



St. Angela's Secondary School

Data protection policy

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. It 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. In relation to information that 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 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, 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.
- *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.

Definitions

Data: means information in manual and/or electronic format which can be processed and which is recorded as part of a relevant filing system. 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).

Data Controller: The School is the Data Controller, with the Principal acting on behalf of the Board of Management in exercising the functions involved.

Data processor: A person who processes personal data on behalf of a data controller but does not include an employee of a data controller who processes such **data** in the course of his employment.

Processing: In relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- (a) organisation, adaptation or alteration of the information or data,
- (b) retrieval, consultation or use of the information or data,
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available, or
- (d) alignment, combination, blocking, erasure or destruction of the information or data.

DES: The Department of Education and Skills (which shall include any successor agency or regulatory authority that subsumes the responsibilities and duties of that department).

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.

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.

Sensitive Personal Data: refers to personal data regarding a person's

- (a) Racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject.
- (b) Membership of a trade union.
- (c) Physical or mental health or condition or sexual life.
- (d) Commission or alleged commission of any offence.
- (e) Any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

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.

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 to certain prescribed bodies (DES, NEWB, NCSE, other schools and 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).

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 and Sensitive Personal Data records held by the School may include the following (this list is not exhaustive, and depending upon the circumstances, the School may hold additional records relating to the individual):

Staff records:

- Name, address and contact details, PPS number, gender, etc.
- 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 performance assessments, complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and records of progress.
- 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.

Note: a record of grievances/record of disciplinary matters may be maintained by the school which is distinct from and separate to the individual's personnel files and which consequently may not constitute part of a Relevant Filing System. Materials prepared in connection with the staff member's professional duties within the school (including but not limited to teaching plans and class notes etc.) will not constitute part of that staff member's personal files held by the school and will generally not constitute part of a Relevant Filing System.

The format in which these records will be kept will generally be manual record (personal file within filing system) and computer record (database).

Staff records are kept:

- To facilitate the payment of staff and calculate other benefits/entitlements (including reckonable service for the purpose of calculation of pension entitlements and/or redundancy payments where relevant).
- To facilitate pension payments in the future.
To record promotions made and changes in responsibilities etc.
- To review performance and address performance-related issues.
- To enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment.
- To enable the school to comply with requirements set down by the DES, the Revenue Commissioners and any other governmental, statutory and/or regulatory departments and/or agencies.

Student records include:

Information which may be sought and recorded at application and enrolment stage, together with any and all data accumulated relating to the student (and his/her parents/guardians) during the student's time with the school including:

- Name, address and contact details, PPS number
- Date and place of birth
- Names and addresses of parents/guardians and their contact details
- Religious belief (including those of parents/guardians)
- Racial, ethnic or national origin
- Membership of the Traveller community, where relevant
- Whether English is the student's first language and/or whether the student requires English language support.
- Any relevant special conditions (e.g. special educational needs, health issues, and whether they or their parents are medical card holders etc.) which may apply including, in relevant circumstances, any special family arrangements with regard to guardianship/access.
- Information on previous academic records including reports, references, test results, assessments, and other records from any previous school(s) attended by the student
- Psychological assessments
- Records of any reports the School (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines.
- Medical assessments (including those relating to any special needs requirements)
- Attendance Records
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Whether the student is repeating the Leaving Certificate
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed

- Other records e.g. records of any serious injuries/accidents etc. Note: It is advisable to inform parents that a particular incident is being recorded.

These records will generally be kept on a manual record (personal file within filing system) and computer record (database).

The purposes for keeping student records are:

- To enable each student to develop his/her full potential
- To address the educational and other needs of the student
- To ensure the student meets the School's admission criteria
- To comply with legislative or administrative requirements
- To ensure that students meet the minimum age requirements for their course;
- To ensure that students are following an approved curriculum (e.g. Junior Certificate and Leaving Certificate)
- To ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such a grant from the authorities
- To ensure that eligible students and the School can benefit from the relevant additional teaching posts and/or financial supports
- To support the provision of religious instruction
- To enable parent/guardians to be contacted in the case of an emergency;
- To furnish documentation/information about the student to other schools in compliance with the Education (Welfare) Act 2000, The provisions of that Act also provide that the documentation/information may also be transferred to one of the following:
- To furnish, when requested by the student (or their parents, in the case of a student under 18 years) documentation/information/references to third-level educational institutions and/or prospective or actual employers.

Board of Management records:

- Name, address and contact details of each member of the Board of Management.
- Records in relation to appointments to the Board of Management.
- Minutes of Board of Management meetings and correspondence to the Board this may include references to particular individuals.

These records will be kept in manual record (personal file within filing system), computer record (database) form.

The purpose for keeping Board of Management records is to keep a record of Board appointments, documenting decisions made by the Board etc.

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 filing system), 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):

Examination Results:

The main purpose for which Examination 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 or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables.

Recorded Images:

From time to time it is necessary for the school to record data on security cameras (CCTV cameras) in locations on the school premises. In addition to CCTV recordings, photographs and video recordings may be made of students, and these may be taken for teaching and learning or extra-curricular purposes. These recordings will be authorised by the Principal or Deputy Principal on a case by-case basis.

October Returns:

At the commencement of each academic year, each student and their parents/guardians will be asked to complete and return a form in which they will be asked to disclose information regarding their particular circumstances. This is required to facilitate the orderly running of the school. This information is generally referred to as the "October Return".

The October Return contains individualised data (such as an individual student's PPS number) which acts as an "identifier" for the DES to validate the data as that belongs to a recognised student. The DES also transfers some of this data to other governmental departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy-making and research purposes (however the DES advises that it does not use individual data, but rather the aggregated data is grouped together for these purposes).

However, the main purpose of the October Return is for the DES to determine whether the student qualifies for English Language Support, and/or additional resources and support to meet their particular educational needs. The October Return is submitted to the DES electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as the school's aim is to ensure that each student is assisted in every way to ensure that she meets her full potential.

Dealing with Data Access Requests

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 on written request.

Links to Other Policies

Relevant school policies already in place or under review will be formulated with reference to the Data Protection Policy and any implications which it has for them shall be addressed. The following policies are among those to be considered:

Child Protection Policy

Code of Behaviour

Admissions/Enrolment Policy

Substance Use Policy

SPHE/CSPE

ICT Acceptable Usage Policy

Personal Technology Policy

Implementation Arrangements, Roles and Responsibilities

The school is the data controller. The Principal will be assigned the role of co-ordinating the 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.

Reviewing and evaluating the policy

The policy should be reviewed and evaluated at certain pre-determined times and as necessary. On-going review and evaluation should take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the NEWB), legislation and feedback from parents/guardians, students, school staff and others. The policy should be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Signed:

Chairperson of the Board of Management.

Date