



Gaelscoil Naomh Pádraig

Data Protection and Record-keeping Policy **2021**

As per Article 40.3.1 in the Irish Constitution:-

'The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen'

Introduction:

Gaelscoil Naomh Pádraig promotes openness and co-operation between staff, parents and pupils as a means towards providing a caring environment through which a child can develop and grow to his or her full potential.

This can best be achieved where there is openness, transparency and co-operation between staff, parents, pupils and other stakeholders.

This policy was formulated by Staff and Board of Management of Gaelscoil Naomh Pádraig to identify the records required to be retained by the school to achieve this and to ensure confidentiality and manageable procedures in relation to access to such records by parents, pupils and stake holders and the safe storage of such data.

This policy was updated to reflect the General Data Protection Regulations (GDPR) active from May 25th 2018.

Should there be any discrepancy between the Irish and English version of this policy, it is accepted that the Irish is the correct version and is the first point of reference and the English version is provided as a translation.

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 good practice to record pupil progress so as to identify learning needs;
- A policy must be put in place to ensure a school complies with legislation and departmental circulars such as;
 1. Education Act, Section 9 (g) requiring a school to provide access to records to students over 18 and their parents
 2. Education Welfare Act 2000 – including provisions requiring a school to report school attendance, the transfer of pupils to other schools and communications with the Education Welfare Officer
 3. Data Protection Act 1998 and the Data Protection (Amendment) Act 2003
 4. General Data Protection Regulation (GDPR) 2018
 5. Circular Letter 0056/2011-regarding the implementation of the National Literacy and Numeracy Strategy regarding Assessment
 6. Circular Letter 0024/2013-regarding the online claims system in recognised primary schools
 7. 0025/2015 Primary Online Database (POD)

Aims/Objectives:

- To establish a clear understanding in consultation with staff and management as to the type of staff records that are maintained and how such records should be made available;

- To ensure that Gaelscoil Naomh Pádraig complies with legislative requirements regarding the data protection entitlements of pupils, staff and other members of the school community;
- To put in place proper records on the educational progress of pupils thereby enabling parents and staff to support a child's learning in a meaningful and constructive manner and to ensure that eligible pupils benefit from relevant additional teaching and financial supports;
- To report to parents in a meaningful way on the educational progress of their pupils;
- To establish clear guidelines on making these records available to parents, stakeholders and past pupils (over 18);
- To stipulate the length of time records and reports will be retained and the manner in which they will be retained.

The Eight Rules of Data Protection:

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use it and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up to date
6. Ensure that it is adequate, relevant and not excessive
7. Retain the information for no longer than is necessary
8. Give a copy of his/her personal data to the individual on request

Scope

Data: What is meant by data is information collected in a form that can be processed. For the purposes of this policy, it includes automated data (information on computer or information recorded with the intention of putting it on a 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 filing system)

Relevant Filing System: This refers to any set of information that while not computerised, is structured by reference to pupils, staff or partners with whom the school has business, so that specific information relating to a particular individual is readily accessible.

Personal Data: This refers to data belonging to an individual who is identifiable by this data or from any other personal data that is in possession of the Data Protection Officer.

Data Protection Officer: A Data Protection Officer is the individual or staff which controls the contents and the use of personal data. The school Board of Management is considered the data protection officer, with the principal acting on behalf of the Board of Management in exercising the functions involved.

Guidelines:

In acting on behalf of the Board of Management as Data Protection Officer, the Principal assumes the function of data controller and supervises the application of the Data Protection legislation within the school. The data under the control of the Principal comes under the following headings.

(i) Personal Data:

This data relates to personal details of pupils such as name, address, date of birth, gender, nationality, medical details, dietary information, PPSN, contact details and parents' names. Parents/Guardians reserve the right not to disclose details related to ethnic origin/ background or religious beliefs.

