Our Lady of Good Counsel School
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Policy: Data Protection Policy
Date of Issue: 01/09/2021

Amendments and Reviews.

- **Ratified by the Board on 15th June 2021.**

Chairperson of the Board of Management: Harold Brooks
Principal: Aisling Power

Our Lady of Good Counsel School Data Protection Policy

Introductory Statement

This Data Protection Policy applies to the personal data held by the school and 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.

Scope

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.

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. 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 individuals' personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, informs teaching and learning and also 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(from 1st January 2014 known as TUSLA), 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 a 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 - CPA (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Relationship to characteristic spirit of the school

Our Lady of Good Counsel School 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' right to privacy and rights under the Data Protection Acts.

Personal Data

Staff Data.
Categories held,

- Personnel files containing name, address, date of birth, pps number, contact details, payroll number, pension details, attendance records, qualifications, references, garda vetting certs, in-service attendance records, C.V, medical records, interview, correspondence with BOM, appointment forms,

Purpose held

- For correspondence with Dept. Education payroll, maintaining training records for BOM, correspondence with Med-mark, emergency contact details if needed for ambulance/doctor

Location held

- All files stored in the office in a locked filing cabinet, only secretary/principal have access to these files.

Security

- Locked filing cabinet, locked office, restricted access by principal/secretary

Student Data
Categories held,

- Personal details, school report cards, Psychology/SLT/OT/Physio assessments
- Diagnostic reports
- Attendance records
- Teacher designed assessment instruments. Each class teacher implements his/her own assessment to ascertain baseline date or check skill acquisition.
- Junior Cycle Assessment, CAT GLD assessment files. (Curriculum Access Tool for General Learning Disabilities)
- IEP, records of meetings with the stakeholders regarding these plans
- Records of permissions/refusals to allow children access to community services outside the school
- Portfolios of student work e.g. Junior Cycle Portfolios, Projects/Art and achievements on diagnostic tests.
- Tusla referrals and correspondence.

Purpose held,

- To assist in enrolment procedure
- To support continuous assessment of students holistic development
- To inform the teaching process
- Assessment tool
- Pupil Online Database information requested by the Department of Education and Skills needs to be maintained in the school and inputted on to the database as required. The request for information includes ethnicity and cultural origin of parents and the family religion which may previously not have been requested by the school. Additional data maybe requested by the Department of Education and skills from time to time and will be retained with the signed permission slips in the school.

Location held

- Records kept for administrative purposes (with the exception of those under the "Children First Procedures" are maintained in the Children's main files in the locked press in the office .
- Records related to the educational development of the students are kept in a file in a locked press in the each classroom, or in pupils main file in locked press in office.

Security

- Key to locked presses is in keypad locked safety box on wall in office.

- **Administrative Data.**

Categories held,

- Attendance Reports, Roll Book, Registers, class files, pupil profile files, enrolment applications, baptismal certificate copy (where applicable), birth certificate copy.
- Correspondence between parents and teachers
- Accident Report book detailing injury and treatment applied
- Administration of Medicines Indemnity Forms
- Incident reports and behaviour support forms
- ABC behaviour forms
- Pupil behaviour records and records of allegations/incidents of bullying and alleged bullying
- Records kept in line with Children First Procedures (Child Protection) manually recorded notes.
- Copies of CVs and Garda vetting for all substitute personnel
- Copies of CVs and Garda vetting of all job applicants
- Pupil Online Database information requested by the Department of Education and Skills needs to be maintained in the school and inputted on to the database as required. The request for information includes ethnicity and cultural origin of parents and the family religion which may previously not have been requested by the school.

Purpose held.

- Management of school personal, recruitment, substitution etc
- Information for outside agencies e.g department of Education and skills, HSE, Tusla, Camhs.
- Correspondence with parents.
- Inform the referral process to Multi-d for services/support for our students.
- To maintain educational records of students

Location

- Records kept in locked filing cabinet in the secretary's office.
- "Children First Procedures" are maintained in the principal's office

Security

- Records locked into the filing cabinets in the secretary's office
- Office door locked
- Child Protection material is locked into the filing cabinet in the principal's desk. There is a combination lock on the office door.

Board of management Data

Categories held

- 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.

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

Location:

- Secure filing cabinet in the principal's office

Security:

- Manual /database both kept
- Password protected computer used in the principal's office only.
- Locked filing cabinet
- Principal['s office combination locked)

Other records:

Categories held

- Creditors
- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid.
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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

Location

- Secure filing cabinet in the secretary's office
- Database (password protected)

Security:

- Locked filing cabinet, locked office
- Password protected computer

Charity tax-back forms

Categories of data:

- name
- address
- telephone number
- PPS number
- tax rate
- signature and
- the gross amount of the donation.

Purposes held:

- 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 parent's 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

Location:

- Secure filing cabinet in the secretary's office
- Database (password protected)

Security

- Password protected

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- Locked filing cabinet

CCTV images/recordings

Categories:

- CCTV is installed in Our Lady of Good Counsel School, externally i.e. outside front door and on side of school facing Church. These CCTV systems may record images of staff, students and members of the public who visit the premises.

Purposes:

- Safety and security of staff, students and visitors and to safeguard school property and equipment.

Location:

- Cameras are located externally as detailed in the CCTV Policy. Recording equipment is located in secretary's office

Security:

- Access to images/recordings is restricted to the principal & deputy principal. Tapes, DVDs, hard disk recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts, 1988 and 2003.

