

St. Andrew's National School, Lucan

Data Protection and Record – Keeping Policy. 31/05/18

Introduction

The purpose of the policy is to set out in writing the manner in which personal data on staff, students and others (including parents, members of the Board of Management, etc.) are kept and how the data concerned is protected.

St Andrew's N.S. 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 person data we hold in order to:

- Be able to provide access to individuals to their data
- Ensure it is held securely
- Document our data protection procedures
- Enhance accountability and transparency

DATA PROTECTION PRINCIPLES

The school BOM 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 BOM is obliged to comply with the principles of data protection set out in the Data Protection Acts 1998 to 2018 and GDPR 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 during the course of their employment or contact with the school. All such data is treated in accordance with the Data Protection legislation and the terms of this Data protection Policy. The information will be obtained and processed fairly.

2. Consent

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 Consent can be withdrawn by data subjects in these situations.

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

The BOM will inform individuals of the reasons they collect their data and 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.

4. 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.

5. 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 computer software and password protection in the case of electronically stored data. Portable devices storing personal data (laptops) are encrypted and password protected.

6. Keep personal data accurate, complete and up to date

Students, parents, 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 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 alternation/correction is required, then a note of the fact should be dated and signed by the person making the change.

7. 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.

8. Retain it no longer than is necessary for the specified purpose or purposes for which it was given.

As a rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with the DES guidelines on the storage of Personal Data relating to a student.

9. Provide a copy of their personal data to any individual on request

Individuals have a right to know and have access to a copy of personal data held about them, and by whom, and the purpose for which it is held.

Scope:

To what will the policy apply? The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on both school staff and students.

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 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.

To whom shall the policy apply? 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:

Why is it necessary to devise a data protection policy at this time?

- Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 and Data Protection Act May 2018 (henceforth referred to as the Data Protection Acts).
- Under section 9 (g) of the Education Act, 1988, 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 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 the 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.
- Under Section 14 of the Education for Persons with Special Needs Act, 2004.

- The Freedom of Information Act 1997
- Under Section 26 (4) of the Health Act, 1947 a School shall cause all reasonable facilities to be given to a health authority who has served a notice on it of medical inspection e.g. dental inspection.
- Under Children First Act 2015 mandated persons in schools have responsibility to report child welfare concerns to Tusla or in the event of an emergency to An Garda Siochana.

Relationship to School Ethos:

St Andrew's National School promotes openness and co-operation between staff, parents and pupils as a means towards providing the caring environment through which a child can develop and grow to his or her full potential.

Aims/Objectives:

- To ensure the school complies with the Data Protection Acts listed in Rationale.
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.
- To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies.
- To put in place a proper recording and reporting framework on the educational progress of pupils.
- To establish clear guidelines on making these records available to past pupils who are over 18.
- To stipulate the length of time records and reports will be maintained.

Guidelines:

The Principal assumes the function of data controller and supervises the application of the Data Protection Acts within the school. The data under the control of the principal comes under the following headings:

Personal Data.

This relates to personal details of the students such as name, address, date of birth, gender, nationality, religious belief, medical details, dietary information, PPSN, contact details and parents names. These are kept on office computer and in a locked filing cabinet in the school office.

Student Records:

Student records are held in a locked cupboard or filing cabinet in the Principal's office.

Student records may contain:

- Personal details of the student, name, address PPS number.
- Date and place of birth
- Medical, sensitive data.
- Racial or ethnic origin
- Membership of the Traveller community where relevant
- Whether English is first language
- Photograph and recorded images of students
- School report cards.
- Psychological/ Clinical/ Occupational Therapy/Speech & Language Assessments.
- Standardised Test results.
- Attendance Records.
- Screening tests such as MIST and NRIT.
- Teacher designed tests. Each teacher designs his/her own template.
- Diagnostic test reports.
- Individual Education Plans and IPLP Records.
- Learning Support/Resource data such as records of permission/refusal to access LS/RT services in the school.
- Portfolios of students work.
- Details of behavioural incidents, bullying or alleged bullying incidents, detention forms or accidents.
- Merit/ Academic/ Sports awards.
- Exemption from Irish.

Disclosures:

The principal must liaise with the following agencies by law if a disclosure is made: Social Services, Department of Education, H.S.E and the Welfare Board. All other requests must get parental permission in order to be processed.

Staff Data:

This data relates to personal and professional details of the staff such as

- Name and address,
- Date of birth, contact details and emergency next of kin details,
- PPS number, payroll number,
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties.
- Attendance records, qualifications, sick leave, career breaks, CPD, curriculum vitae, classes taught, seniority and posts of responsibility.
- Original record of application and appointment to promotion posts.
- Garda vetting certificates and disciplinary records. These are kept in a locked cabinet in the school or principal's office.

Location and security procedures of St Andrew's N.S Lucan.

- Manual records are kept in a secure, locked filing cabinet in a locked administration office only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office. The school has the burglar alarm activated during out of school hours.

