



Coláiste Chú Chulainn
Cúram. Forbairt. Feabhas.

Data Protection Policy

Coláiste Chú Chulainn, Dundalk, Co. Louth

Data Protection Policy

1. Scope

The school's Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003.

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.

2. Rationale

The rationale and 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. 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. It outlines the steps that the school takes to safeguard personal data.

- The school has a legal responsibility to comply with the Data Protection Acts, 1988 and 2003.
- 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
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the 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
- 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 School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, the TUSLA, 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)

- 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 (and its employees, which would include Special Educational Needs Organisers (“SENOs”)) such information as the Council may from time to time reasonably request
- 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 in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

In addition to meeting statutory regulations, 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.

3. Objectives

This policy is intended to:

- 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.
- ensure that the School complies with the Data Protection Acts.
- 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.
- ensure that the data protection rights

4. 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.

Data Controller for the purpose of this policy is the board of management, Coláiste Chú Chulainn, with the Principal acting on its behalf in exercising the functions involved.

DES The Department of Education and Skills

Relevant filing system

means any set of information that, while not necessarily 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.

5. 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, data is held in line with the principles of data protection set out in the Data Protection Acts which can be summarised as follows:

- **Obtain and process *Personal Data* fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** The School will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.
- **Process it only in ways compatible with the purposes for which it was given initially:** Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.
- **Keep *Personal Data* 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. Portable devices storing personal data (such as laptops) should be encrypted and password protected before they are

removed from the school premises. 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.

- **Keep Personal Data accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should inform the school 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 to the relevant records. 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) to be made to any original record/documentation should be dated and signed by the person making that change.
- **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.
- **Retain it no longer than is necessary for the specified purpose or purposes for which it was given:** 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. 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 employees. 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/or civil law.
- **Provide a copy of their *personal data* to any 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.

6. Categories and purpose of retention of Personal Data and Sensitive Personal Data

It is the aim of the school community of Coláiste Chú Chulainn to provide a comprehensive education in which every member of the community is encouraged to learn develop and attain excellence.

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 Acts.

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):

6.1 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, 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.

(c) **Location:** Manual records are stored in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Digital data records will be password-protected. Employees are required to maintain the confidentiality of any data to which they have access.

6.2 Student records

(a) **Categories of student data:** These **may** 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 with regard to 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 (including at school events and noting achievements). See the template “Guidance on Taking and Using Images of Children in Schools”
- 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
- Garda vetting outcome record (where the student is engaged in work experience organised with or through the school/ETB 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 (subject to the DES Child Protection Procedures).

(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 or financial supports
- to support the provision of religious instruction
- 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. Such records are taken and used in accordance with the school’s “Guidance for Taking and Using Images of Students in Schools”.
- to ensure that the student meets the school’s admission criteria
- to ensure that students meet the minimum age requirements for their course,
- to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
- 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.

- (d) **Location:** Manual records are stored in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Digital data records will be password-protected. Employees are required to maintain the confidentiality of any data to which they have access.

6.3 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.
- (c) **Location:** In a secure, locked filing cabinet and that 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.

6.4 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 a relevant filing system), and/or 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 other 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. These include class, mid-term, annual, continuous assessment, mock and state examinations. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables.

Recorded Images/CCTV

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. [Please refer to policy and statement of usage in relation to CCTV for further information].

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.

7. Access to Data

Data in this school will be processed in line with the data subjects' rights.

Data subjects have a right to:

- (a) Request access to any data held about them by a data controller
- (b) Prevent the processing of their data for direct-marketing purposes
- (c) Ask to have inaccurate data amended
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

7.1 Dealing with a data access requests

An individual over 18 years or a parent or guardian of a minor 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.

Individuals are entitled to a copy of their personal data on written request.

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)

- Request must be responded to within 40 days
- Fee may apply but cannot exceed €6.35
- Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.
- No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

7.2 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.

7.3 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.

8. Links to other school policies and curriculum

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
- ICT Acceptable Usage Policy
- Pastoral Care Policy

Links to curriculum

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

9. 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 made available to parents on request and will be included on the school website.

9.1 Personnel

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 |

10. 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.

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

11. 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 TUSLA), 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.

By and on behalf of Board of Management

Date

Principal

Date



Coláiste Chú Chulainn
Cúram. Forbairt. Feabhas.

Policy ratification

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|---------|------------------------|
| Policy: | DATA PROTECTION POLICY |
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This policy has been communicated to our school community of School Management, Staff, Students, Parents and Guardians, both directly and/or through appointed representatives.

The policy has been ratified by the Board of Management of Coláiste Chú Chulainn, properly convened, at its meeting of

Day/Date

Signed: _____

Chairperson

Date: _____