Applying the Data Protection Principles to the *Personal Data*

This policy will be implemented so as 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 *Personal Data* fairly

The school will ensure that data subjects (staff, students, parents, board of management members, etc.) are aware, at the time the personal data is being collected, of the following information:

- the name of the school (the "data controller")
- the purpose of collecting the data
- the persons or categories of persons to whom the data may be disclosed
- whether replies to questions asked are obligatory and the consequences of not providing replies to those questions
- the existence of the right of access to their Personal Data
- the right to rectify or delete their data if inaccurate, excessive or processed unfairly
- any other information which is necessary so that processing may be fair and to ensure the data subject has all the information that is necessary so as to be aware as to how their data will be processed.

The Freedom of Information Act, 1997 does not apply to schools. However, 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.

In the case of *Sensitive Personal Data,* explicitly given consent is required unless consent may be implied to be given, for example where it is necessary:

- urgently to prevent injury or other damage to the health of a person or to prevent serious loss or damage to property
- for the purpose of obtaining legal advice or in the course of legal proceedings in which the person doing the processing is a party or witness
- required by or under any enactment or by a rule of law or court order.

2. Use and disclose it only in ways compatible with these purposes

- Under Section 28 of the Act, schools may supply *Personal Data*, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:

- The Minister for Education and Skills (which includes the Inspectorate and the National Educational Psychological Service (NEPS)
- The National Council for Special Education (NCSE)
- The National Educational Welfare Board (NEWB) (now known as TUSLA)
- Each school recognised in accordance with section 10 of the Education Act, 1998
- Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.

Other bodies which will have access where relevant and appropriate to personal data are

- Parents/Guardians
- Past pupils over 18
- Occupational Therapists, Psychologist or Speech Therapists working with pupils as clinical support teams.

With the exception of child protection-related data which is governed by "Children First Guidelines and Procedures 2017", data on attendance, (governed by Tusla) and parental authorisation must be provided by parents in the event of data being transferred to outside agencies. Outside agencies requesting access to records must do so in writing. Parents/Guardians of current pupils seeking data must do so in writing.

3. Keep it safe and secure

Security measures will be taken against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction.

4. Keep it accurate, complete and up-to-date: 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.

5. **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
6. Retain it for no longer than is necessary for the purpose or purposes

- Schools are advised by the Department of Education and Skills that school registers and roll books are required to be kept indefinitely within the school.

- Pay, taxation and related school personnel service records should be retained indefinitely within the school, as advised by DES.

In line with the above, it is suggested that the day-to-day ordinary information on student files (such as class work, examination results, report cards) might, as a general rule, be retained for a period of seven years after the student has completed the Senior Cycle and/or reached the age of 18 whichever is the later (ie, 6 years in which to take a claim, plus 1 year for proceedings to be served on the school). However, some records may need to be retained indefinitely, such as those which relate to more sensitive or controversial matters such as:

- child-safeguarding issues
- reports to the HSE/An Garda Síochána
- accidents/personal injuries involving school personnel/students
- accidents occurring on school property, on School trips (ski trips, etc.) or in relation to school activities (sports matches etc)
- allegations of bullying or harassment
- Disciplinary records, etc.

These records may include data which give additional information and background in relation to particular incidents, including:

- incident report logs
- correspondence to statutory bodies
- notes of meetings
- correspondence with parents
- classroom notes
- playground notes and
- teacher notes

7. Give a copy of their *Personal Data* to that individual on request.

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

- 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
- 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.

Links to other policies and 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): Collection of the data for the purposes of complying with the Department of Education and Skills' pupil online database.
- Child Protection Procedures
- Anti-Bullying Procedures
- Code of Behaviour

- Enrolment Policy
- ICT Acceptable Usage Policy
- Assessment Policy
- Critical Incident Policy
- Attendance Policy
- Intimate Care Policy
- Administration of First Aid Policy

Processing in line with a Data processors 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.

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 within 72 hours
When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay
If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

Dealing with a data access request
Individuals are entitled to a copy of their personal data on written request
The individual is entitled to a copy of their personal data
Request 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 the requests are repetitive or manifestly unfounded or excessive
No personal data can be supplied relating to another individual apart from the data subject

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 Principal for assistance in difficult situations
- Not feel forced into disclosing personal information

Arrangements, Roles and Responsibilities

The Board of Management is the data controller of all school held data. The Principal and school staff, under direction of the Board will implement and monitor this policy. Individual teachers will design, administer and record in-class testing and are responsible for the secure storage of all personal data held in their classroom. The Princi-

pal will ensure records are maintained and stored securely. The Principal will ensure that personal data is only shared with authorised and identified bodies within this policy.

Ratification & Communication

The School's agreed Data Protection Policy will be circulated within the School community. The entire staff will be made familiar with the Data Protection Policy and ready to put it into practice in accordance with the specified implementation arrangements. .

Parents/guardians and students will be informed of the Data Protection Policy from the time of enrolment of the student

Implementation Date

Monitoring the Implementation of the Policy

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- The implementation of this policy will be monitored by the Principal/Deputy Principal

Reviewing and Evaluating the Policy

The policy will be reviewed on an annual basis taking the following points into consideration,

- Requests for access to *Personal Data* are dealt with effectively
- *Personal Data* records are accurate
- *Personal Data* records are held securely

Personal Data records are retained only for as long as necessary.

Cork Confidential Shredding LTD manage the disposal of all confidential waste paper in OLGC School.

First Review Date : 10/10/2022

Signed: _____

Chairperson of Board of Management

Date: 15/6/2021

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