

Data Protection Policy of Scoil Mhuire, Howth Primary School.

Introductory Statement

The school'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 and 2018 and the EU General Data .Personal Regulation (GDPR).

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

Howth Primary School 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 and (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: 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.

Consent: Where consent is the basis for provision of personal data, (e.g., data required to join sports team / after-school activity / or optional school activity) the consent must be a freely given, specific, informed and unambiguous indication of the data subject's wishes. Howth Primary School will require a clear, affirmative action e.g. ticking of a box / signing a document to indicate consent. Consent can be withdrawn in these situations.

Keep it only for one or more specified and explicit lawful purposes: The B.O.M. 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. 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.

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. 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. See *School Record Retention table*

Provide a copy of their *personal data* to any individual, on request: Individuals have a right to know what personal data is held about them, by whom, and the purpose for which it is held.

Scope

Purpose of the Policy: The Data Protection Acts 1988 to 2018 and GDPR apply 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.

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*.

Personal Data means any data relating to an identified or identifiable natural person i.e., a living individual who is or can be identified either from the data in conjunction with other information that is in or likely to come into, the possession of the Data Controller (B.O.M.).

Data Controller is the Board of Management of the school.

Data Subject is an individual who is the subject of personal data.

Data Processing - performing any operation or set of operations on data, including:

Obtaining, recording or keeping data,

Collecting, organising, storing, altering or adapting data,

Retrieving, consulting or using the data,

Disclosing the data by transmitting, disseminating or otherwise making it available,

Aligning, combining, blocking, erasing or destroying the data.

Data Processor - a person who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data, e.g. Aladdin

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.

Special categories of Personal Data refers to *Personal Data* regarding a person's racial or ethnic origin,

political opinions or religious or philosophical beliefs

physical or mental health

sexual life and sexual orientation

genetic and biometric data

criminal convictions or the alleged commission of an offence

trade union membership

Personal Data Breach a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data transmitted, stored or otherwise processed. This means any compromise or loss of personal data, no matter how or where it occurs.

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.

Other Legal Obligations

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. *For example:*

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. Howth Primary School sends, by post, a copy of a child's *Passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post Primary School in which the pupil has been enrolled.

Where reports have been carried out by professionals, apart from Howth Primary School staff, are on current pupil files; such reports are only passed on to the Post Primary school following written permission having been sought and received from the parents of said pupils.

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, Tusla, the National Council for Special Education). The B.O.M. must be 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; 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

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.

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 who has served a notice on it of medical inspection, e.g. a dental inspection

Under *Children First Act 2015*, mandated persons in schools have responsibilities to report child welfare concerns to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána)

Relationship to characteristic spirit of the School

Howth Primary School seeks to;
enable students to develop to 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 Acts.

Personal Data

The *Personal Data* records held by the school may include:

A. Staff records:

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

Name and contact details of next-of-kin in case of emergency

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).

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.

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.

Security:. Paper Records are kept in a secure filing cabinet in a locked office. Computer records are kept on password protected PCs and cloud based storage is protected by up to date security and enhanced data protection and controlled password protected access to information, relevant to each staff member's role/duties.

B. Student records:

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) are managed in line with Policy on School Photography.

Academic record – subjects studied, class assignments, examination results as recorded on official School reports

Records of significant achievements

Whether the student is exempt from studying Irish

Records of disciplinary issues/investigations and/or sanctions imposed

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 Child First Act 2015.

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 (including at school events and noting achievements) are managed in line with policy on School Photography) 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 "School Photography Policy" and "School Website Privacy Statement".

to ensure that the student meets the school's admission criteria

to ensure that students meet the minimum age requirements for attendance at Primary School.

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.

Location and Security Procedures as above:

C. Board of management records:

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.

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.

Location and Security Procedures as above:

D. Other records:

Creditors

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.

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

Location and Security Procedures as above:

Charity tax-back forms

(a) Categories of data: the school may hold the following data in relation to donors who have made charitable donations to the school:

name

address

telephone number

PPS number

tax rate

signature and

the gross amount of the donation.

(b) Purposes: Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the parents name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the case of audit by the Revenue Commissioners.

Location and Security Procedures as above:

CCTV images/recordings

(a) Categories: CCTV is installed, externally i.e. perimeter walls/fencing on each side of the school building and internally

These CCTV systems may record images of staff, students and members of the public who visit the premises.

