

ST. PETER'S NATIONAL SCHOOL DATA PROTECTION POLICY

INTRODUCTORY STATEMENT

The school's Data Protection Policy applies to the **personal data** held by the school's Board of Management (BoM), which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR). This policy was first developed in September 2018, was updated in June 2023 and will be reviewed periodically to incorporate any changes as to how St. Peter's National School treats data that it collects and relevant legislative changes.

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 special categories of personal data will be protected by the school.

St. Peter's National School operates a "**Privacy by Design**" method in relation to Data Protection. This means we plan carefully when gathering personal data so that we build in the **data protection principles** as integral elements of all data operations in advance. We audit the personal data we hold in order to

1. be able to provide access to individuals to their data
2. ensure it is held securely
3. document our data protection procedures
4. enhance accountability and transparency

DATA PROTECTION PRINCIPLES

The school BoM 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 BoM is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

1. 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 legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

Purpose & legal basis for collecting & processing information

St. Peter's National School collects and processes personal information about pupils and parents/guardians for a variety of purposes and relies on a number of legal grounds to do so. St. Peter's National School requires this information to perform our duties and responsibilities and to

comply with our legal and statutory obligations. In addition, St. Peter's National School requires this personal information to pursue the legitimate interests of the school and our dealings with relevant third parties (see below). The legitimate interests upon which we rely is the effective operation and management of St. Peter's National School and managing the education and welfare needs of our pupils. St. Peter's National School processes personal data on the basis of the following lawful purposes:

Legal Obligation

St. Peter's National School collects and processes personal information to comply with our legal and statutory obligations, including, but not limited to those under the Education Act 1998 (as Amended), the Education (Welfare) Act 2000, the Education for Persons with Special Needs (EPSEN) Act 2004, the Health Act 1947, the Children First Act 2015, the Child Protection Procedures for Primary and Post-Primary Schools 2023, the Teaching Council Acts 2001-2015 and Safety Health and Welfare at Work legislation.

Legitimate Interests

St. Peter's National School may also process personal information to:

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

How personal information is collected

Pupils

St. Peter's National School collects personal information about pupils through the enrolment process and/or through expressions of interest in relation to enrolment. Additional information is collected from third parties, including former schools and through school activities and general interaction(s) during the course of the pupil's time at St. Peter's National School.

Parents and Guardians

St. Peter's National School collects personal information about parents and guardians through the enrolment process or expressions of interest for enrolment. We collect additional personal information through general interaction during the course of the pupil's time at St. Peter's National School.

Information and third parties

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

- *The Department of Education*
- *TUSLA/the Child and Family Agency*
- *The National Council for Special Education*
- *National Educational Psychological Service (NEPS)*
- *Department of Social Protection and/or other state benefit providers*
- *An Garda Síochána*

- *School Insurance Provider*
- *Third Party Service Providers:* We may share personal information with third party service providers that perform services and functions at our direction and on our behalf such as our accountants, IT service providers including, printers, lawyers and other advisors, and providers of security and administrative services, including data processing/cloud storage service providers e.g. Aladdin.

Transfer of personal information outside the European Union

St. Peter's National School may transfer the personal information we collect to countries outside the EU. Where there is no adequacy decision by the European Commission in respect of any such country that means that that country is deemed not to provide an adequate level of protection for your data. However, to ensure personal information does receive an adequate level of protection we will in such circumstances put in place appropriate measures such as the use of model contractual clauses as approved by the European Commission to ensure personal information is treated by those third parties in ways that are consistent with respect to EU and Irish Laws on Data Protection.

2. Consent

Where consent is the basis for provision of personal data, (e.g. data required to join sports team/ after-school activity or any other optional school activity or consent for photographs which may be displayed on the school's website or in the print media) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. St. Peter's National School will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations.

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

The BoM will inform individuals of the reasons they collect their data and 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.

4. 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.

5. Keep Personal Data safe and secure

Only those with a genuine reason for doing so may gain access to the information. Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are encrypted and password-protected. A laptop is assigned to each teacher, therefore teachers do not share laptops and the assigned laptops are not used by anyone else. Personal data is not stored on memory sticks. Passwords are not given to anyone else.

6. 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. 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.

7. 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.

8. 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 DE guidelines on the storage of Personal Data relating to a student. In the case of members of staff, the school will comply with both DE 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. See **School Record Retention** table (appendix 1).

