

St. Philomena's N.S.
Data Protection Policy
2015

Data Protection Policy

St. Philomena's N.S.
Convent Road, Tullamore, Co. Offaly.

The eight rules of data protection

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit, and lawful purpose
3. Use and disclose it only in ways compatible with the purposes for which it was initially given to you
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 for which it was initially given to you
8. Give a copy of their personal data to an individual on request

Introductory Statement

The school's Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003.

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.

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:

- **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 with the signed permission of their parents/guardians. In relation to information the school holds on other individuals (member 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.
- **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.

- **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 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.
- **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.

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 on a form that can be processed. It includes both automated data (.e.g electronic data) and manual data. Automated data means any information on computer, or information recorded with the intention that it be processed by computer. Manual data means information that is kept/recorded as part of a relevant filing system or with the intention that it forms 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, quickly and easily accessible.

Personal Data means data relating to a living individual who is or can be identified either 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 i.e. the school.

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 is the Board of Management, St. Philomena's N.S., Convent Road, Tullamore.

Rationale

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts, 1988 and 2003.

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased.

The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the Principal and Board of Management to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to ensure that there is

consistency and continuity where there are changes of personnel within the school and Board of Management.

Other Legal Obligations

- Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. **For example:**
- Under Section 9(g) of the Education Act 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education.
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School.
- Under section 20 (5) of the Education (Welfare) Act, 2000, a Principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the Principal of another school to which a student is transferring.
- Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day.
- Under Section 28 of the Education (Welfare) Act, 2000, the School may supply Personal Data kept by it to certain prescribed bodies (the Department of Education and Skills, 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).
- Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers ("SENOs")) such information as the Council may from time to time reasonably request.
- The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body.
- Under Section 26 (4) of the Health Act, 1947 a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection.
- Under *Children First: 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).

Relationship of characteristic spirit of the school

(Mission Statement/Vision/Aims)

St. Philomena's N.S. seeks to:

- Enable each student to develop their full potential
- Provide a safe and secure environment for learning
- Promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

Personal Data

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

A. Staff records:

- (i) **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 records (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).
- (ii) **Purposes:** Staff records are kept for the purposes of:
- The management and administration of school business (now and in the future)
 - Facilitating the payment of staff, and calculate other benefits/entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant).
 - Facilitating pension payments in the future
 - Human resources management
 - Recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.

- Enabling the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare at Work Act 2005)
 - Enabling the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE and any other governmental, statutory and/or regulatory departments and/or agencies.
 - Compliance with legislation relevant to the school
- (iii) **Location:** In a secure locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

B. Student Records

Student records maintained under the Data Protection Policy will include:

1. **Enrolment Application Form**
2. **School Reports.** An annual progress report is issued to each child's parent/guardian at the end of the school year. These reports are securely stored on the Aladdin Software Administration System which is password protected.
3. **Psychological Assessments.** Reports issued following psychological assessment are securely stored in a locked filing cabinet in the Secretary's office. Reports issued following other assessments such as Occupational Therapy, Speech & Language, Medical etc. are also stored in a locked filing cabinet in the Secretary's office.
4. **Standardised Test Results.** Standardised Tests in English and Mathematics are administered in May/June to all classes. Test Booklets are stored by the class Teacher for one school year, after which they are shredded. Class Record Sheets are securely stored by the class Teacher..
5. Screening Tests administered by Learning Support staff are stored in a locked filing cabinet in the Learning Support room.
6. Teacher – designed tests. Results of Teacher designed tests are securely stored by the Teacher.
7. **Diagnostic Test Reports.** Diagnostic tests are administered by the Learning Support Teachers, Resource Teachers. Results from these assessments are securely stored by the relevant Teachers and details may also be included in records kept by the Principal.
8. **Special Educational Needs.** Classroom Support Plans, School Support Plans and Individual Educational Plans will be completed by relevant Teachers for children with Special Educational Needs. Copies will be securely stored by Teachers/relevant Support Teachers.
9. **Learning Support/Resource Data** such as records of consent/refusal to allow diagnostic testing or access to Learning Support Teacher/Research Teacher services in the school will be securely kept in the child's file/enrolment form in the Secretary's office.
10. **Class Records:** Class records are updated regularly. Class record sheets are stored securely in each Teacher's classroom.
11. **Records of serious injuries/accidents.** The Accident Report Book is securely stored in the Secretary's office. A Teacher in charge (on supervision) records details of accidents and injuries sustained and action taken. Such records are signed by the Teacher on supervision duty
12. **Certificates of Exemption from the Study of Irish.** Copies of certificates are securely stored in the pupil's file in the Secretary's office.

