



DATA PROTECTION POLICY

Introductory Statement:

Scoil Cholmcille's Data Protection Policy applies to the **personal data** held by the school's Board of Management (B.O.M.), which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR).

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 special categories of personal data will be protected by the school.

Scoil Cholmcille operates a "**Privacy by Design**" method in relation to Data Protection. This means we plan carefully when gathering personal data so that we build in the **data protection principles** as integral elements of all data operations in advance. We audit the personal data we hold in order to:

- (1) be able to provide access to individuals to their data
- (2) ensure it is held securely
- (3) document our data protection procedures
- (4) enhance accountability and transparency.

Data Protection Principles

The school Board of Management (B.O.M.) 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 B.O.M. is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Process it only in ways compatible with the purpose for which it was given initially
4. Use and disclose it in ways compatible with these purposes
5. Keep it safe and secure
6. Ensure it is adequate not excessive
7. Retain no longer than is necessary
8. A copy of the data must be made available to the data subject on request.

The fundamental principle of data processing is that data will be obtained and processed fairly.

This provision requires that at the time of providing personal information, individuals are made fully aware of:

1. The identity of the persons who are collecting it (though this may often be implied)
2. To what use this information will be put
3. The persons or category of persons to whom the information will be disclosed.

Scope:

The purpose of this Data Protection Policy is to comply with The Data Protection Acts 1988 to 2018 and GDPR which guide to the keeping and processing of *Personal Data*. 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.

Scoil Cholmcille's Data Protection Policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on both school staff and students. This policy applies to all school staff, the Board of Management, parents/guardians, students and others insofar as the measures under the policy relate to them.

Data Protection Terms

Data – means information in a form that can be processed

Personal Data – means any data relating to an identified or identifiable natural person

Data Controller – is the Board of Management (BOM)

Rationale:

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts 1988 to 2018 and the GDPR.

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 factual 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.

A policy must be put in place to ensure a school complies with legislation such as;

- Data Protection Acts 1998 to 2018
- EU Data Protection Directive 95/46/EC
- EU GDPR 2018
- Education of Persons with Special Educational Needs Act 2004
- Education Act 1998
- Education Welfare Act 2000
- The Health Act 1947
- The National Strategy to improve Literacy and Numeracy among Children and Young People 2011 – 2020
- Children First Act 2015

Relationship to characteristic spirit of the school

Scoil Cholmcille seeks to:

- enable students to develop their full potential
- provide a safe and secure environment for learning
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

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/missions while fully respecting individuals' rights to privacy and rights under the Data Protection legislation.

Aims/Objectives:

- To ensure the school complies with the Data Protection Acts
- To ensure compliance by the school with the rules of data protection as set down by the Data Protection Commissioner based on the Acts
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

Guidelines:

The Board of Management 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.

A. Personal Data:

This data relates to personal details of the students such as name, address, date of birth, gender, family status, parents' place of employment, ethnic origin, nationality, religious belief, medical details, dietary information, PPSN, home telephone and mobile contact details. It also includes the names of students' parents/guardians. This information is included in the School Enrolment Form. These forms are kept in the Secretary's Office.

Information such as name, address, contact numbers and registration numbers on pupils is stored in both hard and soft copy format.

Student Records:

Student records outlined below are held by each class teacher and also in the Secretary's Office.

Such student records contain;

- Information which may be sought and recorded at enrolment, including:
 - name, address and contact details, PPS number
 - names and addresses of parents/guardians and their contact details
 - religious belief
 - racial, ethnic or national origin
 - membership of the Traveller community, where relevant
 - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record
- Psychological assessments
- Attendance Records
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Records of disciplinary issues and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.

Format:

The following student records **(A)** are stored securely in the Principal's Office:

- Psychological Assessments
- Assessment results carried out by professionals to assist teaching and learning (e.g. results of psychiatric reports; occupational therapy reports; speech and language assessments; etc.)
- Records of students who have been granted exemption for the study of Irish
- Child Protection concerns and HSE referrals
- Minutes of HSE Child Protection Conferences.

The following student records **(B)** are stored securely by teachers in their classrooms:

- Standardised Test Results
- Screening Tests
- Diagnostic Tests Reports
- Pupil Support Plans and records of meetings with the parents/others regarding these plans.

Purpose for keeping student records may include:

- to enable each student to develop his/her full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports

- to support the provision of religious instruction
- to meet the educational, social, physical and emotional requirements of the student
- to enable parent/guardians to be contacted in the case of emergency etc.

Location and Security procedures:

- All manual student records (A) are stored securely in the Principal's Office within a personal file in a 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.
- All manual student records (B) are stored securely in the relevant teacher's classroom.

Students' Attendance Records:

Pupils' attendance will be recorded and stored on the Aladdin software administration system. This system is password protected and is accessed by the Secretary and the Principal. Teachers can access their own class records in any given year. These class records are password protected.