(b) Purposes: Safety and security of staff, students and visitors and to safeguard school property and equipment.

(c) Location: Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in the Secretary's office.

(d) Security: Access to images/recordings is restricted to Senior Management e.g. the principal, deputy principal. Recordings are retained for 7 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.

Examination results

(a) Categories: The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual, continuous assessment and standardised test results.

(b) Purposes: The main purpose for which these examination results are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about their educational attainment levels and recommendations for the future. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other schools to which pupils move.

Location and Security Procedures as above:

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:

POD: (Pupil Online Database) Collection of the data for the purposes of complying with the Department of Education and Skills pupil online database

Child Protection Policy

Anti-Bullying Policy

Code of Behaviour

Enrolment Policy

ICT Acceptable Usage Policy

Assessment Policy

SEN / Learning Support Policy

Book Rental Policy

Critical Incident Policy

Attendance Policy

Code of Behaviour

Mobile Phone Code

Admissions/Enrolment Policy

CCTV 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:

Know what personal data the school is keeping on them

Request access to any data held about them by a data controller

Prevent the processing of their data for direct-marketing purposes

Ask to have inaccurate data amended

Ask to have data erased once it is no longer necessary or relevant

Data Processors

Where the school uses a data processor off site, it is required by law to have a written contract in place. Howth Primary School's third party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract.

Personal Data Breaches

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours except where the controller determines that “the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons”. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the B.O.M. must communicate the personal data breach to the data subject without undue delay.

If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (B.O.M.) without undue delay.

Dealing with data access requests

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

The individual is entitled to a copy of their personal data

Requests must be made in writing via a Subject Access Request form

Request must be responded to within 30 calendar days

No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive

No personal data can be supplied relating to another individual apart from the data subject.

Providing information over the phone

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.

Refer the request to the Principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

Implementation arrangements, roles and responsibilities

The Board of Management is the data controller and the Principal implements the Data Protection Policy, 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:

<u>Name</u>	<u>Responsibility</u>
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 will 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.

Monitoring the implementation of the policy

The implementation of the policy shall be monitored by the principal and the board of management.

Reviewing and evaluating the policy

The policy will be reviewed and evaluated after 2 years. On-going review will 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: Joe Kirwin
For and behalf of board of management

Date Ratified: 04/02/2019

Data Access Request Form

Howth Primary School

Date issued to data subject:

Access Request Form: Request for a copy of Personal Data under the Data Protection Act 1988 and Data Protection (Amendment) Act 2003

Important: Proof of Identity must accompany this Access Request Form (eg. official/State photographic identity document such as driver's licence, passport).

Full Name	
Maiden Name (<i>if name used during your school duration</i>)	
Address	
Contact number *	Email addresses *

** We may need to contact you to discuss your access request*

Please tick the box which applies to you:

Student <input type="checkbox"/>	Parent/Guardian of student <input type="checkbox"/>	Former Student <input type="checkbox"/>	Current Staff <input type="checkbox"/>	Former Staff <input type="checkbox"/>
Age: Year group/class:	Name Student: of	Insert Year of leaving:		Insert Years From/To:

Section 3 Data Access Request:

I,[insert name] wish to be informed whether or not Howth Primary School holds personal data about me/my child and to be provided with a description of this data and to be informed of the purpose for holding such data. I am making this access request under **Section 3** of the Data Protection Acts.

OR

Section 4 Data Access Request:

I, [insert name] wish to make an access request for a copy of any personal data that Howth Primary School holds about me/my child. I am making this access request under **Section 4** of the Data Protection Acts.

Section 4 Data Access Request only:

Any other information relevant to your access request (e.g. if requesting images/recordings made by CCTV, please state the date, time and location of the images/recordings (otherwise it may be very difficult or impossible for the school to locate the data).

Signed

Date

Checklist: Have you:

- 1) Completed the Access Request Form in full?
- 2) Signed and dated the Access Request Form?
- 3) Included a photocopy of official/State photographic identity document (driver's licence, passport etc.)*.

***Note to school:** the school should satisfy itself as to the identity of the individual and make a note in the school records that identity has been provided, but the school should not retain a copy of the identity document.

Please return this form to the relevant address:

To the Chairperson of Board of Management Scoil Mhuire, Howth Primary School, Tuckett's Lane, Howth, Co. Dublin, D13PW99.

