

Cabinteely Community School



Date Protection Policy

1. Scope

This Data Protection Policy applies to the keeping and processing of Personal Data and Sensitive Personal Data, both in manual and electronic form, held on both school staff and students.

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.

2. Definitions

Data: Means information in manual and/or electronic format which can be processed and which is recorded as part of a relevant filing system. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system).

Data Controller: The School is the data controller, with the Principal acting on behalf of the Board of Management in exercising the functions involved.

DES: The Department of Education and Skills (which shall include any successor agency or regulatory authority that subsumes the responsibilities and duties of that department).

Personal Data: Means data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

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.

Sensitive Personal Data: Means personal data as to:

- (a) the racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject,
- (b) whether the data subject is a member of a trade union,
- (c) the physical or mental health or condition or sexual life of the data subject,

(d) the commission or alleged commission of any offence by the data subject, or

(e) any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings;

School: Means Cabinteely Community School, Johnstown Road, Cabinteely Dublin 18.

3. Rationale

It is necessary to devise a data protection policy in order to comply with regulations. 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.

- Schools are obliged to comply with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003 (henceforth collectively referred to as the Data Protection Acts).
- Under Section 9(g) of the Education Act 1998, the parents of a student (where the student is under 18 years), or a student (where that student has reached the age of 18 years), may request 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 (as defined within the Education (Welfare) Act 2000). See Section 5 “Student Records” under below.

In addition to these rationales, it is recognised that recording factual information accurately 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 the Board of Management.

4. Objectives

This policy is intended to:

1. ensure that students, their parents/guardians, staff members and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the School) have a clear understanding of how the School will treat their data, the uses to which their data will be put, and the parties to whom the data may be transferred.

2. ensure that the School complies with the Data Protection Acts.
3. ensure compliance by the School with the rules of data protection and guidance notes as set down by the Data Protection Commissioner based on the Data Protection Acts.
4. ensure that the data protection rights of students, staff and other members of the School community are safeguarded.
5. Details of all Personal Data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case.

The Personal Data and Sensitive Personal Data records held by the School may include the following (this list is not exhaustive, and depending upon the circumstances, the School may hold additional records relating to the individual):

Staff records:

- Name, address and contact details, PPS number, gender, etc.
- Original records of application and appointment.
- Record of appointments to promotion posts.
- Details of approved absences (career breaks, parental leave, study leave etc.).
- Details of work record (qualifications, classes taught, subjects etc.).
- Details of performance assessments, complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and records of progress.
- 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.

Note: a record of grievances/record of disciplinary matters may be maintained by the School which is distinct from and separate to the individual's personnel files and which consequently may not constitute part of a Relevant Filing System. Materials prepared in connection with the staff member's professional duties within the School (including but not limited to teaching plans and class notes etc.) will not constitute part of that staff member's personal files held by the School and will generally not constitute part of a Relevant Filing System.

The format in which these records will be kept will generally be manual record (personal file within filing system) and computer record (database).

Staff records are kept:

- to facilitate the payment of staff and calculate other benefits/entitlements (including reckonable service for the purpose of calculation of pension entitlements and/or redundancy payments where relevant);
- to facilitate pension payments in the future;
- to record promotions made and changes in responsibilities etc.,
- to review performance and address performance-related issues;
- to enable the School to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment;
- to enable the School to comply with requirements set down by the DES, the Revenue Commissioners and any other governmental, statutory and/or regulatory departments and/or agencies.

Student records include:

Information which may be sought and recorded at application and enrolment stage, together with any and all data accumulated relating to the student (and his/her parents/guardians) during the student's time with the School including:

- name, address and contact details, PPS number
- date and place of birth
- names and addresses of parents/guardians and their contact details
- religious belief (including those of parents/guardians)
- racial, ethnic or national origin
- membership of the Traveller community, where relevant
- 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, and whether they or their parents are medical card holders etc.) which may apply including, in relevant circumstances, any special family arrangements with regard to guardianship/access.
- Information on previous academic records including reports, references, test results, assessments, and other records from any previous school(s) attended by the student
- Psychological assessments
- 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.
- Medical assessments (including those relating to any special needs requirements)
- Attendance Records
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Whether the student is repeating the Leaving Certificate
- 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.

