

St. Philomena's N.S.
Data Protection Privacy Notice for Parents, Guardians and Pupils

Effective from the 25th May, 2018

Individuals have a number of rights in relation to their personal data and these rights have been enhanced by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. This Data Protection Privacy Notice describes how we at **St. Philomena's N.S.** collect and process personal data, in accordance with the GDPR, data protection legislation and the school's legal obligations generally in relation to the provision of education. Processing is the legal term used to describe various acts including - the collection, recording, organisation, structuring, storage, alteration, use of, retrieval, disclosure or transmission of personal data.

This Privacy Notice applies to pupils, parents and guardians. By enrolling your child in and/or by attending **St. Philomena's N.S.** you acknowledge and agree to the collection and processing of personal data by the school.

For your information this Privacy Notice outlines:

- Relevant definitions;
- Who we are and how to contact us;
- What personal data we collect, process and retain;
- How personal data is collected and processed and the purpose and legal basis for so doing;
- Sharing personal data with third parties;
- Individual legal rights.

1. DEFINITIONS

"Data Controller": Means the entity which determines the purposes, conditions and means of processing of personal data collected in the school - i.e. the Board of Management

"Personal Data": Information relating to an identified or identifiable natural person

"Pupils": Means all former, present and prospective pupils of St. Philomena's N.S.

"Parents": Means all former, present and prospective parents of pupils attending St. Philomena's N.S.

"Guardians": Means all former, present and prospective guardians of pupils attending St. Philomena's N.S.

2. WHO WE ARE AND HOW TO CONTACT US

The Board of Management of St. Philomena's N.S. is the data controller responsible for personal data. St. Philomena's N.S. processes personal data, i.e. the school collects, records, stores, retains and uses personal data. St. Philomena's N.S. will respond to your questions in relation to this Privacy Notice and our approach to data protection.

If you have any questions about this Privacy Notice, including any request to exercise your legal rights, please contact us using the details below:

info@stphilomenasns.com

3. PURPOSE & LEGAL BASIS FOR COLLECTING & PROCESSING INFORMATION

St. Philomena's N.S. collects and processes personal data about pupils and parents / guardians for a variety of purposes in line with our legal and statutory requirements. St. Philomena's N.S. requires this personal data to perform our duties and responsibilities and to comply with our legal and statutory obligations. In addition, St. Philomena's N.S. requires this personal data to pursue the legitimate interests of the school and our dealings with relevant third parties (see below). The legitimate interests upon which we rely is the effective operation and management of St. Philomena's N.S. and managing the education and welfare needs of our pupils. St. Philomena's N.S. processes personal data on the basis of the following lawful purposes:

a) Legal Obligation

St. Philomena's N.S. collects and process personal data to comply with our legal and statutory obligations, including, but not limited to those under the Education Act 1998 (as Amended), the Education (Welfare) Act 2000, the Education for Persons with Special Needs (EPSEN) Act 2004, the Health Act 1947, the Children First Act 2015, the Child Protection Procedures for Primary and Post-Primary Schools 2017, the Teaching Council Acts 2001-2015 and Safety Health and Welfare at Work legislation

b) Legitimate Interests

St. Philomena's N.S. may also process personal data to:

- Enable Pupils to develop to their full potential and meet the educational, social, physical and emotional requirements of the pupil,
- Enable Parents and Guardians to be contacted in the case of emergency, school closures and health and safety issues
- To inform Parents and Guardians of their child's educational progress,
- Secure and benefit from the support and services of relevant third parties.

c) Consent

St. Philomena's N.S. sometimes process some of pupils' personal data with consent e.g. photograph which may be displayed on the school's website or on social media platforms or in the print media. Please note that consent can be withdrawn at any time by contacting the school.

