

# S.N. Bhaile Chláir na Gaillimhe



## Polasaí Cosaint Sonraí Data Protection Policy



# S.N. Bhaile Chláir na Gaillimhe

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## Data Protection and Record-keeping Policy

### 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.

This policy was formulated by the staff and Board of Management of S.N. Baile Clár na Gaillimhe. The purpose of the policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by parents and stake holders. This policy is in line with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.

### Rationale / 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 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.

- \* A policy on data protection and record keeping is necessary to ensure that the school has proper procedures in place in relation to accountability and transparency
- \* It is good practice to record pupil progress so as to identify learning needs
- \* A school policy is necessary to ensure the school complies with legislation such as:
  - ✓ Education Act, Section 9g requiring a school to provide access to records to students over 18/parents
  - ✓ Education Welfare Act – requiring a school to report school attendance and transfer of pupils.
- \* To provide information for the school community on the Primary Online Database (POD) as per Circular 0017/2014. This is the individualised database of primary school pupils developed by the Department of Education and Skills.
- \* To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies
- \* To put in place a proper recording and reporting framework on the educational progress of pupils
- \* To establish clear guidelines on making these records available to parents and past pupils who are over 18
- \* To stipulate the length of time records and reports will be retained.

### 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 to the Characteristic Spirit of the School:

S.N. Bhaile Chlair na Gaillimhe 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.

### 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. In relation to information 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, 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.

### 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 in 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 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, 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, [Name of school].

## Responsibilities

There are certain key responsibilities in relation to the information that is kept on computer or in a structured manual file about individuals.

It is necessary to:

- \* Obtain and process the information fairly
- \* Keep it only for one or more specified and lawful purposes
- \* Process it only in ways compatible with the purposes for which it was give initially
- \* Keep it safe and secure
- \* Keep it accurate and up to date
- \* Ensure that it is adequate, relevant and not excessive
- \* Retain it no longer that is necessary for the specified purpose or purposes
- \* Give a copy of his/her personal data to any individual on request

## Guidelines

The Principal assumes the function of data controller and supervises the application of the Data Protection Act within the school. The data under the control of the Principal comes under the following headings:

### **Personal Data**

This data relates to personal details of the students such as name, address, date of birth, gender, ethnic origin, nationality, religious belief, medical details, dietary information, PPSN, contact details and parents names. These are kept in a locked cabinet.

# Student Records

## Student records:

### (a) Categories of student data

These **may** include:

- \* Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school.

These records may include:

- name, address and contact details, PPS number
  - date and place of birth
  - names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
  - religious belief
  - racial or ethnic origin
  - membership of the Traveller community, where relevant
  - whether they (or their parents) are medical card holders
  - 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 etc.) which may apply
- \* Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
  - \* Psychological, psychiatric and/or medical assessments
  - \* Attendance records
  - \* Photographs and recorded images of students (including at school events and noting achievements).
  - \* Academic record – subjects studied, class assignments, examination results as recorded on official School reports
  - \* Records of significant achievements
  - \* Exemption from studying Irish
  - \* Records of disciplinary issues/investigations and/or sanctions imposed
  - \* Garda vetting outcome record (where the student is engaged in work experience organised with or through the school which requires that they be Garda vetted)
  - \* Other records e.g. records of any serious injuries/accidents etc.
  - \* 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 (subject to the DES Child Protection Procedures).

### (b) Purposes

The purposes for keeping student records are:

- \* to enable each student to develop to their 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 parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events etc.
- \* to meet the educational, social, physical and emotional requirements of the student
- \* photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's "Guidance for Taking and Using Images of Pupils in Schools" (see template)
- \* to ensure that the student meets the school's admission criteria
- \* to ensure that students meet the minimum age requirements for their course,
- \* to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
- \* to furnish documentation/ information about the student to the Department of Education and Skills, the National Council for Special Education, TUSLA, and other Schools etc. in compliance with law and directions issued by government departments
- \* to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to third-level educational institutions and/or prospective employers
- \* In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the School will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer.

## **Primary Online Database**

The Primary Online Database (POD) is a database of pupils enrolled in primary and special schools, which are recognised by the Department. While the database is hosted by the Department, the pupils' data will be maintained by the schools in which the students are enrolled.

