



*St George's
National School*

Data Protection Policy

Introductory Statement

The school's Data Protection Policy applies to the personal data held by the school which is protected by the General Data Protection Regulation 2017.

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.

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 General Data Protection Regulation 2017:

1. Obtain and process information fairly
2. Keep it only for one or more specified explicit and lawful purpose.
3. Use and disclose it only in ways compatible with the purposes for which it was initially given
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 it for no longer that is necessary for the purpose or purposes for which it was initially given
8. Give a copy of their personal data to an individual on request.

Rationale

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the General Data Protection Regulation 2017.

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.

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 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.

Relationship to characteristic spirit of the School

St George's School is under the patronage of the Church of Ireland and as such will preserve and develop the religious character of the school in accordance with the ethos of the Church. It promotes Christian values through the inclusion of all children and by supporting each child to achieve their potential.

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 while fully respecting individuals' rights to privacy and rights under the General Data Protection Regulation 2017.

Scope

Purpose of the Policy: The General Data Protection Regulation 2017 applies to the keeping and processing of *Personal Data*, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated.

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.

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.

Data Controller for the purpose of this policy is the board of management, of St George's National School.

Consent to store data

Student Data: consent to store data and transfer data is given by signing Data Protection Statement (Appendix A) on enrolment.

Staff and Board of Management Data: consent to store data is given by signing staff Data Protection Statement on commencement of contract.

Personal Data held by our school

The *Personal Data* records held by the school include: staff records, student records (including details on the parent's / guardian's) and members of the board of management.

Storage and Security: All of these records including sensitive data will be stored securely in locked filing cabinets in the Principal's Office which is locked when unattended. 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.

The data stored on the Aladdin database is encrypted and secure. All laptops are password protected, folders on laptops are password protected, laptops have BIOS password. The laptops are locked away at night.

A. Staff records:

- (a) **Categories of staff data:** As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:
- Name, address and contact details, PPS number
 - Original records of application and appointment to promotion posts
 - Details of approved absences (career breaks, parental leave, study leave etc.)
 - Details of work record (qualifications, classes taught, subjects etc.)
 - Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
 - Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).
- (b) **Purposes:** Staff records are kept for the purposes of:
- the management and administration of school business (now and in the future)
 - to facilitate the payment of staff
 - 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. Student records:

- (a) **Categories of student data:** These 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. These records may include:
 - name, address and contact details, PPS number
 - date and place of birth
 - names and addresses of parents/guardians and their contact details (including any special arrangements regarding 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)
 - Psychological, psychiatric and/or medical assessments
 - Attendance records
 - Photographs and recorded images of students
 - Results of Standardised Tests
 - Irish Exemptions
 - Records of disciplinary issues/investigations and/or sanctions imposed
 - Garda vetting outcome record (where the student is engaged in work experience organised with or through the school which requires that they be Garda vetted)

- 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

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

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching
- 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, compile yearbooks, 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
- to furnish, 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
- In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the School will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer.

C. 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.

D. Other records:

Creditors

(a) **Categories of data:** the school may hold some or all of the following information about creditors (some of whom are self-employed individuals):

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid.

(b) **Purposes:** This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

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

- (d) **Security:** Identify the format in which these records are kept e.g. manual record (personal file within a relevant filing system), computer record (database) or both. [Describe applicable security measures, e.g. locks, padlocks, password protection, firewall software, adequate levels of encryption etc.]

Transfer to Third Parties – Legal Basis

Implementation of this policy takes into account the school's other legal obligations and responsibilities. All sharing of data to the above organisations should be noted in individual files so any subsequent corrections of data can be advised to said organisations. The transfer of data to other Government Departments should comply with "Protection of the Confidentiality of Personal Data Guidance Notes" 2008.

Some of these legal obligations to transfer data to third parties:

- Transfer of records to new 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
- Supply of data to DES, TUSLA, NCSE 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)
- Supply of data on Children with Special Educational Needs to NCSE - 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 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
- Details to be supplied to HSE for Dental Inspection - 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 which has served a notice on it of medical inspection, e.g. a dental inspection
- Reporting of Child Protection matters - 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 to An Garda Síochána in an emergency.

Legal Basis for giving access to student's own records

- Access to Students own Records - 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

Legal Basis for storing data on Students

There are six lawful bases listed in Article 6:

- 6(1)(a) – Consent of the data subject
- 6(1)(b) – Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- 6(1)(c) – Processing is necessary for compliance with a legal obligation
- 6(1)(d) – Processing is necessary to protect the vital interests of a data subject or another person
- 6(1)(e) – Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- 6(1)(f) – Necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject

Other relevant legislation

- Need to maintain register of students - Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School
- Maintain attendance records - 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

CCTV images/recordings

- Categories:** CCTV is installed in some schools, externally i.e. perimeter walls/fencing and internally as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.
- Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.
- Location:** Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in the secretary's office.
- Security:** Access to images/recordings is restricted to the principal & deputy principal of each school. 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.

Links to other policies and to curriculum delivery

Our school policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place or being developed or reviewed, shall 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
- Mobile Phone Code
- Admissions/Enrolment Policy
- CCTV Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE/CSPE etc.
- Special Educational Needs Policy

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) be informed
- (b) access
- (c) be forgotten
- (d) rectification
- (e) restrict processing
- (f) data portability
- (g) compensation and liability.

Dealing with a data access requests

All requests to data must be in writing on the Data Access Request Form. (Appendix B)

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.

Section 4

The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions outlined above)

Request must be responded to within 40 days

Fee may apply but cannot exceed €6.35

Some information is exempt. Third party information must be redacted.

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.

Breach of Data Protection

All data protection breaches must be notified to the data protection commissioner

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 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

Ratification & communication

When the Data Protection Policy has been ratified by the board of management, it becomes the school's agreed Data Protection Policy. It should then be dated and circulated within the school community. The entire staff must be familiar with the Data Protection Policy and ready to put it into practice in accordance with the specified implementation arrangements. It is important that all concerned are made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students should be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Policy as part of the Enrolment Pack, by either enclosing it or incorporating it as an appendix to the enrolment form.

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.

At least one annual report should be issued to the board of management to confirm that the actions/measures set down under the policy are being implemented.

Reviewing and evaluating the policy

The policy should be reviewed and evaluated at certain pre-determined times and as necessary. On-going review and evaluation should take 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, students, school staff and others. The policy should be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Signed:

For and behalf of board of management

Date:

Appendix A
Data request form:

Dear...

I wish to make an access request under Article 15 of the General Data Protection Regulation (GDPR) for a copy of any information you keep about me, on computer or in manual form in relation to...

Child's Name _____ DOB _____

Signed: _____ Date _____

Parent/guardian

Please be as specific as possible in relation to the personal data you wish to access. You may be asked to provide evidence of your identity. This is to make sure that personal information is not given to the wrong person.

Appendix B

Data Protection Statement for inclusion on relevant forms when personal information is being requested

The information collected on this form will be held by St George's NS school in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is. *for administration, to facilitate the school in meeting the student's educational needs etc.*

Disclosure of any of this information to statutory bodies such as the Department of Education and Science or its agencies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians or students aged 18 or over if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of students and students aged 18 or over have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

Signed Parent/Guardian: _____

Signed Student: _____