



## **Holy Cross National School**

# **DATA PROTECTION STATEMENT**

This policy was recently formulated by Staff and Board of Management of Holy Cross National School. The purpose of the policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by parents and stakeholders.

### **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 such as;
  - o Education Act, Section 9g requiring a school to provide access to records to students over 18 /parents
  - o Education Welfare Act - requiring a school to report school attendance and transfer of pupils
  - o Data Protection Acts 1998-2003.

### **Relationship to School Ethos**

Holy Cross National School promotes openness and co-operation between staff, parents and pupils as a means towards providing the caring environment through which a child can develop and grow to full potential.

### **Aims/Objectives**

- ❖ To ensure the school complies with legislative requirements
- ❖ To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies
- ❖ To put in place a proper recording and reporting framework on the educational progress of pupils
- ❖ To establish clear guidelines on making these records available to parents and pupils over 18
- ❖ To stipulate the length of time records and reports will be retained

### **Guidelines**

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

#### ***Personal Data***

This data relates to personal details of the students such as name, address, date of birth, gender, ethnic origin, nationality, religious belief, medical details, dietary information, PPSN. It does not include parents and guardian's details. These are kept in the Administration Office in hard copy format and on computer by the school.

**Note:**

- ❖ The school cannot request a PPS number for the purpose of expressions of interest in enrolment of pupils i.e. at pre-enrolment stage
- ❖ The school can request a PPS number for actual enrolment purposes itself
- ❖ All SEN applications must be accompanied by the personal details of a pupil, including PPS number.

Individuals have a number of rights in relation to their personal information – i.e. personal data – and these rights have been enhanced by the General Data Protection Regulation (GDPR). This Data Protection Statement describes how we at **Holy Cross National School** collect and process personal data, in accordance with the GDPR and the school's legal obligations generally in relation to the provision of education. Processing is the legal term used to describe various acts including - the collection, recording, organisation, structuring, storage, alteration, use of, retrieval, disclosure or transmission of information.

This Statement applies to pupils, parents and guardians. By enrolling your child in and/or by attending **Holy Cross National School** you acknowledge and agree to the collection and processing of personal information by the school.

For your information this Statement outlines:

- Who we are and how to contact us;
- What information we collect, process and retain;
- How information is collected and processed and the purpose and legal basis for so doing;
- Sharing information with third parties;
- Individual legal rights.

## **1. WHO WE ARE AND HOW TO CONTACT US**

**Holy Cross School** is a data controller responsible for personal data - i.e. information relating to an identified or identifiable natural person. **Holy Cross National School** processes personal data, i.e. the school collects, records, stores, retains and uses personal data. **Holy Cross National School** will respond to your questions in relation to this data protection statement and our approach to privacy.

If you have any questions about this data protection statement, including any request to exercise your legal rights, please contact us by email: [info@firodaschool.ie](mailto:info@firodaschool.ie)

## **2. INFORMATION COLLECTED**

### ***Student Records***

Student records are held in the administration office. Student records contain:

- ❖ Personal details of the student
- ❖ School report cards
- ❖ Psychological Assessments (if any)
- ❖ Standardised Test Results
- ❖ Attendance Records
- ❖ Screening Test such as MIST and BIAP
- ❖ Teacher - designed tests. Each class teacher designs his/her own test template
- ❖ Diagnostic Tests Reports

- ❖ Individual Education Plans
- ❖ Learning Support/Resource Data such as records of refusals to allow children access to LS/RT services in the school
- ❖ Portfolios of student work e.g. Art
- ❖ Staff Data - name, address, date of birth, contact details, payroll number, pension details, attendance records, qualifications, school records, etc.
- ❖ End of year student reports cards.
- ❖ Blended Learning Information, i.e. Seesaw access codes
- ❖ Student engagement with Seesaw information

#### ***Administrative Data***

- ❖ Attendance Reports, Roll Book, Registers
- ❖ Accident Report Book
- ❖ Administration of Medicines Indemnity Form

#### **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
- ❖ Department of Education and Skills
- ❖ First and Second level schools (where relevant)
- ❖ Tusla/the Child and Family Agency
- ❖ *The National Council for Special Education*
- ❖ *National Educational Psychological Service (NEPS)*
- ❖ *Department of Social Protection and/or other state benefit providers*
- ❖ *An Garda Síochána*
- ❖ *School Insurance Provider*
- ❖ *Third Party Service Providers:* We may share personal information with third party service providers that perform services and functions at our direction and on our behalf such as our accountants, IT service providers including, printers, lawyers and other advisors, and providers of security and administrative services, including data processing / cloud storage service providers
- ❖ Castlecomer Parish Office
- ❖ GP

A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies such as health professionals etc. Outside agencies requesting access to records must do so in writing giving seven days' notice. Parents/Guardians can make such a request either by phone or in writing.