There will be three categories of pupil personal data stored on POD:

- \* **Category 1** - personal data shared between the school and the Department
- \* **Category 2** - sensitive personal data shared between the school and the Department
- \* **Category 3** - personal data, including sensitive data, which is only accessible to the school

[Full details of the type of data stored in POD are provided in **Appendix A**]

The Department will request all recognised primary and special schools to record specific details of the pupils who are enrolled in their schools on POD. The Department, through this Fair Processing Notice and the individual schools through their own Data Protection Policies, provide information on how the schools should meet their data protection obligations regarding pupil data. The Department will also agree a protocol on data handling and data management in relation to POD with the relevant school management bodies. A copy of this protocol will be made available once agreed.

In relation to **Category 1** and **Category 2** data held on **POD**, there are two distinct types of consent required, and the approaches to be adopted are as follows:

**Category 1** refers to data which is non-sensitive personal data such as name, address, Personal Public Service Number (PPSN)...

In respect of these data fields, the parents/guardians are advised by way of this notice:

- \* That both the school and Department collect this data
- \* The purposes for which this data is collected
- \* How this data is stored
- \* Other bodies with whom this data may be shared
- \* How long this data is retained.

**Category 2** refers to data which is sensitive personal data, in the context of POD. This data includes the ethnic/cultural background of the pupil, and the pupil's religion. In relation to these fields, the express written consent of the parents/guardians or students (over 18 years) is required, before this data can be recorded for a student on POD and accessed by the Department of Education. A letter of explanation for parents and a consent form used to collect this type of data is provided in **Appendix B**.

Data on ethnic or cultural background is required in some cases for the purpose of allocating appropriate resources to schools to meet the individual needs of children from these communities and to comply with a number of international reporting requirements for children from these communities. Data on religion and other ethnic or cultural origins is required for statistical analysis and in order to underpin future policy and planning within the Department. Primary school authorities are required to gain the written consent from the relevant parents/guardians or students, as appropriate, before data on these two data fields is recorded on POD. Schools do not need to return the written consent to the Department but should retain it for any inspection by either the Department or the Office of the Data Protection Commissioner.

Both the school and the Department are data controllers<sup>1</sup> for data in Category 1 and Category 2.

For **Category 3** the school is the data controller with the Department acting as a data processor<sup>2</sup> on behalf of the school. The Department will provide the functionality and means of recording the information for Category 3, but will not be able to view the data. The data in Category 3 will be defined by the schools and could include, for example, data on family contacts and details of any medical conditions for a pupil. It is open to schools to decide whether or not they wish to record data in Category 3 for students on POD. The data in Category 3 will be encrypted and therefore it is only visible to school users.

For all the above categories, under Data Protection legislation, parents/guardians have the right to object to the processing of their child's (or their own) personal data, if they feel that the data is not being processed in a fair manner or used for a valid reason. They also have the right to block certain uses of the data and correct errors, in the unlikely event that they identify any errors in this data held about their child (or themselves).

(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) **Security**

Manual records are maintained in personal files in locked filing cabinets in locked rooms. Computer records / database are password protected. Firewall software and encryption is used to protect data. Only personnel who are authorised to use the data can access these records and all employees are required to maintain the confidentiality of any data to which they have access.

## **Staff Records**

(a) **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 record (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).

(b) **Purposes**

Staff records are kept for the purposes of:

- \* the management and administration of school business (now and in the future)
- \* to facilitate 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)
- \* to facilitate pension payments in the future
- \* human resources management
- \* recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- \* to enable 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)
- \* to enable 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
- \* and for compliance with legislation relevant to the school.

**(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) Security**

Manual records are maintained in personal files in locked filing cabinets in locked rooms. Computer records / database are password protected. Firewall software and encryption is used to protect data. Only personnel who are authorised to use the data can access these records and all employees are required to maintain the confidentiality of any data to which they have access.

**Board of Management Records**

**(a) 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.

**(b) 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.

**(c) 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.

**(d) Security**

Manual records are maintained in personal files in locked filing cabinets in locked rooms. Computer records / database are password protected. Firewall software and encryption is used to protect data. Only personnel who are authorised to use the data can access these records and all employees are required to maintain the confidentiality of any data to which they have access.

**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:

## **Creditors**

(a) **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.

(b) **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.

(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) **Security**

Manual records are maintained in personal files in locked filing cabinets in locked rooms. Computer records / database are password protected. Firewall software and encryption is used to protect data. Only personnel who are authorised to use the data can access these records and all 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.