Staff Records:

Staff records may include:

- Name, address and contact details, PPS number
- 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 continuing professional development (CPD)
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.

Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.

Purpose for keeping staff records may include:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- 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.

Location and Security procedures:

All manual staff records are stored securely in the Principal's Office within a personal file in a locked filing cabinet. Attendance details are recorded on the OLCS system, are password protected and are accessed by the Secretary, the Principal and the Chairperson of the Board of Management if necessary.

B. Board of Management records

These may include:

- Name, address and contact details of each member 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
- Minutes, reports and correspondence relating to the Board of Management are kept in the Principal's office. Child Protection matters reported to the Board will not identify a pupil by name except in exceptional circumstances.

Purpose for keeping Board of Management records may include:

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.

Location and Security procedures:

- Manual records are kept in a secure, locked filing cabinet in principal's office and only accessible to personnel who are authorised to use the data.
- Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.

C. Administrative Data:

- Attendance Reports, Roll Book, Registers (kept in Principal's Office)
- Class files; Pupil Profile files (kept with relevant teacher)
- Enrolment applications; baptismal certificate copy (where applicable); birth certificate copy, passport copy if necessary (kept in secretary's office)
- Correspondence between parents and teachers (kept with relevant teacher)
- Accident Report Book detailing injury and treatment applied (kept in secretary's office)
- Administration of Medicines Indemnity Forms (kept in Principal's Office)
- Records of books rented under book-rental scheme and books borrowed from mobile library (kept with relevant class teacher)
- Pupil behavior records and Records of allegations/ incidents of bullying and alleged bullying;(manually recorded notes), (kept in Principal's Office)
- Records kept in line with Children First Procedures (Child Protection) (kept in Principal's Office).

The Annual School Report format and its communication to parents are outlined clearly in our schools Assessment Policy. A standardised school report form is used, which is issued by hand in June to all parents along with results of standardised testing of pupils from 1st to 6th classes.

Storage:

Pupil's records are securely stored in the Principal's Office.

All completed school Roll Books, Registers and Leabhar Tinrimh are stored in same location together. These are required to be kept indefinitely within the school.

Accident Report Books are safely stored in secretary's office.

Incident/Bullying Report Books are stored in the principal's office.

Access to these stored files is restricted to authorised personnel only. For computerised records, systems are password protected.

Transfer of Student Records:

A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies, including other Primary Schools and Secondary Schools. When a pupil transfers to another Primary School the new school will notify the original school and the original school will transfer records of attendance and educational progress to them. A standard School Report Form is used for this purpose.

Requesting Data

Any Data Subject about whom the school holds personal data has a right to find out, free of charge, if a person (an individual or an organization) holds information about him/her. The data subject also has a right to be given a description of the information and to be told the purpose(s) for holding the information.

Applications for the release of data should always be in writing and should state the purpose for which it is required.

Data protection legislation allows exemptions in relation to schools providing, or 'disclosing', information to:

- a) The Gardaí
- b) The Revenue Commissioners
- c) Department of Social Protection (DSP)
- d) Applications on foot of a court order
- e) Tusla (Child and Family Agency)

Success Criteria:

- Compliance with Data Protection Act and Statute of Limitations Act
- Ease of 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. The Principal will ensure that records are maintained and securely stored.

How Long Must Schools Retain Data

Pupil-related	Retention Periods
School register/roll books	Indefinitely
Enrolment forms	Hold until pupil is 25 years
Disciplinary notes	Never destroy
Test results – standardized	Hold until pupil is 25 years
Psychological assessments etc.	Never destroy
SEN files/Support Plans	Never destroy
Accident reports	Never destroy
Child protection reports/records	Never destroy
S.29 appeals	Never destroy
Interview Records	Retention Periods
Interview Board	18 months from close of competition
Marking scheme	Plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken
Board of Management notes (for unsuccessful candidates)	
Staff Records	Retention Periods
Contract of employment	Retention for duration of employment + 7 years
Teaching Council registration	
Vetting Records	(6 years to make a claim against school plus 1 year for proceedings to be served on school)
Accident/Injury at work reports	
BoM Records	Retention Periods
BOM agenda and minutes	Indefinitely
CCTV recordings	28 days normally. In the event of a criminal investigation – as long as is necessary
Payroll and taxation	Revenue require a 6-year period after the end of the tax year
Invoices/receipts	Retain for 7 years
Audited accounts	Indefinitely

Implementation

This policy was implemented in May 2018.

Review/Ratification/Communication:

The yearly review of this policy was undertaken by the In School Management Team in June 2019 and ratified by the Board of Management on 25.06.2019

Signed: *Francis Conaghan*

Signed: *Nicola McCarthy*

Chairperson of the Board of Management

Principal/Secretary to Board of Management