These records are retained in both manual form in a locked press in the **Oifig an Rúnaí** and in electronic form **on the school database which is currently Aladdin.**

(ii) Pupil Records:

CT = **Class Teacher**; LSC = **Learning Support Co-ordinator**; SET = **Special Education Teacher**; PO= **Principal's Office**; S = **Secretary**; AL = **Aladdin**; SR = **Staffroom**; DLP = **Designated Liaison Person**

Pupil records may contain:

- Personal data of the student as outlined above (S), (CT) (AL)
- Medical sensitive data (S) (AL) (CT)
- School report cards (CT) (AL)
- Psychological/Clinical/Occupational Therapy/Speech and Language Assessments are held in a locked cabinet in the Lead SET Co-ordinator's office/Resource Teacher's office and/or Principal's office (SET) (P.O)

- Standardized Test Results (CT) (AL)
- Attendance Records (AL) (CT)
- Screening Test such as Middle Infant Test (MIST) and National Reading Intelligence Test (NRIT) (SET) (CT) (AL)
- Teacher – designed tests. Each class teacher designs his/her own test template (CT)
- Diagnostic Tests Reports (SET) (CT)
- Individual Education Plans (SET) (CT)
- Learning Support/Resource Data such as records of permission/refusal to access Learning Support (LS)/ Resource Teaching (RT) services in the school (SET) (P.O)
- Portfolios of student work (CT)
- Relevant family information such as Court Orders re custody etc. (P.O -DLP)
- Records of referrals made to TUSLA regarding any child or records on advice sought from TUSLA are retained by the DLP. Codes are used rather than names regarding these records and they are always kept under lock and key (P.O - DLP) or (DDLDP - in the absence of the DLP)
- Details of behavioural incidents or accidents. (P.O - DLP)
- Photographs/School Tours/use of internet at school - parents/guardians sign a **consent form** when a child becomes enrolled in the school allowing their child access (CT)
- Pupil records are held by each class teacher in a locked filing cabinet. A computerized school database is also used.

All information and all pupil records are shared with class teachers in the best interest of the pupils. Such details are made available on Aladdin to the class teacher and to the SET team - with the exception of Child Safeguarding Referrals.

(iii)Staff Data:

This data relates to personal and professional details of the Staff such as name, address, date of birth, contact details, payroll number, attendance records, qualifications, school records, sick leave, Teaching Council Certificates, Vetting Certificates , Statutory Declaration, Form of Undertaking, Continuous Professional Development, curriculum vitae, school returns, classes taught, and seniority.

Staff records are held in a locked cabinet in the School Secretary's office. The Chairperson the Principal and the School Secretary have access to these records.

(iv) Administrative Data:

This data includes data such as:

- Accident Report Book
- Administration of Medicines Indemnity Form
- Policies

- Health Service Executive files
- Accounts
- Attendance Reports, Registers

These records are retained in both manual form in **Oifig an Rúnaí, oifig an Phríomhoide and in electronic form on the school database which is currently Aladdin.**

(v) Board of Management files:

Board of Management files which may routinely include:

- The names and contact details of each member of the Board
- details of appointments to the Board;
- School accounts, grant payments, school subscription payments etc.
- Minutes of Board meetings
- Correspondence to the board which may include references to individuals

These records are retained in the School Principal's Office. The minutes of Board meetings are held in the Principal's office in manual form. **The Principal, Secretary, Chairperson and the Treasurer have access where appropriate.** Some of these data are stored in electronic form on the principal's computer.

Access to Records:

The following will have access where relevant and appropriate to the data listed above;

- Parents/guardians
- Past pupils over 18
- Health Service Executive
- Designated school personnel (as specified above)
- Department of Education & Skills
- First and second-level schools (where relevant).

Parental authorization must be given in the event of data being transferred to outside agencies such as health professionals etc. Parents/Guardians can make such a request either by email or in writing.

Outside agencies requesting access to records must do so in writing giving seven days notice. The right to erasure or rectification is available to change any mistakes or inaccuracies by proper authorization through the same procedures.

The Annual School Report Form:

A standardized school report form is used which is issued in June of each year.

Storage:

- (i) All pupil records are stored in the school for a number of years until the past pupil reaches the age of 25. These records are stored in a locked room in filing boxes and retained on the school database which is password protected. Computerized records, systems are password protected. (See appendix 1)

- (ii) All staff data is stored indefinitely within the school and/or in line with departmental guidelines (see appendix 1).

- (iii) All other data is stored in line with departmental guidelines;

- (iv) A pupil profile and selection of records are held by each teacher in his/her individual classroom and passed on to the next teacher as the child moves to the next class.

- (v) All completed school roll books are stored in similarly and also electronically

- (vi) All waste paper /printouts are shredded/disposed of carefully before disposal

- (vii) Access to these stored files is restricted to authorized personnel only.