(e) **Security**

Manual records are maintained in personal files in locked filing cabinets in locked rooms. Computer records / database are password protected. Firewall software and encryption is used to protect data. Only personnel who are authorised to use the data can access these records and all employees are required to maintain the confidentiality of any data to which they have access.

### CCTV images/recordings

(a) **Categories:** CCTV is installed as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.

(b) **Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.

(c) **Location:** Cameras are located as detailed in the CCTV Policy. Recording equipment is located in the main office.

(d) **Security:** Access to images/recordings is restricted to the principal and deputy principal of the school. 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.

### Examination results

(a) **Categories:** The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual, continuous assessment and standardized test results.

(b) **Purposes:** The main purpose for which these 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. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.

**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.

(c) **Security:** Identify the format in which these records are kept, e.g. manual record (personal file within a *relevant filing system*), computer record (database) or both. [Describe applicable security measures, e.g. locks, padlocks, password protection, firewall software, adequate levels of encryption etc.]

## Links to Other Policies and to Curriculum Delivery

Our school policies are consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place or being developed or reviewed are examined with reference to the data protection policy and any implications which it has for them are addressed.

The following policies may be among those considered:

- \* Child Protection Policy
- \* Anti-Bullying Policy
- \* Code of Behaviour
- \* Mobile Phone/Electronic Devices Code
- \* Enrolment Policy
- \* CCTV Policy
- \* Substance Use Policy
- \* ICT Acceptable Usage Policy
- \* Curriculum Plans

## Processing in Line with Data Subject's Rights

Data in this school will be processed in line with the data subjects' rights.

Data subjects have a right to:

- (a) Request access to any data held about them by a data controller
- (b) Prevent the processing of their data for direct-marketing purposes
- (c) Ask to have inaccurate data amended
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

<b>Dealing with a data access requests</b>
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## Dealing with Data Access Requests

### 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 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 (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 our school, 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:

- \* Personal Information is not given over the phone
- \* The caller is asked to put the request for data in writing
- \* Refer the request to the principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

## Implementation, Roles and Responsibilities

In our school 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:

<b>Name</b>	<b>Responsibility</b>
Board of management:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

## Access to Records:

The following will have access where relevant and appropriate to the data listed above;

- \* Parents/guardians
- \* Past pupils over 18
- \* Health Service Executive
- \* Designated school personnel
- \* Department of Education & Skills
- \* First and second-level schools (where relevant).

A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies such as health professionals ... Outside agencies requesting access to records must do so in writing giving seven days notice. Parents/Guardians can make such a request either by phone, email or in writing. The right to erasure or rectification is available to change any mistakes or inaccuracies by proper authorisation through the same procedures.

A standardised school report form is used which is issued to parents/guardians by post in June.

## Storage:

All records are stored in the school until the past pupil reaches the age of 21. These records are stored in the school strong room in a locked filing cabinet. All completed school roll books are stored in a similar location. Access to these stored files is restricted to authorised personnel only.

A pupil profile and selection of records are held by each teacher in his/her individual classroom and passed on to the next teacher as the child moves to the next class. Samples of children's work are maintained by class teachers and these are returned to children at the end of the school year.

All files are kept in locked classroom filing cabinets.

Computerised records are maintained and all systems are password protected. Records are backed up to DVD regularly and these DVDs are stored in the strong room in a locked filing cabinet.

With regard to the storage and processing of individualised data, the Board of Management is committed to:

- \* abiding by the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003;
- \* respecting individuals rights to confidentiality and privacy;

## **Success Criteria:**

- \* Compliance with Data Protection Act and Statute of Limitations Act
- \* Easy access to records
- \* Framework in place for ease of compilation and reporting
- \* Manageable storage of records.

## **Roles and Responsibilities**

The school staff, under the direction of the Principal will implement and monitor this policy. Individual teachers will design, administer and record all in-class testing. The Principal will ensure records are maintained and stored, particularly the records of students transferring to another school.

## **Implementation**

This new policy is effective from the date of ratification by the Board of Management.

All records held from before that date will continue to be maintained in the school.

## **Ratification**

This policy was ratified by the Board of Management of S.N. Bhaile Chlár na Gaillimhe.

## **Signed:**

Chairperson of Board of Management

## **Date:**

## **Review Date**

School Year 2020-2021

## **References**

- \* Solas (CPSMA) May-June 2001
- \* Education Act 1998
- \* Education Welfare Act 2000
- \* Data Protection Act 2003
- \* Freedom of Information Act