

DATA PROTECTION POLICY

Introductory Statement

The Data Protection Policy was formulated through collaboration between management and all staff members in response to the legal and moral obligations the school holds to protect the personal and confidential data of the school community. The school recognises the importance of a safe and secure environment for all data pertaining to its members. This policy identifies on whom the data is held, how it is held and how it is protected to ensure individual rights of school members.

The school is committed to the ongoing protection of data ensuring best possible working practices based on respect, trust, honesty and integrity.

Scope

The policy applies to the keeping and processing of personal data, both in manual form and on computer including personal data held on all school staff, students, parents and board of management.

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 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.

The policy applies to all school staff, the board of management, parents/guardians, students and others in so far as the measures under the policy relate to them.

Rationale

This policy is framed by specific legal provisions and definitions with regard to protection of data held by public bodies and the access to this data by individuals.

- Schools are obliged to comply with the Data Protection Act 1988 and the Data Protection (Amendment) Act 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 his/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 (i.e. school) may supply personal data kept by him/her or information extracted from such data, to the data controller of another prescribed body (e.g. Education Welfare Officer) if he/she is satisfied it will be used for a relevant purpose only. (This is further detailed and expanded upon in Section B 3 of Content.

Relationship to the Mission Statement

This policy recognises that as a co-educational secondary school in the Presentation Brothers tradition Coláiste Muire aspires to the spiritual, personal, physical, cultural, aesthetic and academic development of its students. This policy aims to assist the fulfilment of the school's mission in a safe and secure environment for learning.

We aim to create a community where students are imbued with Christian values of respect, justice and integrity. This policy aims to model this integrity in relation to data held on all members of the school community and secure the protection of this data.

Content

This section of the policy is divided into *two sections*.

A: Details of all personal data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case.

B: Details of the arrangements in place in the school to ensure compliance with the eight rules of data protection.

SECTION A:

Staff Records – held in Relevant Filing System both Manual and Electronic

- Name, address and contact details, PPS Number
- Original records of application and appointment

- Teaching applications for teaching practice students
- Record of appointments to promotion posts
- Details of approved absences
- Details of work record
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress. (Under Data Protection a record of grievances may be maintained which is distinct from and separate to individual personnel files)

Purpose: to maintain a record of promotions made,
to record details of employee's service,
to record details re: contract of employment.
to fulfil legal requirements
to allow for taxation returns
to complete DES forms
to maintain record of Garda Vetting/Teaching Council registration

Student Records – held in Relevant Filing System both Manual and Electronic. Very sensitive information stored in Guidance/Principal/Deputy Principal files only.

- Name, address and contact details (of students/guardians)
- PPS numbers
- Nationality
- Religious belief
- Ethnic Origin
- Membership of Traveller Community
- Any relevant special conditions (e.g. Special Educational Needs, Health Issues etc)
- Examination Results
- Psychological Assessments
- Attendance Records
- Academic Record – (subjects studied, reports)
- ~~Records of disciplinary issues and/or sanctions imposed~~
- Correspondence with parents
- Other records such as injuries.
- Photograph

Purpose: to enable each student develop his potential

- to comply with legislative requirements (NEWB and DES)
- to provide for State Examinations Commission registration of students
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction and encompass an awareness and respect of religions within the school
- to enable parent/guardians to be contacted in the case of emergency

- to fulfil the requirements of the school's Admission Policy, Code of Behaviour, Learning Support Policy, Health and Safety Policy, Pastoral Care Policy

Board of Management Records – held in Relevant Filing System both Manual and Electronic

- Name, address and contact details of each member of the BOM.
- Records in relation to appointments to the BOM
- Minutes of BOM meetings and correspondence to the BOM which may include refs to particular individuals
- Returns to PBST

Purpose: to maintain a record of board appointments
to document decisions made by the board
to enable the school contact board members when necessary

Other Records –held in Relevant Filing System both Manual and Electronic

- Name address and contact details of Parents Council
- Primary School Reports if forwarded by Primary School
- Letters from Social Welfare and queries
- SNA's Caretaker Secretary Cleaners etc PPS numbers
- Contracts for Ancillary staff
- Past Pupils information

Purpose: to maintain records of performance and attendance,
to provide past pupil with record of attendance etc as possibly may
have not kept themselves,
to fulfil the requirements of the Education (Welfare) Act 2000 re:
School Attendance Records.