4. PERSONAL DATA COLLECTED

St. Philomena's N.S. may collect, process and retain the following personal data on pupils and parents/guardians:

(i) Pupils: Personal Data

- Personal details such as name, address, date of birth, gender, PPS number, nationality, emergency contact details and information in relation to the pupil's family as may be required,
- Any Special Education Needs (SEN),
- Any Child Protection information,
- Academic records, school reports, pupil learning needs, pupil behaviour needs, permission for access to educational reports, individual education and learning support plans,
- Personal pupil profiles (including whether English is the pupil's first language or if exempt from any subjects e.g. Irish or religion),
- Psychological referral/assessment documentation and permission for access to psychological reports,
- Personal data for the Primary Online Database (POD),
- Personal data for Special Educational Needs Organiser (SENO),
- Personal data for TUSLA (the Child and Family Agency) and/or the Health Service Executive (HSE),
- Attendance records and explanatory notes in relation to absences,
- Disciplinary records including notes that may be held by the teacher(s), incident and accident reports, investigations and sanctions if imposed,
- Permission notes in respect of school activities e.g. school tours/trips and outings, extra-curricular activities, (including Curricular, RSE/Stay Safe Programme(s)),
- Photographs and recorded images of pupil(s) (including at school events),
- School Transport information,
- CCTV footage and other personal data obtained through electronic means,

(ii) Pupils: Special Categories of Personal Data

- Information about pupil's health, medical certificates, medical needs, allergies and consent for administration of medicine,

- Religious belief and confirmation of engagement or not in Religious Sacraments,
- Membership of the Traveller Community,
- Racial or Ethnic origin.

(iii) Parents and Guardians: Personal Data

- Contact details of parent / guardian e.g. name, address, email address, telephone number(s)
- Information regarding legal orders in respect of any family law disputes in respect of guardianship, custody or access,
- Occupation and nationality,
- Number of children, position of pupil(s) in family,
- Consent in respect of medical/other emergencies,
- Consent in respect of school activities e.g. school tours/trips and outings, extra-curricular activities,
- Consent to publish photographs and schoolwork of pupils on school website / print media etc,
- Records, correspondence or notes arising from interaction with Parents / Guardians,

Data Protection Guidelines for HSCL Coordinator

The HSCL coordinator will comply fully with the data protection legislation and with the school's data protection policy

- The purposes of the HSCL coordinator collecting data are
 - (a) To record a child's educational history
 - (b) To monitor her education progress in order to ascertain how best she may be assisted in availing of educational opportunities or in developing her full educational potential
 - (c) To empower and support the parent to enhance the child's educational opportunities and outcomes
 - (d) To record the service that the HSCL coordinator is providing to families; and
 - (e) To monitor and evaluate the service provided by the HSCL
- The data collected is specific to the HSCL coordinator's role and will only be used for the above purposes.
- Data will only be used and disclosed in ways consistent with the purpose for which they are kept.
- Information that is recorded about home visits will only be disclosed in ways consistent with the purpose for which they are recorded.

- Data may be disclosed for purposes (a) and (b) above to the following
 - The Minister (Department) for Education and Skills
 - The National Council for Special education
 - TUSLA
 - The School to which HSCL is appointed
- Exceptions to disclosure rule:
 - Where required for the safeguarding of children, in accordance with Children First
 - Data can generally be disclosed to an individual himself/herself or with his/her consent
- All hard copy and electronic records will be locked and secured.
- Records of the service that the HSCL coordinator is providing will be kept accurate, complete and up-to-date.
- Recording will be proportionate to the level of need and service provided.
- Personal data will be retained for no longer than is necessary for the purpose or purposes. Personal data collected by the HSCL coordinator will be retained in accordance with school data protection policy.
- HSCL will supply to the school HSCL electronic and (hard copy) records in relation to a particular child, if that child's parents make a subject access request.

5. HOW PERSONAL INFORMATION IS COLLECTED

(i) Pupils

St. Philomena's N.S. collect personal data about pupils through the enrolment process where information is voluntarily given on Enrolment application forms and/or through expressions of interest in relation to enrolment. Additional personal data is collected from third parties, including former schools and through school activities and general interaction(s) during the course of the pupil's time at **St. Philomena's N.S.** Parents/Guardians give written consent for this information to be accessed by **St. Philomena's N.S.**

(ii) Parents and Guardians

St. Philomena's N.S. collect personal data about parents and guardians through the enrolment process where information is voluntarily given on Enrolment

application forms or expressions of interest for enrolment. We collect additional personal data through general interaction during the course of the pupil's time at **St. Philomena's N.S.**

