software that is enabled and up to date
- Signing out of Aladdin when it is not in use
- Not making unauthorised copies of student data, e.g. psychological reports
- Keeping any handwritten notes/memos on students under lock and key in their classroom filing cabinets
- Keeping any academic records, (test scores, test papers, school reports) under lock and key in their classroom filing cabinets
- Seeking the permission of the Principal or Head of Resource/Learning Support before removing any student files from the filing cabinets in the Secretary's Office or Principals office. (these files must be signed out by the teacher and signed in again on their return)

**3. Board of Management Records:**

**Categories of Board of Management data, which may include:**

- Name, address and contact details of each member of the Board of Management
- Name, address and contact details of 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

**Board of Management Records are kept for the purposes of:**

- Enabling the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation
- Maintaining a record of board appointments and decisions.

**Board of Management Records are stored:**

In Scoil Mhuire in the Principal's Office in a secure, locked filing cabinet, and on a password and security protected PC. The Secretary of the Board of Management will distribute all Board of Management documents such as agendas and minutes of meetings via email as password protected attachments. Board of Management members are required to keep all Board of Management documents such as agendas minutes and memoranda stored safely and securely.

**4. Other Records:**

The school will hold records relating to other individuals such as

1. Students other than those enrolled in Scoil Mhuire
2. Creditors

**1. Students other than those enrolled in Scoil Mhuire, such as**

- Transition Year students who have done or will do work experience in the school
- Student teachers who have done or will do teaching practice placements in the school
- Students on work experience placements as part of Special Needs Assistant training (e.g. FETAC) or Childcare, Social Studies and Social Care training.

**Student records may include:**

- Name, address and contact details, PPS number
- Details of work/training record (examination results, qualifications, classes taught, subjects etc.)

**Student records are stored:**

In a secure, locked filing cabinet in the Principal's Office

**2. Creditors**

**Creditor records may include:**

- Name
- Address
- Contact details
- PPS number
- Tax details
- Bank details
- Amount paid.

**Creditor Records are kept for the purposes of:**

- Management and administration of the school's financial affairs, including the payment of invoices
- Compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

**Creditor records are stored:**

- In a secure, locked filing cabinet in the Principal's Office
- Securely by the treasurer of the Board of Management
- Securely by the school's accountant

### **Links to Other Policies**

Relevant school policies already in place or being developed or reviewed, will be examined with reference to the data protection policy and any implications which it has for them shall be addressed.

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Policy on the Use of Mobile Phones
- ICT Policy
- Policy Regarding Photographs

### **Data Subject's Rights**

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

Data subjects have a right to:

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

### **Requests for Access to Data**

#### **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). The request must be responded to within 40 days.

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.



## **Data Protection Procedures and Practices in Scoil Mhuire**

### **Providing Information over the Phone**

Staff 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
- Require the caller to submit a request for information in writing if unsure about the identity of the caller and/or refer the request to the Principal

No contact details (address, telephone number, email address) of any subject (students, parents or members of staff, etc.) should be given to any other individual or body without first securing the prior consent of the subject.

### **Standardised Tests**

Standardised testing is done in Scoil Mhuire in the final term of the school year; usually at the end of May. Teachers shall input data arising from the tests into Aladdin and send a hard copy of the test results to the office and to the relevant learning support/resource teacher(s), who will keep it securely. Teachers may retain a hard copy of the test results under lock and key in their classrooms. This copy must be sent to the office at the end of the school year.

Test booklets will be stored under lock and key in the classroom in which the test was done for a period on one year, i.e. until the next round of standardised testing, after which time they will be disposed of by shredding.

### **Professional Reports (Psychological, Speech and Language, O.T. etc.)**

Professional reports are stored under lock and key in the Principal's office. Teachers may access professional reports on children for whom they have responsibility with the permission of the Head of Resource (Ms. Bane) or the Principal. Teachers should confine themselves in the main to the findings and recommendations contained in these reports. Reports must be signed out by the teacher in question and kept securely under lock and key until returned to the office. Copies of reports e.g. photocopies, must not be made without the permission of the Head of Resource (Ms. Bane) or the Principal. Teachers may take hand written notes on the reports, but the child in question should be referred to by his/her initials in such notes rather than by his/her full name in the interest of discretion.

### **Teacher's Notes**

It is recommended that teachers prepare effectively for parent-teacher meetings by making preparatory notes on each child, and that he/she keep a concise but accurate record of parental or teacher concerns, decisions taken and strategies agreed arising from such meetings.