These records will generally be kept on a manual record (personal file within filing system) and computer record (database).

The purposes for keeping student records are:

- to enable each student to develop his/her full potential;
- to address the educational and other needs of the student;
- to ensure the student meets the School's admission criteria;
- to comply with legislative or administrative requirements;
- to ensure that students meet the minimum age requirements for their course;
- to ensure that students are following an approved curriculum (e.g. Junior Certificate and Leaving Certificate);
- to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such a grant from the authorities;
- to ensure that eligible students and the School can benefit from the relevant additional teaching posts and/or financial supports;
- to support the provision of religious instruction;
- to enable parent/guardians to be contacted in the case of an emergency;
- to furnish documentation/information about the student to other schools in compliance with the Education (Welfare) Act 2000, The provisions of that Act also provide that the documentation/information may also be transferred to one of the following:
 - The Minister for Education and Skills (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
 - The National Council for Special Education (NCSE)
 - The National Educational Welfare Board (NEWB)
 - Each school recognised in accordance with section 10 of the Education Act, 1998
 - Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.
- to furnish, when requested by the student (or their parents, in the case of a student under 18 years) documentation/information/references to third-level educational institutions and/or prospective or actual employers.

Board of Management records: These include:

- Name, address and contact details of each member of the Board of Management;
- Records in relation to appointments to the Board of Management;
- Minutes of Board of Management meetings and correspondence to the Board this may include references to particular individuals;

- These records will be kept in manual record (personal file within filing system), computer record (database) form.

The purpose for keeping Board of Management records is to keep a record of Board appointments, documenting decisions made by the Board etc.

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 filing system), computer record (database). Some examples of the type of other records which the School will hold are set out below (this list is not exhaustive):

Examination Results

Examination results are also kept. The main purpose for which these Examination results and the records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables.

Recorded Images

From time to time it is necessary for the School to record data on security cameras (CCTV cameras) in locations on the School premises. This will be stored in accordance with our school policy on CCTV. In addition to CCTV recordings, photographs and video recordings may be made of students, and these may be taken for teaching and learning or extra-curricular purposes. These recordings will be authorised by the Principal or Deputy Principal on a case by-case basis.

October Returns

At the commencement of each academic year, each student and/or their parents/guardians will be asked to complete and return a form in which they will be asked to disclose information regarding their particular circumstances. This is required to facilitate the orderly running of the School. This information is generally referred to as the "October Return". The October Return contains individualised data (such as an individual student's PPS number) which acts as an "identifier" for the DES to validate the data as that belongs to a recognised student. The DES also transfers some of this data to other governmental departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy-making and research purposes (however the DES advises that it does not use individual data, but rather the aggregated data is grouped together for these purposes).

The DES has a data protection policy which can be viewed on its website (www.education.ie) or at http://www.education.ie/servlet/blobServlet/des_dp_1988_2003.htm. The DES has also published a “Fair Processing Notice” to explain how the Personal Data of students contained in October Returns is processed. This can also be found on www.education.ie (search for Circular Letter 0047/2010 in the “Circulars” section).

However, the main purpose of the October Return is for the DES to determine whether the student qualifies for English Language Support, and/or additional resources and support to meet their particular educational needs. The October Return is submitted to the DES electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as the School’s aim is to ensure that each student is assisted in every way to ensure that she meets her full potential.

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

The arrangements in place ensure that all Personal Data records held by the School are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

1. Obtain and process information fairly: Information on students is gathered with the help of parents/guardians and staff. Information is also gathered from the records of their previous schools. In relation to information held on other individuals (members of staff etc.), the information is generally furnished by the individual themselves or compiled during the course of their employment with the School. The information will be obtained and processed fairly.
2. Keep it only for one or more specified, explicit and lawful purposes: All information is kept with the best interest of the individual in mind at all times.
3. Use and disclose it only in ways compatible with these purposes: Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.
4. Keep it 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. 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.
5. Keep it accurate, complete and up-to-date: Students, parents/guardians, and/or staff should ensure that the School is advised 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 as the need arises. 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) made to any original record/documentation should be dated and signed by the person making that change.

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.

