

## DATA PROTECTION & RECORD KEEPING POLICY

### INTRODUCTORY STATEMENT

This policy was formulated by Staff and Board of Management of Crumlin N.S. 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.

### SCOPE

**Purpose of the Policy:** The Data Protection Acts 1988 and 2003 apply to the keeping and processing of Personal Data, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated.

The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their Personal Data in the course of their dealings with the school.

### DEFINITION OF DATA PROTECTION TERMS

In order to properly understand the school's obligations, there are some key terms which should be understood by all relevant school staff:

- **Data:** means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system).
- **Relevant filing system:** means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily accessible.
- **Personal data:** means data relating to a living individual who is or can be identified 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.
- **Data Controller:** A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the principal acting for the board of management in exercising the functions involved.
- **Sensitive Personal Data** refers to Personal Data regarding a person's racial or ethnic origin, political opinions or religious or philosophical beliefs, membership of a trade union, physical or mental health or condition or sexual life commission or alleged commission of



any offence or any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

***Data Controller for the purpose of this policy: Board of Management, Crumlin NS***

**DATA PROTECTION PRINCIPLES**

The school is a data controller of personal data relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

1. **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.
2. **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.
3. **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 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.

The 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.

#### 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;
  - Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts)
  - 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 his or her education.
  - Under Section 20 of the [Education \(Welfare\) Act, 2000](#), the school must maintain a register of all students attending the school.
  - 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 data controller may supply personal data kept by him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a "relevant purpose" only. See Section B.3 under Key Measures below.





## **RELATIONSHIP TO CHARACTERISTIC SPIRIT OF THE SCHOOL (SCHOOL'S MISSION/VISION/AIMS)**

Crumlin NS seeks to enable each pupil and member of staff to develop to their full potential. We promote a learning environment which is diverse, open and that promotes co-operation and respect for the diversity of values, beliefs, traditions, languages and ways of life amongst the school community.

### **GOALS/OBJECTIVES**

In precise terms, what is the policy intended to achieve?

The objectives may include the following:

Aims/Objectives:

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

### **KEY MEASURES (CONTENT OF POLICY)**

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.

#### **1. 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, contact details and parents names. These are kept in a locked filing cabinet.

#### **2. Student Records:**

Student records are held as a master copy is held in the locked filing cabinet and on the Databiz database.

Student records may contain:

- Personal details of the student



- Medical sensitive data
- School report cards
- Psychological/Clinical/Occupational Therapy/Speech and Language Assessments
- Standardised Test Results
- Attendance Records
- Screening Test such as Micra T, Sigma T, Drumcondra Early Literacy and Drumcondra First & Second Literacy, Drumcondra Early Numeracy and NRIT
- Teacher – designed tests. Each class teacher designs his/her own test template and is kept in Child Portfolio for the academic year.
- Diagnostic Tests Reports
- Individual Education Plans
- Special Education Data such as records of permission/refusal to access SEN and EAL services in the school, Portfolios of student work e.g. Art
- Details of behavioural incidents or accidents.

#### **Categories of student data:**

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 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 mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

**Security:** Paper Records are kept in a secure filing cabinet in a locked office. Computer records are kept on password protected PCs.

### 3. Staff Data

This data relates to personal and professional details of the Staff such as name, address, date of birth, contact details, payroll number, attendance records, qualifications, school records, sick leave, CPD, curriculum vitae, school returns, classes taught, seniority and supervision payments.

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).
- Proof of Garda Vetting

### 4. Administrative Data:

- Attendance Reports, Roll Book, Registers
- Accident Report Book
- Administration of Medicines Indemnity Form
- Policies
- HSE files
- Board of Management files
- Accounts

#### ***Board of Management records:***

Categories of Board of Management data 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.

#### 5. 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).

- Creditors: 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 detail, bank details and amount paid.

#### ACCESS TO RECORDS:

The following will have access where relevant and appropriate to the data listed above:

- Parents/guardians – see Appendix 1 from CPMSA outlining details of access
- Past pupils over 18
- Health Service Executive
- Designated school personnel
- Department of Education & Skills
- First and second-level schools (where relevant).

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, email or in writing. The right to erasure or rectification is available to change any mistakes or inaccuracies by proper authorisation through the same procedures.

The Annual School Report is used which is issued in June.

#### STORAGE:

All records are stored in accordance with current legislation ie in the school for a minimum of 7 years until the past pupil reaches the age of 21. These records are stored in the pupil's file in a locked filing cabinet. Please refer to the Data Retention Schedule.

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

All completed archived school roll books are stored in a locked room. Current attendance is stored on the Databiz data base.

Access to these stored files is restricted to authorised personnel only.



Computerised records, systems and school data base (Databiz) are password protected. Records are backed up to an external hard drive or USB regularly and stored in the 'dark room' in a locked filing cabinet.

## 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:

1. 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
2. Under Section 20 of the [Education \(Welfare\) Act, 2000](#), the school must maintain a register of all students attending the School
3. 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
4. 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
5. Under Section 28 of the [Education \(Welfare\) Act, 2000](#), the School may supply Personal Data kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)
6. 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
7. The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body
8. 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

9. 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).

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 Safeguarding Statement
- Anti-Bullying Policy
- Code of Behaviour
- Enrolment Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE Policy
- Learning Support 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:

- 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
- Prevent processing that is likely to cause damage or distress to themselves or anyone else.

#### **DEALING WITH A DATA ACCESS REQUESTS**

**Section 3 access request:** Under Section 3 of the Data Protection Acts, an individual has the right to be informed whether the school holds data/information about them and to be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing and the data controller will accede to the request within 21 days.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.



**Section 4 access request:** 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.

### **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.

### **IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES**

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.

The following personnel have responsibility for implementing the Data Protection Policy:

<b>Name</b>	<b>Responsibility</b>
Board of Management	Data Controller
Principal	Implementation Policy
Teaching Personnel	Awareness of Policy





Administrative Personnel

Security, confidentiality

IT Personnel

Security, encryption, confidentiality

## **RATIFICATION & COMMUNICATION**

This policy was ratified on 10<sup>th</sup> September 2019.

The policy will be available on the school website and through the office.

It will be reviewed every 3 years and amended if necessary and evaluation should take cognizance 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.

## **IMPLEMENTATION DATE**

This new policy is effective from 10<sup>th</sup> September 2019.

All records held from before that date will continue to be maintained in the school.

Signed: Mr Patrick Walshe

Date: 10<sup>th</sup> September 2019

Chairperson Board of Management





## APPENDIX 1

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

The information collected on this form will be held by Crumlin National School in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

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

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

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

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

Signed Parent/Guardian: \_\_\_\_\_

Signed Student: \_\_\_\_\_