13. **Attendance Records** (See:- Whole School Policy on the use of Education Management Software, Aladdin). Pupils' attendance is recorded and stored on the Aladdin Software Administration System. This system is password protected and is accessed by the Secretary and the Principal. Teachers can assess their own class records in any given year. These class records are password protected.

C. Board of Management Records

- (i) **Categories** of Board of Management data: These may include:
- Name, address and contact details of each member of the Board of Management (including former members of the Board of Management).
 - Records in relation to appointments to the Board.
 - Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.
- (ii) **Purposes:** To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of Board appointments and decisions.
- (iii) **Location:** In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access. Old Board of Managements records will be archived in a secure box and stored in a secure storage room beside the staff room.

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). Some examples of the type of other records which the school will hold are set out below (this list is not exhaustive).

Creditors

- (i) **Categories of data:** the school may hold some or all of the following information about creditors (some of whom are self-employed individuals):
- Name
 - Address
 - Contact details
 - PPS number
 - Tax details
 - Bank details and
 - Amount paid
- (ii) **Purposes:** This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.
- (iii) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

Charity tax-back forms

- (a) **Categories of data:** the school may hold the following data in relation to donors who have made charitable donations to the school:
- Name
 - Address
 - Telephone number
 - PPS number
 - Tax rate
 - Signature and
 - The gross amount of the donation
- (b) **Purposes:** Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the parents name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the case of audit by the Revenue Commissioners.
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.

Assessment results

- (a) **Categories**
The school will hold data comprising Test Results and assessments in respect of its students. These include class, continuous assessment and standardised Test Results.
- (b) **Purposes:** The main purpose for which these results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents/guardians about progress. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data, can access. Employees are required to maintain the confidentiality of any data to which they have access.

Dealing with a data access request

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 requests

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

- The individual is entitled to a copy of their personal data (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 St. Philomena's N.S. 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 call 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.

CCTV Data Usage:

CCTV cameras are in operation at the following locations in the school

Internally

- Inside the main entrance door/porch to school

Externally

- Outside the porch
- In the side entrance passage to school playground

Three cameras in the Playground

- One monitoring the side door from within the school playground
- Two others are focused so as to capture the entire yard

Use of CCTV images

The use of this CCTV system is intended primarily to ensure the security of the school premises and its contents. The CCTV system may be used to capture images of intruders or of individuals damaging property or removing goods without authorisation.

A sign informing data subjects that a CCTV system is in operation and the contact detail of MONGEY SECURITY, our CCTV Digital Security System, is displayed at the entrance to the School.

Images captured by the CCTV system will be retained on the monitor for a month. In exceptional circumstances images may be retained where an investigation by An Garda Síochána is ongoing or where such images are the subject of court proceedings.

If the Gardaí want CCTV images for a specific investigation, the data controller will satisfy himself/herself that there is a genuine investigation underway. A phone call to the requesting Garda's station will be sufficient, provided that the data controller speaks to a member in the District Office, the station sergeant or a higher ranking officer, as all may be assumed to be acting with the authority of a District/Divisional officer in confirming that an investigation is authorised.

Any person whose image has been recorded has a right to be given a copy of the information recorded. To exercise that right, a person must make an application in writing. A data controller will charge the going rate for responding to such a request and will respond within 40 days.

Practically, a person must provide necessary information to the data controller, such as the date, time and location of the recording. If the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data.