The Annual School Report format and its communication to parents are outlined clearly in our schools Pupil Profiling/Reporting on Pupils Policy. A standardised school report form is used which is issued to the parents in the weeks coming up to the school holidays so that parents can meet with teachers to discuss the content of the reports.



**Holy Cross National School** may collect the following personal information on pupils and parents/guardians:

**(i) Pupil Information**

- Personal details such as name, address, date of birth, gender, PPS number, nationality, emergency contact information and information in relation to the pupil's family as may be required,
- Any Special Education Needs (SEN),
- Any Child Protection information,
- Academic records, school reports, pupil learning needs, pupil behaviour needs, permission for access to educational reports, individual education and learning support plans,
- Personal pupil profiles (including whether English is the pupil's first language or if exempt from any subjects e.g. Irish or religion),
- Psychological referral/assessment documentation and permission for access to psychological reports,
- Information for the Primary Online Database (POD),
- Information for Special Educational Needs Organiser (SENO),
- Information for TUSLA (the Child and Family Agency) and/or the Health Service Executive (HSE),
- Attendance records and explanatory notes in relation to absences,
- Disciplinary records including notes that may be held by the teacher(s), incident and accident reports, investigations and sanctions if imposed,
- Permission notes in respect of school activities e.g. school tours/trips and outings, extra-curricular activities, (including Curricular, RSE/Stay Safe Programme(s)),
- Photographs and recorded images of pupil(s) (including at school events),
- Blended learning information, i.e. Seesaw access codes

**(ii) Sensitive Personal Information – Pupils Holy Cross National School may collect and process the following special categories of more sensitive personal information such as:**

- Information about pupil's health, medical certificates, medical needs, allergies and consent for administration of medicine,
- Religious belief and confirmation of engagement or not in Religious Sacraments,

**(iii) Parent / Guardian Information**

**Holy Cross National School** may collect and process the following personal information from parents/guardians such as:

- Contact details of parent / guardian e.g. name, address, email address, telephone number(s)
- Information regarding legal orders in respect of any family law disputes in respect of guardianship, custody or access,
- Occupation and nationality,
- Number of children, position of pupil(s) in family,
- Consent in respect of medical/other emergencies,

- Consent in respect of school activities, e.g. school tours/trips and outings, extra-curricular activities,
- Consent to publish photographs and schoolwork of pupils on school website / print media etc,
- Records, correspondence or notes arising from interaction with Parents / Guardians.

### 3. **PURPOSE & LEGAL BASIS FOR COLLECTING & PROCESSING INFORMATION**

**Holy Cross National School** collects and processes personal information (as listed above) about pupils and parents / guardians for a variety of purposes and relies on a number of legal grounds to do so. **Holy Cross National School** requires this information to perform our duties and responsibilities and to comply with our legal and statutory obligations. In addition, **Holy Cross National School** requires this personal information to pursue the legitimate interests of the school and our dealings with relevant third parties (see below). The legitimate interests upon which we rely, is the effective operation and management of **Holy Cross National School** and managing the education and welfare needs of our pupils. **Holy Cross National School** processes personal data on the basis of the following lawful purposes:

#### a) **Legal Obligation**

**Holy Cross National School** collects and process personal information to comply with our legal and statutory obligations, including, but not limited to those under the Education Act 1998 (as Amended), the Education (Welfare) Act 2000, the Education for Persons with Special Needs (EPSEN) Act 2004, the Health Act 1947, the Children First Act 2015, the Child Protection Procedures for Primary and Post-Primary Schools 2017, the Teaching Council Acts 2001-2015 and Safety Health and Welfare at Work legislation

#### b) **Legitimate Interests**

**Holy Cross National School** may also process information in order to:

- Enable Pupils to develop to their full potential and meet the educational, social, physical and emotional requirements of the pupil,
- Enable Parents and Guardians to be contacted in the case of emergency, school closures and to inform Parents and Guardians of their child's educational progress,
- Secure and benefit from the support and services of relevant third parties.

#### c) **Consent**

**Holy Cross National School** may sometimes process some of the pupils' personal information with consent, e.g. photograph which may be displayed on the school's website or in the print media. Please note that consent can be withdrawn at any time by contacting the school.