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 reference to particular individuals. These records are kept by the secretary of the Board on file in a cupboard in the Principal's office.

Other Records: 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 details
- Bank details and amount paid

Other Records: Charity Tax Back Forms

The school may hold the following data in relation to donors who have made charitable donations to the school:

- Name
- Address and telephone number
- PPS number
- Tax rate
- Signature and gross amount of the donation

Administrative Data:

- Attendance Reports, Roll books and registers.
- Accident report forms.
- Administration of medication indemnity forms.
- Policies.
- HSE file.
- Accounts.

These are kept in locked filing cabinets in the school or principal's office.

EXAMINATION RESULTS

The school will hold data comprising examination results in respect of its students. These include class, mid- term, annual and continuous assessment results and the results of Standardised Tests.

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/guardians about educational attainment values and recommendations for the future. The data may be aggregated for statistical/reporting purposes, such as to compile results tables. The Data may be transferred to the Department of Education & Skills.

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;

- Pupil Online Database (POD)
- Child Protection Procedures
- Anti-Bullying Procedures
- Code of Behaviour
- Enrolment Policy
- ICT Acceptable Usage Policy
- Assessment Policy
- Special Educational Needs Policy
- Library Policy
- Book-Rental Policy
- Critical Incident Policy
- Student Council Policy
- Attendance Policy

PROCESSING IN LINE WITH A DATA SUBJECT'S RIGHTS

Data in this school will be processed in line with the data subject's 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 irrelevant

Data Processors

Where the school outsources to a data processor off site, it is required by law to have a written contract in place. St Andrew's N.S. third party agreement specifies the conditions under which the data may be processed.

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 with 72 hours.

Dealing with a data access request

- Individuals are entitled to a copy of their personal data on written request and they are entitled to a copy of their personal data.
- Requests must be responded to within one month. An extension may be required e.g. over holiday periods.
- No fee may be charged except in exceptional circumstances where request is repetitive.

Providing information over the phone

An 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:

- Ask that the caller put their request in writing
- Refer the request to the Principals for assistance in difficult situations
- Not feel forced into disclosing personal information

Access to records:

Records are kept in line with Children First Procedures. The following will have access where relevant and appropriate to the data listed above:

- Parents/Guardians
- Past pupils over 18 years of age.
- Health Service Executive.
- Designated school personnel.
- Department of Education and Skills.
- Second – level schools.
- Board of Management.

A standardised report form is used which is issued by post in June annually. It is mandatory for the school **on request** to forward copies of school reports to second-level schools once the pupil has been enrolled and is in attendance at that school.

Storage:

All records are stored in the school for a minimum of seven years or until the past pupil reaches the age of 18. These records are stored in secure cupboards in the Principal's office and SNU office.

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

All completed roll books are locked in a cupboard in SNU office. Access to these is restricted to authorised personnel only.

Success criteria:

- Compliance with Data Protection Acts and Statute of Limitations Act.
- Easy access to records.
- Framework in place for ease of compilation and reporting.
- Manageable storage of records.

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. (see Assessment Policy). The principal will ensure records are maintained and stored, including records of students transferring to another school until they reach 18 years of age.

Ratification and Communication

Ratified at the BOM meeting on _____ and signed by the Chairman.
Secretary recorded the ratification in the Minutes of the Meeting.

Monitoring the Implementation of the Policy

The implementation of the policy shall be monitored by the Principal, staff and the Board of Management.

Reviewing and evaluating the policy

The policy will be reviewed and evaluated after 2 years. 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 parents/guardians, students, school staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Signed _____

For and on behalf of Board of Management

Date: Ratified _____

Legal Diary - Safe storage and retention periods

Record Time

Retention Period

PUPILS

School Register/Rolls Books	Indefinitely
Enrolment Forms	Hold until Pupil is 25 years
Disciplinary notes	Never Destroy
Test Results – Standardised	Hold until Pupil is 25 years
Psychological Assessments etc	Never Destroy
SEN Files/IEPS	Never Destroy
Accident Reports	Never Destroy
Child Protection Reports /Records (10) S.29	
Appeals	Never Destroy

INTERVIEW RECORDS FOR STAFF

Interview Board and Marking scheme Management notes (for unsuccessful candidates)	18 months from close of completion + Board of 6 months in case Equality Tribunal needs to inform school that a claim is taken
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STAFF RECORDS

Contract of Employment , Teaching Council	
Registration, Vetting Records, etc	Retention for duration of employment + 7 years
Accident/Injury at Work Reports	6 years to make a claim against the school plus 1 year for proceedings to be served on school

BOARD OF MANAGEMENT RECORDS

BOM Agenda and Minutes	Indefinitely
CCTV Recordings	28 days normally. In the event of criminal investigation, as long as necessary.
Payroll & Taxation	Revenue require a 6-year period after the end of the tax year.
Invoices/ Receipts	Retain for 7 years
Audited Accounts	Indefinitely