

Data Protection Policy

Introductory Statement:

This policy was formulated by Staff and Board of Management of St. Michael's Primary School. The purpose of the policy is to identify all manual and electronic personal data required to be collected and retained by the school, and to ensure that an effective management system for the collection and retention and processing of personal data is in place so the school complies with the requirements of the Data Protection Act, 1988 and Data Protection (Amendment) Act, 2003.

Scope:

- The policy applies to the collection, recording and processing of personal data, both in manual and electronic form; including personal data held on school community (to include: teachers, Board of Management, students, parents/guardians of students, employees of school and other persons providing services within the school).
- Data: means information in a form which can be processed. It includes electronic 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 computerized, 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 who, either alone or with others, controls the contents and use of personal data. The school can be considered to be the data controller, with the principal and the school secretary acting for the board of management in exercising the functions involved.

This policy applies to all the school community (to include: teachers, Board of Management, students, parents/guardians of students, employees of school and other persons providing services within the school).

Rationale:

- A policy on data protection is necessary to ensure that the school has proper procedures in place in relation to accountability and transparency for the collection, recording and processing of personal data.
- It is good practice to collect and record student progress so as to identify learning needs.
- The school recognises the importance of collecting and recording factual information accurately and storing it safely; to retain updated information to facilitate and enable the principal and Board of Management to make decisions in respect of the efficient and effective running of the School.
- The efficient collecting, recording and processing of data is also essential to ensure that there is consistency and continuity where there are changes of teachers and staff within the school and board of management and with students.
- A policy is necessary to ensure a school complies with legislation such as:
 - 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.

Relationship to School's Mission Statement:

St. Michael's Primary School seeks to provide the best possible environment to cater for the intellectual, emotional, moral, physical, religious, social, academic and spiritual values and traditions of all its students, with the resources available to the school. The focus of the school philosophy is the education of the whole student to reach his/her full potential. The school shows special concern for the disadvantaged, respecting the dignity and uniqueness of each student. Working together as a school community, the Board of Management, Principal, staff, parents/guardians and students will strive to provide an environment, which will allow all students to develop to their maximum potential and fulfil their role in society.

Objectives of the Policy:

- To ensure that the school complies with the Data Protection Acts.
- To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner.
- To ensure that the data protection rights of the school community are safeguarded
- To put in place a proper collecting, recording and reporting framework on the educational progress of students
- To establish clear guidelines on making these records available to parents/guardians and past students.
- To stipulate the length of time personal data will be retained.

Content of the Policy:

The policy content is divided into two sections as follows:

- 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 to ensure compliance with the eight rules of data protection.**

A

The personal data records held by the school may include:

Staff records:

- Name, address and contact details, PPS number, Teaching Council number.
- Original records of application and appointment.
- Record of appointments to promotion posts.
- Vetting disclosures.
- Details of approved absences (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.

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

Format: These records are kept both in manual records (personal file within filing system – stored securely in Mr. Fitzpatrick’s office) and in computer record (Aladdin database)

Purpose for keeping staff records:

To facilitate the payment of staff, to facilitate pension payments in the future, a record of promotions made etc.

Student records: These may include:

- Information which may be sought and recorded at enrolment, including:
 - name, address and contact details, PPS number.
 - names and addresses of parents/guardians and their contact details.
 - religious belief.
 - racial, ethnic or national origin.
 - membership of the Traveller community, where relevant .
 - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply.
- Information on previous academic record.
- Psychological assessments.
- Administration of Medicine Indemnity Forms.
- Gaeilge Exemption Certificates.
- Attendance Records.

- Academic record – subjects studied, class assignments, examination results as recorded on official school reports.
- Records of significant achievements.
- Records of disciplinary issues and/or sanctions imposed.
- Other records e.g. records of any serious injuries/accidents etc. -
The Accident Report Book is securely stored in the Deputy Principal's office. The teacher in charge records details of accidents and injuries sustained and action taken.

Format: These records are kept both in manual record (personal file within filing system – stored securely in Ms. Gorry's office) and in computer record (Aladdin database).