9. Provide a copy of their personal data to any individual on request

Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

SCOPE

The Data Protection legislation applies to the keeping and processing of *Personal Data*. 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

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:

Personal Data means any data relating to an identified or identifiable natural person i.e. 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 (BoM)

Data Controller is the Board of Management of the school

Data Subject - is an individual who is the subject of personal data

Data Processing - performing any operation or set of operations on data, including:

- Obtaining, recording or keeping the data,
- Collecting, organising, storing, altering or adapting the data
- Retrieving, consulting or using the data
- Disclosing the data by transmitting, disseminating or otherwise making it available
- Aligning, combining, blocking, erasing or destroying the data

St. Peter's National School is a data controller responsible for personal data - i.e. information relating to an identified or identifiable natural person. St. Peter's National School processes personal data, i.e. the school collects, records, stores, retains and uses personal data. St. Peter's National School will respond to questions in relation to this data protection policy and our approach to privacy.

Data Processor - a person who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data. St. Peter's National School uses Aladdin (database) and Snow Technology (Quantum - payroll).

Special categories of Personal Data refers to *Personal Data* regarding a person's

- racial or ethnic origin
- political opinions or religious or philosophical beliefs
- physical or mental health
- sexual life and sexual orientation
- genetic and biometric data
- criminal convictions or the alleged commission of an offence
- trade union membership

Personal Data Breach – a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed. This means any compromise or loss of personal data, no matter how or where it occurs

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 to 2018 and the GDPR.

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. 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. St. Peter's National School sends, by post, a copy of a child's *Passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled.

Where reports on pupils which have been completed by professionals, apart from St. Peter's National School staff, are included in current pupil files, such reports are only passed to the Post-Primary school following express written permission having been sought and received from the parents of the said pupils.

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, Tusla, the National Council for Special Education and other schools). The BoM must be 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; 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) 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 most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of Education and Training Boards), 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 by that body 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 Act 2015***, mandated persons in schools have responsibilities to report child welfare concerns to TUSLA- Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

RELATIONSHIP TO CHARACTERISTIC SPIRIT OF THE SCHOOL

St. Peter's National School seeks to:

- enable students 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 legislation.

PERSONAL DATA

The *Personal Data* records held by the school **may** include:

1. 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.
- Name and contact details of next-of-kin in case of emergency.
- 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 Children First Act 2015

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 and Security procedures of St. Peter's National School:

- a. Manual records are kept in a secure, locked filing cabinet in a locked administration office only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- b. Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.
- c. Digital records are stored online via password-protected OneDrive.
- d. The school has the burglar alarm activated during out-of-school hours.

2. 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) are managed in line with the accompanying policy on school photography.
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- 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).
- Records of any reports the school (or its employees) have made in respect of the student to State Departments and/or other agencies under Children First Act 2015.

b) Purposes:

The purposes for keeping student records include:

- 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, e.g. 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 Website Privacy Statement'.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirement for attendance at Primary School.
- 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 second-level educational institutions.

c) Location and Security procedures of St. Peter's National School:

- a. Manual records are kept in a secure, locked filing cabinet in each classroom and room 16 only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access. Historical records are stored in a locked store room.
- b. Digital records are stored on password-protected computer with adequate encryption and firewall software.
- c. Digital records are stored online via password-protected OneDrive.
- d. The school has the burglar alarm activated during out-of-school hours.

3. Board of Management records:

a) Categories of Board of Management data:

- 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 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 and Security procedures of St. Peter's National School:

- a. Manual records are kept in secure, locked filing cabinets in locked administration offices only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- b. Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.
- c. Digital records are stored online via password-protected OneDrive.
- d. The school has the burglar alarm activated during out-of-school hours.

4. Other Records: Creditors

a) Categories of Board of Management 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:

The purposes for keeping creditor records are:

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 and Security procedures of St. Peter's National School:

- a. Manual records are kept in a secure, locked filing cabinet in a locked administration office only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- b. Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.
- c. Digital records are stored online via password-protected OneDrive.
- d. The school has the burglar alarm activated during out-of-school hours.

5. Other Records: Charity Tax-back Forms

a) Categories of Board of Management 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:

The purposes for keeping creditor records are:

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 event of audit by the Revenue Commissioners.

c) Location and Security procedures of St. Peter's National School:

- Manual records are kept in a secure, locked filing cabinet in a locked administration office only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.
- Digital records are stored online via password-protected OneDrive.
- The school has the burglar alarm activated during out-of-school hours.

CCTV IMAGES/RECORDINGS

CCTV is installed in St. Peter's National School.

- cameras are installed externally e.g. perimeter walls of the school building (at secondary exit/entrance, primary entrance, one placed facing onto Dalymount Lane and one camera at the mid-point of the school facing onto St. Peter's Road.
- cameras are installed internally e.g. In the foyer/porch covering the main entrance to the school and facing onto the school yard
- These CCTV systems may record images of staff, students and members of the public who visit the premises.
- The viewing station is in the main school administration office

Purposes:

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

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 Data Protection Acts legislation.

EXAMINATION RESULTS

The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual and continuous assessment results and the results of Standardised Tests.

Purposes:

The main purpose for which these examination results are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardian about educational attainment levels and recommendations for the future. 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 other schools to which pupils move.