7. Retain it for no longer than is necessary for the purpose or purposes: 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. For more information on this, see "Retention Policy" below. 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 the employee. 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 civil law.

8. Give a copy of his/her Personal Data to that 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. Where the School receives an access request from a student or their parent/guardian, the School will adhere to the guidance material published on the Data Protection Commissioner's website in respect of the person who can give consent, which states: "As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."

Access Policy

Data subjects have a right to know what personal information is held about them, and the purpose for which the data is held. If the data subject makes an access request pursuant to the Data Protection Acts, this access request will be handled by the Board of Management.

Exceptions to note to the Right of Access

The right of access is not unlimited, and a few of the exceptions to the right of access are set out below:

- Where the School receives an access request that could, if released directly to the data subject, cause serious harm to his or her physical or mental health, then the regulations provide that such data is to be communicated only by, or after consultation with an appropriate "health professional", normally the data subject's own doctor. If, in the opinion of the health professional, the data (if released to the data subject)

would be likely to cause serious harm to the physical or mental health of the data subject, then the data may only be released to the data subject by the health professional.

- Where the School holds Sensitive Personal Data obtained in the course of carrying on social work and is asked to release that Sensitive Personal Data to the data subject but the School believes that such release would be likely to cause prejudice to the carrying on of social work by virtue of the resultant serious harm caused to the health or emotional condition of the data subject concerned, then the regulations state that the data may not be supplied to the data subject. In addition, if the social work data include information supplied to the School by an individual (other than an employee or agent of the School) while carrying out social work, the School shall not supply that information to the data subject without first consulting that individual. The regulations apply to social work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

Retention Policy

The School complies with the DES guidelines in respect of the retention of data relating to students. Currently, those guidelines state that Schools should retain Personal Data on each student up to their 25th birthday and subject to review thereafter. In certain circumstances, the School may retain students' data beyond this date, particularly but not only where the circumstances involve loss, damage or injury of any kind. This data may be utilised in order to defend any cases subsequently taken against the School under civil law. Also, where the student has special needs, learning difficulties or behavioural issues, the records may be retained for a longer period of time. In the case of certain records (such as School registers, roll books, test results etc.), these may be kept indefinitely. Individual records of students are also retained to meet individual requests from former students which may be required for job applications and/or references in respect of further education, employment or other purposes. After the retention period, the School may arrange for the secure destruction/shredding of the data. The DES also maintains student records, and their policy (including their policy on the Post Primary Pupil Database which acts as the national archive of student enrolment at post primary schools) is available on www.education.ie.

In the case of members of staff, the School retains their records for the duration of that person's employment within the School. Save where there is a legal requirement to retain the data for a longer timeframe, the School shall retain data in respect of staff/former members of staff/applicants for staff posts for no longer than necessary following the end of the relationship between the School and the data subject, which may be some years to facilitate the provision of references etc. to former members of staff. The School may also retain data for the purpose of defending a claim under employment legislation, equality legislation and/or contract or civil law. This retention period is to ensure the School can comply with any obligations it may have.

9. Links to Other Policies and to Curriculum Delivery

All School policies, including the following, have been developed with the greatest of care to ensure the protection of data relating to sensitive issues which impact on the lives of individuals in Cabinteely Community School:

- Child Protection Guidelines
- Anti-Bullying Policy
- Substance Use Policy
- Code of Behaviour.
- Guidelines on the Usage of CCTV Cameras in the School

Links to curriculum

The data stored in relation to students on work experience will be kept securely by the programme co-ordinators.

Implementation Arrangements, Roles and Responsibilities

The Principal will ensure that all policies are brought to the attention of Year Heads, Teachers and Secretarial Staff. It is then the duty of each individual within the School community to read these policies closely and ensure that they are familiar with the policies and can comply with same.

The Principal will be responsible for maintaining and updating student records. The Principal may delegate these duties to other appropriate members of staff. Other school personnel may update student records with the approval and sanction of the Principal.

The policy will be revised as necessary taking cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the NEWB), legislation and feedback from parents/guardians and school staff.

This policy was adopted by the Board of Management on _____ [date].

Signed: _____ Signed: _____

(Chairperson of Board of Management) (Principal)

Date: _____

Date: _____