Teachers may also keep their own notes on children for the purpose of monitoring behaviour, academic progress etc. Such notes should be kept securely by the teacher for the duration of the school year, after which time they should be disposed of by shredding.

Any notes the teacher feels should be retained for future reference must be placed in the students file which is stored under lock and key in the office. The teacher should give an oral report on each child at the start of the next school year to the child's new teacher, from which that teacher may make his/her own preliminary notes.

Teachers are strongly advised to record facts carefully and professionally in all such notes and never to write anything about a child that they would not be prepared to show to the child's parents/guardians.

### **Child Protection Reports**

Written reports pertaining to matters of Child Protection, such as incidents or revelations shall be accurately kept as per the school's Child Protection Policy. Children will be referred to in these records by their P.O.D. Student I.D.s, which can be accessed via Aladdin. Records will be given to the D.L.P. Mr. O'Flaherty or the Deputy D.L.P., Ms. McKiernan, who will forward a copy to the relevant agency, e.g. TUSLA, Social Worker, An Garda Síochána. The school will retain these records under lock and key in the office for a period of 21 years.

### **Communicating Information on Pupils**

Under no circumstances shall teachers make use of email to communicate information regarding pupils in the school to the parents/guardians of those pupils or to any other agency without the prior consent of the Principal.

Teachers must bring any written reports they have made on pupils to the attention of the Principal for approval before submitting the same.

### **Retention and Disposal of Data**

Scoil Mhuire shall retain data as per the school's Records Retention Schedule attached as Appendix 2. Data that the school is no longer required to retain shall be disposed of by shredding, in the case of documents and by deletion in the case of data stored digitally. End-of life laptops and hard drives on which data has been stored shall be formatted.

### **Implementation Arrangements, Roles and Responsibilities**

The Board of Management of Scoil Mhuire is the Data Controller and the Principal is charged with the co-ordination and implementation of this Data Protection Policy and with ensuring that staff who handle or have access to Personal Data are familiar with their data protection responsibilities.

The following have responsibility for the Implementation of Data Protection Policy:

- The Board of Management, as Data Controller
- The Principal, as Coordinator of the Implementation of this policy
- The Teaching Staff, who have responsibilities under this policy to ensure the security and confidentiality of the data to which they have access
- The School Secretary, who has the responsibility under this policy to ensure the security and confidentiality of the data to which she has access
- The IT Technician, who has the responsibility under this policy to ensure the security and confidentiality of the data to which he has access, and to advise and assist the school in matters relating to security and protection of data

### **Ratification and Communication**

On ratification of this Data Protection Policy by the Board of Management, it will be made available to the school community via the school's website. A hard copy of the policy will be available from the office on request.

A copy of the policy will be displayed on the notice boards outside the office. Parents/Guardians and students will be made aware of the Data Protection Policy via the school's handbook, which is provided to them on enrolment in Scoil Mhuire.

On ratification of the policy, each staff member will be given a copy of the policy and a bullet-pointed summary of the policy and the policy will be addressed at a staff meeting. The

issue of Data Protection will be addressed at the first staff meeting of each school year, whereby the staff will be reminded of their responsibilities in this regard.

### **Implementation and Monitoring**

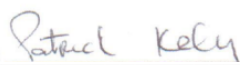
The policy shall be implemented by the Principal and Staff of Scoil Mhuire. Implementation of the policy shall be monitored by the Principal and the Board of Management. An annual Data Protection report will be given to the Board of Management at the final meeting of each school year.

### **Ratification and Review**


The Policy will be reviewed and evaluated as necessary in light of new legislation or information or guidelines from the Data Protection Commissioner, Department of Education and Skills and TUSLA.

This policy was adopted by the Board of Management on 1<sup>st</sup> February 2017.

**Signed:**

  
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**Chairperson,  
Board of Management**

  
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**Principal**

## *Appendix 1*

### **Rationale and Legal Considerations**

This policy was drawn up to ensure that Scoil Mhuire is in compliance with Circular 0017/2014 regarding the Primary Online Database.

- Scoil Mhuire is obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts).
- Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in his or her education.
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the school.
- Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day.
- Under Section 28 of the Education (Welfare) Act, 2000, the data controller may supply personal data kept by him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a “relevant purpose” only.

- 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 Section 28 of the Education (Welfare) Act, 2000, a 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).
- 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).