

**Coláiste Chiaráin, Leixlip Community School****Data Protection Policy**

This Data Protection Policy applies to the keeping and processing of Personal Data and Sensitive Personal Data, both in manual and electronic form, held on both school staff and students. 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.

**Scope**

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 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 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 School:** Coláiste Chiaráin

**Rationale**

- Schools are obliged to comply with 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. See Section B.3 under Key Measures below.

### **Relationship to Mission Statement**

The community of the school works in a holistic manner to ensure that dependence is gradually replaced by responsibility for self, society and the world. The dignity of each student, staff member and parent is honoured and reflected in school policies and structures, including this policy.

Coláiste Chiaráin seeks to:

- enable each student to develop her/his 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.
- promote habits of mutual respect, courtesy and an awareness of the inter-dependence of people in groups and communities.
- take particular care of at risk students and uses its monitoring system to provide early intervention when/if necessary and responds to the needs, fears and anxieties of individual students in a sensitive manner.

### **Objectives**

1. To ensure that the school complies with the Data Protection Acts.
2. To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts.
3. To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

**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**

The personal data records held by the school may include:

**Staff records:** These include:

- Name, address and contact details, PPS number
- Original records of application and appointment
- Record of appointments to promotion posts
- 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 will be kept in manual record (personal file within filing system), computer record (database) or both.

Purpose for keeping staff records may include: to facilitate the payment of staff, to facilitate pension payments in the future, a record of promotions made.

**Student records:** These 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
- 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.

Format: These records will be kept in manual record (personal file within filing system), computer record (database) or both.

The purposes for keeping student records are: 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.

**Board of Management records:** These 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 will be kept in manual record (personal file within filing system), computer record (database) or both.

### **Details of arrangements in place to ensure compliance with the eight rules of data protection**

The policy should set down the arrangements in place 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:** Information on students is gathered with the help of parents/guardians and staff. Information is also gathered from the records of their previous schools. Information held on other individuals (members of staff etc.) is generally furnished by the individual themselves or compiled during the course of their employment with the School. The information will be obtained and processed fairly.
2. **Keep it only for one or more specified, explicit and lawful purposes:** All information is kept with the best interest of the individual in mind at all times.
3. **Use and disclose it only in ways compatible with these purposes:** Information will only be disclosed on professional and pastoral necessity and access to it will be strictly controlled.
4. **Keep it safe and secure:** Only those with a genuine pastoral or professional 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. Confidential or highly sensitive information will be stored securely, when appropriate, 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 it accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should ensure that the School is advised 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 as the need arises. 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) 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 for no longer than is necessary for the purpose or purposes:** 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 the employee. 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 civil law.
8. **Give a copy of his/her personal data to that 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. Where the School receives an access request from a student or their parent/guardian, the School will adhere to the guidance material published on the Data Protection Commissioner's website in respect of the person who can give consent, which states: "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."

### **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 could readily be given access
  - if the record is of a sensitive nature, it would be prudent to seek parental/guardian consent
  - if a student has some disability or medical condition that would impair his or her ability to understand the information, or if

disclosure would be likely to be harmful to the individual concerned, parental/guardian consent should be sought.

**Exceptions to the right of access:**

- 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. 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.

A Data Access Request Form is available on request from the school office.

**Links to Other Policies**

The Data Protection Policy should be read in conjunction with the following policies where appropriate:

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

**Implementation Arrangements, Roles and Responsibilities**

The Principal has responsibility for implementing of the policy and for ensuring that staff that handle or have access to personal data are familiarised with their data protection responsibilities.

School administrative staff will have a key role in implementing the policy and should be provided with a copy of the policy and other relevant information. Teaching staff could be provided, at the minimum, with a broad outline of the policy, including a summary of the eight rules of data protection.

This Policy was ratified by the Board of Management on 10<sup>th</sup> October 2016