Recommendations regarding Safe storage and retention periods for different information:

Electronic Data Storage: The school's database will be hosted off the premises by a contracted third-party (Currently Aladdin). A limited set of electronic records will be held in the school. The storage appliances for these records will be secured in the building and the storage media encrypted. Back-ups will be made to Aladdin (the off-site cloud based provider). These back-ups will be encrypted in transit (over the Internet to the provider) and at rest (stored on the provider's appliances).

Staff Training:

A staff training session on Data Protection policies and procedures will be delivered/provided every second year.

Data Breach:

Any breach of the school's data protection policies and procedures will result in an investigation by the Board of Management. If the breach results in the loss or leakage of personal data it will be reported to the Data Commissioner within 72 hours, even if the investigation is not yet complete. Breaches that are likely to bring harm to an individual such as identity theft or breach of confidentiality - will also be notified directly to the individuals concerned.

Close Circuit Television (CCTV)

A CCTV system operates on the school grounds in order to enhance the security of the premises.

The recognisable images recorded by CCTV constitute 'personal data' and therefore come under the Data Protection Acts 1988 and 2003.

The Board of Management of Gaelscoil Naomh Pádraig have authorised the use of CCTV in order to protect the school grounds, the school buildings and its contents from vandalism and theft. The system also acts as a measure to enhance the personal security of all authorised persons entering the school grounds.

Accordingly images recorded by the CCTV system shall be retained for one month except where an issue arises in relation to a particular image in which case the image shall be retained until the issue has been investigated or resolved.

Consent for Photographs

Once enrolled, written consent from parents/guardians for pupils to appear in photographs taken at school events with the possibility that they may appear on social media is sought. The consent may be withdrawn at any time by notifying the School Principal in writing.

GSNP Parents Association/Cumann na dTuismitheoirí I nGSNP

The Parents' Association equally have data protection requirements to meet under the guidance of the National Parents Council (NPC).

Success Criteria:

- Compliance with Data Protection Act and Statute of Limitations Act
- Easy access to records

- Framework in place for ease of compilation and reporting
- Manageable storage of records.

Roles and 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, particularly the records of students transferring to another school.

Implementation Data:

This revised policy is effective from _____.
All records held from before that date will continue to be maintained in the school in compliance with the retention of records periods specified in Appendix 1.

Review/Ratification/Communication:

This policy was ratified on _____.
The policy will be available on the school website and through the office. It will be reviewed every year and amended if necessary.

Liam Breathnach _____
(Príomhoide)

Brian Ó Fiaich _____
(Cathaoirleach)

Appendix 1:

Recommendations regarding Safe storage and retention periods for different information.

PUPILS	RETENTION PERIODS
(1) School Register / Roll Books	Indefinitely
(2) Enrolment Forms	Hold until Pupil is 25 Years
(3) Disciplinary notes	Hold until Pupil is 25 Years
(4) Test Results– Standardised	Hold until pupil is 25 Years
(5) Psychological Assessments etc	Hold until Pupil is 25 years
(6) SEN Files/IEPS	Hold until pupil is 25 years
(7) Accident Reports	Never Destroy
(8) Child Protection Reports / Records	Hold until pupil is 25 years
(9) S.29 Appeals	Hold until pupil is 25 years
INTERVIEW RECORDS FOR STAFF	RETENTION PERIODS

Interview Board + Marking Scheme + Board of Management notes (for unsuccessful candidates)	18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is taken
STAFF RECORDS	RETENTION PERIODS
Contract of Employment, Teaching Council Registration, Vetting Records etc Accident / Injury at work Reports	Retention for duration of employment + 7 years (6 years to make a claim against the school plus 1 yr for proceedings to be served on school)
BOARD OF MANAGEMENT RECORDS	RETENTION PERIODS
BOM Agenda and Minutes	Indefinitely
CC TV Recordings	28 days normally. In event of criminal investigation – as long as is necessary
Payroll & Taxation	Revenue require a 6 year period after the end of the tax year
Invoices / receipts	Retain for 7 Years
Audited A/C's	Indefinitely
<p><i>Why in certain circumstances does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age? The reasoning is that a pupil reaches the age of majority at 18 years and that there should be a 6 year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time barred.</i></p>	