Purpose for keeping student records :

To enable each student to develop his/her full potential, to comply with legislative or administrative requirements, to ensure that eligible students can benefit from the relevant additional teaching or financial supports, to support the provision of religious instruction, to enable parent/guardians to be contacted in the case of emergency etc.

Board of Management records:

These may include:

- Name, address and contact details of each member of the Board of Management.
- Records in relation to appointments to the board.
- Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.

Format: These records are kept in manual record (personal file within filing system – stored in secretary's office) and in computer record (Aladdin database and computer files).

Purpose for keeping Board of Management records:

A record of Board appointments, documenting decisions made by the board etc.

Other Records:

Creditors: These may include:

The school may hold some or all of the following information about creditors (some of whom may be self-employed individuals):

- Name
- Address
- Contact details
- PPS number
- Tax details
- Bank details

- Amount paid

Format: These records will be kept manually (personal file within a filing system – in the secretary’s office), and electronically (on computer files).

Purpose for keeping creditors’ data/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.

CCTV images/recordings:

C.C.T.V. is installed, externally i.e. perimeter walls/fencing and internally within the school (Front porch). These C.C.T.V. systems may record images of school community (to include: teachers, Board of Management, students, parents/guardians of students, employees of school and other persons providing services within the school) and members of the public who visit the school premises. The CCTV recording equipment is located in the secretary’s office.

Purpose:

Safety and security of school community and members of the public who visit the school premises and to safeguard school property and equipment.

Security:

Access to images/recordings is restricted to Senior Management of the school (e.g. the principal & deputy principal). Recordings are retained for 28 days, except if required for the investigation of an incident (to include criminal, civil or disciplinary matter). Images/recordings may be viewed or made available in accordance with section 8 Data Protection Acts 1988 and 2003.

Parents’ Association.

Names, addresses and contact details of members of the Parents’ Association.

Format: These records will be kept both in manually and electronically.

B

The principal, deputy principal and secretary will 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 it 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.

The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under rules 1 and 3 above is not defined in the Data Protection Acts. However, guidance material published on the Data Protection Commissioner's website states the following:

“As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged 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.”

Exceptions to note:

Schools should note that 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 or her physical or mental health. Communication of such data will only be made 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. Social work applies to work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds

See Appendix 1 for a sample statement which could be included on relevant forms when personal information is being requested.

- 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 collected 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.
- 4. 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.
- 5. 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.

6. **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.
7. **Retain it no longer than is necessary for the specified purpose or purposes for which it was given.** 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.
 - School registers, roll books, Pay, taxation and related school personnel service records will be kept 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 will be retained until the possibility of litigation ceases.
 - Information on student files, will be retained for a period of six years after the student has completed the Senior Cycle and/or reached the age of 18.

8. 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.

St. Michael's Primary 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 policy
- Enrolment Policy
- Substance Use Policy

Implementation arrangements, roles & responsibilities:

The Board of Management will assume the function of data controller and the principal Mr. Fitzpatrick will assume the role of Data Protection Officer. He will have the responsibility for ongoing Data Protection compliance within the school.

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

Name	Responsibility
Board of management:	Data Controller
Principal:	Data Protection Officer
School Community:	Awareness of and the implementation of the school policy on data protection.

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 school community 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 the school community. Parents/guardians and students will be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Policy as part of the Enrolment Pack, by either enclosing it or incorporating it as an appendix to the enrolment form.

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.

At least one annual report will be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented.

Reviewing & evaluating the policy:

The policy will be reviewed and evaluated as necessary. On-going review and evaluation will 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 the school community. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning. Review of policy will also include consideration of the following:

- School community are aware of the policy.
- Requests for access to personal data are dealt with effectively.
- Personal data records are up-to-date and accurate.
- Personal data records are held securely.
- Personal data records are retained only for as long as necessary.

Ratified by the Board of Management

Date:

Date.....

Signed:
Principal

Signed.....
Chairperson of Board of Management



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 St. Michael's Primary 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

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Disclosure of any of this information to statutory bodies such as the Department of Education and Science 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: _____