### 4. **HOW PERSONAL INFORMATION IS COLLECTED**

#### (i) **Pupils**

**Holy Cross National School** collects personal information about pupils through the enrolment process and/or through expressions of interest in relation to enrolment. Additional information is collected from third parties, including former schools and through school activities and general interaction(s) during the course of the pupil's time at **Holy Cross National School**.

(ii) **Parents and Guardians**

**Holy Cross National School** collects personal information about parents and guardians through the enrolment process or expressions of interest for enrolment. We collect additional personal information through general interaction during the course of the pupil's time at **Holy Cross National School**.

**5. INFORMATION AND THIRD PARTIES**

**Holy Cross National School** may receive from, share and/or transfer information to a range of third parties such as the following:

- ***The Department of Education and Skills***
- ***TUSLA / the Child and Family Agency***
- ***The National Council for Special Education***
- ***National Educational Psychological Service (NEPS)***
- ***Department of Social Protection and/or other state benefit providers***
- ***An Garda Síochána***
- ***School Insurance Provider***
- ***Third Party Service Providers:*** We may share personal information with third party service providers that perform services and functions at our direction and on our behalf such as our accountants, IT service providers including, printers, lawyers and other advisors, and providers of security and administrative services, including data processing / cloud storage service providers e.g. Sales Pulse
- ***H.S.E***
- ***Castlecomer Parish Office***
- ***GP's***
- ***Post Primary Schools***

**6. DATA RETENTION**

Records are kept for a minimum of 7 years. The raw score, stens and percentiles are kept on record until past pupils reach adulthood.

A pupil profile is held by each teacher in his/her individual classroom and passed on to the next teacher as the child moves to the next class.

As children pass to second level their personal records are stored in the school for a period of time (7 yrs minimum). All completed school roll books are stored in addition to samples of children's work and pupil profiles. Access to these stored files is restricted to authorised personnel only. For computerised records, systems are password protected.

Access codes and information regarding blended learning are kept by individual teachers.

We will only retain personal information for as long as it is necessary to fulfill the purposes the information was collected for, including any legal, accounting or reporting requirements.

**[Information re school retention periods can be expanded on here as necessary – school to complete]**

**7. TRANSFER OF PERSONAL INFORMATION OUTSIDE THE EUROPEAN UNION**

**Holy Cross National School** may transfer the personal information we collect to countries outside the EU. Where there is no adequacy decision by the European Commission in respect of any such country that means that that country is deemed not to provide an adequate level of

protection for your data. However, to ensure personal information does receive an adequate level of protection we will in such circumstances put in place appropriate measures such as the use of model contractual clauses as approved by the European Commission to ensure personal information is treated by those third parties in ways that are consistent with respect to EU and Irish Laws on Data Protection.

## **8. INDIVIDUAL RIGHTS**

Individuals have several rights under GDPR which in certain circumstances are limited and/or constrained. These individual rights include the right– free of charge and subject to any limitations as may apply – to:

1. Request a copy of the personal information held about the individual;
2. Rectify any inaccurate personal data held about the individual;
3. Erase personal information held about the individual;
4. Restrict the processing of individual personal information;
5. Object to the use of individual personal information for our legitimate interests;
6. Receive individual personal information in a structured commonly used and machine-readable format and to have that data transmitted to another data controller.

If you wish to exercise any of these rights please contact us at the school at [info@firodaschool.ie](mailto:info@firodaschool.ie)

**Holy Cross National School** will endeavour to respond to your request within a month. If we are unable to deal with your request within a month we may extend this period by a further two months and we will explain why.

You also have the right to lodge a complaint to the office of the Data Protection Commission.

### **Success Criteria**

- Compliance with Data Protection Acts 1998-2003
  - Compliance with Statute of Limitations Act 1957-2000
  - 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 new policy is effective from September 2020. All records held from before that date will continue to be maintained.

### **Review /Ratification/ Communication**

This policy was ratified and communicated in a Board of Management meeting. It will be reviewed at the end of the next school year and amended if necessary.

**References:**

Education Act 1998

Education Welfare Act 2000

Data Protection Act 2003 Freedom of Information Act 1997

**Ratification and Review**

This policy was formally ratified by the Board of Management on 11/5/23

Signed: Michael Ryan. Chairperson, BoM Date: 11/5/23

Signed: Atish Datta Principal Date: 11/5/23

**9. UPDATES**

We will update this data protection statement from time to time. Any updates will be made available and, where appropriate notified to you.