SECTION B:

This section details the arrangements in place to ensure compliance with the eight rules of data protection.

The policy aims to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts).

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes

4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that I is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes
8. Give a copy of his/her personal data to that individual on request

1. Obtain and process information fairly:

Procedures are in place to ensure that staff members, parents/guardians and students are made aware when they provide personal information of the identity of the persons who are collecting it, the purpose in collecting the data, the persons or categories of persons to whom the data may be disclosed and any other information which is necessary so that the processing may be fair.

Appendix 1 is included on relevant forms where personal information is being requested. (Student enrolment forms/Staff Contracts/Psychological Reports etc.)

The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under this rule is not defined in the Data Protection Acts. However, guidance material published on the Data Protection Commissioner's website is used here to ensure fairness:

'As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice.'

Sensitive personal information is processed fairly in accordance with the Data Protection Acts. If the following exemptions from obtaining consent do not apply then explicit consent is obtained:

Processing/Obtaining must be necessary for the following reasons –

- The performance of a contract to which the data subject is party
- In order to take steps at the request of the data subject prior to entering a contract
- Compliance with a legal obligation, other than that imposed by contract
- To prevent injury or other damage to the health of the data subject
- To protect the vital interests of the data subject where the seeking of the consent of the data subject is likely to result in those interests being damaged
- For the administration of justice
- For the performance of a function conferred on a person or under an enactment
- For the performance of a function of the Government or a Minister of the Government
- For the purpose of the legitimate interests pursued by a data controller except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject.

2. Keep it only for one or more specified, explicit and lawful purposes.

Appendix 1 as attached to forms ensures that the persons whose data is collected know the reason/s why it is collected and kept.

As outlined in Section A the purposes for which data is collected and held are lawful ones

- for administration purposes
- to maintain a record of promotions made,
- to record details of employee's service
- to record details re: contract of employment
- to enable each student develop his potential
- to comply with legislative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports (SNAs/Exam Concessions/Resource Hours/State Exam Fee Waiver)
- to allow for the compiling of an Individual Education Plan to ensure the best educational provision for students of specific educational needs
- to support the provision of religious instruction
- to enable parent/guardians to be contacted in the case of emergency
- to enable full parental involvement and co operation with student progress and school policies.
- to maintain records of performance and attendance
- to provide past pupil with record of attendance etc as possibly may have not kept themselves
- to fulfil the requirements of the Education (Welfare) Act 2000 re: School Attendance Records.
- to fulfil the responsibilities of Special Duties Post/Assistant Principal post
- to allow for registration of students in correct age category for extracurricular competitions
- to maintain a record of board appointments
- to document decisions made by the board
- to enable the school contact board members when necessary
- to ensure compliance with legislative changes
- to ensure BOM compliance with BOM/DES policies
- to remain aware of JMB bulletins/advice to BOM
- to fulfil requirements for DES returns
- for State Examinations Commission
- to provide for the Pastoral Care Policy of Coláiste Muire
- to provide for the Code of Discipline of Coláiste Muire and fulfilment of requirements under this policy in relation to Section 29 and appeals process
- to provide for the Health and Safety Policy of Coláiste Muire
- to provide for Child Protection Guidelines

School management are aware of the different sets of data which are kept and the specific purpose of each.

3. Use and disclose it only in ways compatible with these purposes

Data is used only on a 'need-to-know' basis to allow for the support of the educational and pastoral needs of the students in Coláiste Muire

Under Section 20 of the Education (Welfare) Act, 2000 the school principal maintains a register with the names of all children attending the school. When a student is transferring from the school, the principal must notify the principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate.

Under Section 28 of the Act, schools may supply personal data or information extracted from such data to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. There is no transfer of information on a student from Coláiste Muire other than attendance without written parental consent.

The bodies which have been prescribed (and so can share information) under Section 28 are:

- The Minister for Education and Science (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
- The National Council for Special Education (NCSE)
- The National Educational Welfare Board (NEWB)
- Each school recognised in accordance with section 10 of the Education Act, 1998
- Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education

Personal information is never disclosed to third parties except to comply with Child Protection Guidelines under the Child Protection Policy.