6. PERSONAL DATA AND THIRD PARTIES

St. Philomena's N.S. may receive from, share and/or transfer information to a range of third parties such as the following:

- *The Department of Education and Skills*
- *TUSLA / the Child and Family Agency*
- *H.S.E. the Health Service Executive*
- *The National Council for Special Education*
- *National Educational Psychological Service (NEPS)*
- *Department of Employment Affairs and Social Protection and/or other state benefit providers*
- *An Garda Síochána*
- *School Insurance Provider*
- *Third Party Service Providers: We may share personal data with third party service providers that perform services and functions at our direction and on our behalf such as our accountants, IT service providers including, printers, lawyers and other advisors, providers of security and administrative services, including data processing / cloud storage service providers e.g. Aladdin, School Lunch Company e.g. Glanmore*

7. DATA RETENTION

We will only retain personal data for as long as it is necessary to fulfil the purposes the data was collected for, including any legal, accounting or reporting requirements. See Appendix 1 for retention periods.

8. TRANSFER OF PERSONAL DATA OUTSIDE THE EUROPEAN UNION

St. Philomena's N.S. may transfer the personal data we collect to countries outside the EU. Where there is no adequacy decision by the European Commission in respect of any such country that means that that country is deemed not to provide an adequate level of protection for your data. However, to ensure personal data does receive an adequate level of protection we will in such circumstances put in place appropriate measures such as the use of model contractual clauses as approved by

the European Commission to ensure personal data is treated by those third parties in ways that are consistent with respect to EU and Irish Laws on Data Protection.

9. **INDIVIDUAL RIGHTS**

Individuals have several rights under GDPR which in certain circumstances are limited and/or constrained. These individual rights include the right - free of charge and subject to any limitations as may apply - to:

1. Request a copy of the personal data held about the individual;
2. Rectify any inaccurate personal data held about the individual;
3. Erase personal data held about the individual;
4. Restrict the processing of individual personal data;
5. Object to the use of individual personal data for our legitimate interests;
6. Receive individual personal data in a structured commonly used and machine-readable format and to have that data transmitted to another data controller.

If you wish to exercise any of these rights please contact us at the school on info@stphilomenasns.com

St. Philomena's N.S. will endeavour to respond to your request within a month. If we are unable to deal with your request within a month we may extend this period by a further two months and we will explain why.

You also have the right to lodge a complaint to the office of the Data Protection Commission. The relevant contact details are:

Data Protection Commission
21 Fitzwilliam Square South
Dublin 2
D02 RD28
Tel: [0761 104 800](tel:0761104800) / [057 868 4800](tel:0578684800)
www.dataprotection.ie

10. **UPDATES**

We will update this data protection privacy notice from time to time. Any updates will be made available and, where appropriate notified to you.

APPENDIX 1 ST. PHILOMENA'S N.S. DATA RETENTION PERIODS FOR SCHOOLS

<i>Pupil Related</i>	<i>Retention Periods</i>
School Register/Roll Books Enrolment Forms Disciplinary notes Test Results – Standardised Psychological Assessments etc. SEN Files/IEPS Accident Reports Child Protection Reports/Records S.29 Appeals	Indefinitely Hold until Pupil is 25 Years Never Destroy Hold until pupil is 25 Years Never Destroy Never Destroy Never Destroy Never Destroy Never Destroy
<i>Interview Records</i>	
Interview Board Marking Scheme Board of Management notes (for unsuccessful candidates)	18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken
<i>Staff Records</i>	
Contract of Employment Teaching Council Registration Vetting Records Accident/Injury at work Reports	Retention for duration of employment + 7 years (6 years to make a claim against the school plus 1 year for proceedings to be served on school)
<i>BoM Records</i>	
BOM Agenda and Minutes CC TV Recordings Payroll & Taxation Invoices/receipts Audited Accounts	Indefinitely 28 days normally. In the event of criminal investigation – as long as is necessary Revenue require a 6-year period after the end of the tax year Retain for 7 Years Indefinitely
<p><i>Why, in certain circumstances, does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age?</i></p> <p><i>The reasoning is that a pupil reaches the age of majority at 18 years and that there should be a 6-year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The Statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time barred.</i></p>	