In giving a person a copy of his/her data, the data controller may provide a still/series of still pictures, a tape or a disk with relevant images. However, other people's images will be obscured before the data are released.

Education Management Software, Aladdin

In St. Philomena's N.S. we use the Aladdin Software package as part of our everyday Education management. This policy sets out why we use it, who can access the data, when we use it and how we use it.

Why?

It allows staff to access information on pupils quickly, it streamlines attendance recording, it reduces paperwork, improves planning, simplifies reporting and gives management up to date information on all children in the school.

Who has access to the data?

All Teachers have access to the information on children in their classes. This also applies to Learning Support Teachers and Resource Teachers. The Home School Teacher has access to pupils attendance records. The School Secretary acts as one of the administrators to the school site and has access to the pupil's personal details which sometimes have to be changed. The School Principal has access to all files on the school site: both personal details and educational files relating to the children.

When it is used?

We use the Aladdin software on a day to day basis in our school. All mainstream Teachers are instructed to fill in the daily attendance by 10.20 a.m.

Under Circular 33/15 states (i) if they use an electronic system for recording attendance of pupils, schools no longer need to also maintain the Leabhar Rolla in hard copy format, subject to such electronic system meeting certain minimum requirements as set out in Appendix 1 of this Circular.

Appendix 1 of this Circular:

“Allow for legitimate updating of records outside of the normal timeframes for same e.g. a power cut on a given day might prevent a school from updating its data on that day. It is recognised that access to an electronic system may not always be possible (for technical or other reasons) at the time when required and that from time to time, it may be necessary to input data records (such as the roll call) to the system at a later stage when such access is restored. However, the system must provide that where data entries are made outside of the normal timeframes (.e.g. after the normal period allowed for roll call) the system user concerned must be required to input the reason for same and that all such late entries are clearly identifiable and distinguishable (e.g. by the records being displayed in a different colour from others) from other records. In any case where data entries are made outside of the normal timeframes, the school is required to print and retain a copy of same and this must be made available to the Department if requested”.

How we use it?

At the end of each term the attendance sheet must be printed out and placed in a folder which will be kept in the Principal’s office.

Under school policy all late arrivals, sign a Late Book and every Friday, the Secretary inputs this information into the Aladdin system. Likewise the Secretary records the time of early leavers.

When a Teacher is absent?

When a Teacher is absent the substitute Teacher will record the attendance in a note book and then a permanent or ‘buddy’ Teacher will input the attendance on the Aladdin system

Can Parents access their child’s information?

Upon a written request parents can gain a paper record of their child’s attendance records, academic records and personal data. Written requests must be made to the school Principal or the Chairperson of the Board of Management.

NEWB/TUSLA returns

The software will be used to maintain NEWB/TUSLA returns. It is important therefore that reasons for children’s absences are maintained accurately.

October Returns

The Software will be used to fill out the October returns which are mandatory. It is vitally important that all data on the school site is accurate as it is used to fill in the October returns form which cross checks information on previous years returns.

Implementation arrangements, roles and responsibilities

In St. Philomena’s N.S. the Board of Management is the data controller and the Principal will be assigned the role of co-ordinating implementation of this Data Protection Policy and for ensuring that staff who handle or have access to Personal Data are familiar with their data protection responsibilities.

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

Name	Responsibility
Board of Management	Data Controller
Principal	Implementation of Policy
Teaching personnel	Awareness of responsibilities
Administrative personnel	Security, confidentiality

Ratification & communication

When the Data Protection Policy has been ratified by the Board of Management, it becomes the school's agreed Data Protection Policy. It should then be dated and circulated within the school community. The entire staff must be familiar with the Data Protection Policy and ready to put it into practice in accordance with the specified implementation arrangements. It is important that all concerned are made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students should 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 and 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 should be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented.

Ratification and Review

This policy was brought to the staff and Board of Management in November 2015 and will be reviewed when necessary.

Signed: **Marie White**

For and behalf of Board of Management

Date: 25th, November 2015

Note: retyped 31.3.2017 by yb.