- the transfer of information abroad is dealt with under the following conditions:
 - consented by the data subject
 - required or authorised under an enactment, convention or other instrument imposing an international obligation on the State
 - necessary for the performance of a contract between the data controller and the data subject
 - necessary for the taking of steps at the request of the data subject with a view to his or her entering into a contract with the data controller
 - necessary for the conclusion of a contract between the data controller and a third party, that is entered into at the request of the data subject and is in the interests of the data subject, or for the performance of such a contract
 - necessary for the purpose of obtaining legal advice
 - necessary to urgently prevent injury or damage to the health of a data subject
 - part of the personal data held on public register
 - Authorised by the Data Protection Commissioner which is normally the approval of a contract which is based on the EU model.

As the transfer of data abroad is complex, Coláiste Muire will comply with advice from the Office of the Data Protection Commissioner.

Exceptions to disclosure rule:

- Data can be disclosed when required by law
- Data can generally be disclosed to an individual himself/herself or with his/her consent (Rule 8)

4. Keep it safe and secure

Access to information and ability to add/amend/delete records is on a 'need-to-know' basis to authorised staff to include – management, post-holders, year heads, learning support department, guidance department, teaching staff and administrative staff.

Computer systems are password enabled

Information on computer screens and manual files are kept out of the view of callers to the school and office.

Back-up procedures are in operation for computer held data, including off-site back up.

On the implementation of this policy all reasonable measures are taken to ensure that staff are made aware of the security measures and comply with them

The office has a safe shredding facility for all waste papers and printouts.

Steps are taken to ensure that no unauthorised person can access data from computers which are no longer in use or subject to change of use.

It is the responsibility of Management, Post-holders, Staff, Board of Management members to ensure the security of information.

Periodic reviews of the measures and practices in place in relation to data protection will take place as an element of this policy.

5. Keep it accurate, complete and up-to-date

Clerical and computer procedures are adequate to ensure high levels of data accuracy.

Appropriate procedures are in place including periodic review and audit to ensure that each data item is kept up-to-date

6. Ensure that it is adequate, relevant and not excessive

The information held is adequate in relation to the purposes of maintaining a record of attendance, results and administrative records.

The information held is relevant in relation to the purpose of fulfilling the policies of the school in relation to homework, behaviour, pastoral care, learning support, guidance, child protection, health and safety.

The information held is not excessive in relation to the purposes for which it is held as there are report books, forms, and record books specific to instances to allow for the recording of detailed but specific information in relation to the data subject.

7. Retain it for no longer than is necessary for the purpose or purposes

Coláiste Muire retains information on the data subject in compliance with the Data Protection Acts, the legal requirements of the DES and NEWB.

School registers and roll books are required to be kept indefinitely within the school. Pay, taxation and related school personnel service records should be retained indefinitely within the school.

Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property) the relevant records are retained until the possibility of litigation ceases.

Note: The statute of limitations in relation to personal injuries is currently two years. The limitation period for other causes of action varies but in most cases is not greater than six years. A limitation period does not begin until the person concerned acquires knowledge of the facts giving rise to the claim. In the case of minors, the limitation period does not begin to run until they reach their 18th birthday or later if the date of knowledge post dates their 18th birthday. As a result of the statute of limitations Coláiste Muire retains record likely to be relevant in litigation at least until the six year limitation has expired. Information on student files is retained for a period of six years after the student has completed the Senior Cycle and/or reached the age of 18.

8. Give a copy of his/her personal data to that individual on request

On making an access request any individual (subject to the restrictions in Notes A and B below) about whom the school keeps personal data is entitled to:

- a copy of the data which is kept on him/her
- know the purpose/s for processing his/her data
- know the identity of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions
- a copy of the data held in the form of opinions, except where such opinions are given in confidence.

To make an access request, an individual must:

Apply in writing

Give any details which might be needed to help identify him/her and locate all the information the school keeps about him/her

Pay an access fee of €6.35

The school principal will have the responsibility of handling requests

Photographic Identification is required to access data e.g. Driving Licence/Passport

Note A: Access requests by students

- Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts.

- Students under 18 years of age can be given access to their personal information, depending on the age of the student and the nature of the record i.e. it is suggested that:
 - If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student can readily be given access
 - If the record is of a sensitive nature parental/guardian consent is sought
 - If a student has some disability or medical condition that would impair his ability to understand the information, or if the disclosure would be likely to be harmful to the individual concerned, parental/guardian consent is sought.

Note B: Exceptions to note:

Data protection regulations prohibit the supply of:

Health data to a patient in response to a request for access if that would cause serious harm to his/her physical or mental health. The regulations also provide that such data is to be communicated only by, or after consultation with, an appropriate 'health professional', normally the patient's own doctor

Personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. 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.

Links to Other Policies and Curriculum Delivery

Within the framework of the School Plan in Coláiste Muire care is taken to ensure that school policies are consistent with one another. The Data Protection Policy is linked with the following policies:

- Child Protection Policy
- Guidance Policy
- Anti- Bullying Policy
- Substance Use Policy
- Code of Behaviour

The policy also links with curriculum delivery through the Junior Certificate CSPE programme on rights, privacy and freedom of information. It also links with the TY/LCVP programmes.

Implementation Arrangements, Roles and Responsibilities

Management, Post-holders and Administrative staff have the responsibility of implementing the policy and ensuring that staff who handle or have access to personal data are familiarised with their data protection responsibilities.

School administrative staff have a key role in implementing the policy and are provided with a copy of the policy and other relevant information. Current and new teaching staff at the beginning of the school year are provided with a copy of the policy.

Ratification and Communication

Date of Ratification: 20th January 2015

Signature of Chairperson:

Outline of steps to ensure communication of policy:

Circulated to staff: Date

Circulated to parents: Date (usually at time of enrolment of student)

Implementation Date

Monitoring the implementation of the policy

Reviewing and evaluating the policy

The policy will be reviewed and evaluated two years from the implementation date by a planning group comprised of staff/board members. Ongoing review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, DES or the NEWB), legislation and feedback from parents/guardians, students, school staff and others.

The following practical indicators can be employed to gauge the impact and effectiveness of the policy:

- Students, staff and parents/guardians are aware of the policy
- Requests for access to personal data are dealt with effectively
- Personal data records are accurate
- Personal data records are held securely
- Personal data records are retained only for as long as necessary.

Appendix 1

Data Protection Statement for inclusion on relevant forms when personal information is being requested.

The information collected on this form will be held by Coláiste Muire in manual and 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

(purpose is inserted here as per form e.g. for administration/to facilitate the school in meeting student's educational needs etc)

Disclosure of any of this information to statutory bodies such as the DES 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: _____

Appendix 2 – Checklist for Staff/Management

DATA PROTECTION POLICY CHECKLIST

1. Please read the checklist below .
2. Tick which records you store.
3. Explain the purpose of the data from the following:
 - a-Students progress
 - b-Students achievement
 - c-Students Plan
 - d-Administrative Record
 - e-Parental Cooperation/Involvement/Awareness
 - f-Legal Requirement
 - g-Other
4. How it is stored? A) manually B) electronically c) both
5. Where is it stored? A) Diary B) School Computer C) Personal Computer/Laptop D) Filing Cabinet E) Other

CHECKLIST:

1.Students DOB

2.Students Address

3. Ethnic Origin/Religious Belief/Membership of Travelling Community:

4.Parental Address & Number

-----5.Student Exam Results

6.Students Attendance

7.Students Discipline/ Complaint slips/Commendation/Sanctions Imposed

8.Special Needs Records

9. Students Health Issues

10. Students PPS Number

11. Students Psychological Assessments

12. Parent Teacher Meetings & Parent Telephone Messages & Notes

13. Parents Correspondence

14. Students Family circumstances/ sensitive information

15. Staff Meetings Correspondence/Notes

16. Complete Staff listing of telephone numbers & addresses & emails

17. Staff Records:

Name/Address/Contact details/PPS:

Original Records of Application and Appointment:

Record of Appointments to posts:

Details of approved absences (e.g. career breaks, parental leave, study leave etc.)

Details of work record (qualifications, classes taught, subjects etc.)

Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress:

(Under Data Protection a record of grievances may be maintained which is distinct from and separate to individual personnel files)

18. Board of Management Records:

Name/Address/Contact Details of BOM members:

Records of Appointments to the Board

Minutes of BOM meetings and correspondence to the Board which may include references to particular individuals.

19. What other personal data records will be held by the school?