Location and Security procedures

- a. Manual records are kept in a secure, locked filing cabinet in each classroom and in room 16 and room 24 and these are only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- b. Digital records are stored on password-protected computer with adequate encryption and firewall software.
- c. Digital records are stored online via password-protected OneDrive.
- d. The school has the burglar alarm activated during out-of-school hours.

LINKS TO OTHER POLICIES AND TO 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:

- Child Protection Procedures
- Anti-Bullying Procedures
- Code of Behaviour
- Enrolment Policy
- ICT Acceptable Usage Policy
- Assessment Policy
- Special Educational Needs Policy
- Critical Incident Policy
- Attendance Policy

PROCESSING IN LINE WITH A DATA SUBJECT'S RIGHTS

Data in this school will be processed in line with the data subject's rights. Data subjects have a right to:

- Request a copy of the personal information held about the individual;
- Rectify any inaccurate personal data held about the individual;
- Erase personal information held about the individual;

- Restrict the processing of individual personal information;
- Object to the use of individual personal information for our legitimate interests;
- Receive individual personal information in a structured commonly used and machine-readable format and to have that data transmitted to another data controller.

Data Processors

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place (*Written Third party service agreement*). St. Peter's National School third party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract. (Aladdin and Snow Technology (Quantum)).

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

IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES

The BoM is the data controller and the Principal implements the Data Protection Policy, 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:

Name	Responsibility
Board of Management:	Data Controller
Principal:	Implementation of Policy
Teaching Staff:	Awareness of responsibilities
Administrative Staff:	Security, confidentiality
ICT Personnel:	Security, Encryption, Confidentiality

RATIFICATION & COMMUNICATION

Ratified at the BoM meeting on _____ and signed by Chairperson. Secretary recorded the ratification in the Minutes of the meeting

MONITORING THE IMPLEMENTATION OF THE POLICY

The implementation of the policy shall be monitored by the Principal, staff and the Board of Management

REVIEWING AND EVALUATING THE POLICY

The policy will be reviewed and evaluated after 2 years. On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or TUSLA), legislation and feedback from parents/guardians, students, school staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Signed:

For and behalf of Board of Management

Date: Ratified

Appendix 1

St. Peter's NS

Records Retention Schedule

Schools as *data controllers* must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, St. Peter's NS has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

The process of determining the Records Retention Schedule was carried out by reviewing current legislation. The principles of making good record retention decisions can be summarised as:

- Avoiding trying to accommodate every conceivable need;
- Retain information if it is likely to be needed in the future and if the consequences of not having it would be substantial;
- Be conservative i.e. avoid inordinate degrees of risk;
- Ensure systematic disposal of records immediately after their retention period expires or archive as determined;
- Base retention periods on the required legislation; and
- Apply common sense.

IMPORTANT: In all cases, schools should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/board of management/an officer or employee of the school (which may include a volunteer)), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statute of Limitations may be different in every case. In all cases where reference is made to "18 years" being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school must be aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations **may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by schools on a case-by-case basis.** In all cases where retention periods have been recommended with reference to the relevant statutory

period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school should be aware that the claim could arise many years after the incident complained of and the courts/ tribunals/ employment fora may not consider the complainant to be “out of time” to make their claim.

Student Records	Final Disposition	Retention Comments
Registers/Roll books	N/A	Indefinitely. Archive when class leaves + 2 yrs

Records relating to pupils/students	Final Disposition	Retention Comments
Enrolment Forms (for pupils admitted to the school)	Confidential shredding/ deletion	Student reaching 18 years + 7 years. 18 is age of majority + 7 years (6 years in which to take a claim against school, + 1 year for proceedings to be served on the school)
Pupil transfer forms (Applies from one school to another)	As above	As above
In-school standardised test results & SEN assessments	As above	As above
End of term/year reports	As above	As above
Disciplinary notes	As above	As above
School tours/trip records (including permission slips, itinerary reports)	As above	As above

Sensitive Personal Data Students	Final disposition	Retention Comments
Section 29 appeal records (for pupils enrolled in the school)	Confidential shredding/ deletion	Student reaching 18 years + 7 years. 18 is the age of majority (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Accident reports	As above	As above
Records of complaints made by parents/ guardians	Confidential shredding or N/A, depending on the nature of the records.	Depends entirely on the nature of the complaint but no longer than is necessary for the purpose of recording. If complaint is of a more mundane nature (e.g. misspelling of child’s name, parent not contacted to be informed of parent-teacher meeting etc.), retention as above.
Enrolment forms where child not enrolled/ refused enrolment	Confidential shredding/ deletion	Two years after non-admission, to provide time for review/appeal process
Psychological assessments	N/A	Never destroy
SEN files, reviews, correspondence & IEPs	N/A	Never destroy
Child protection records	N/A	Never destroy

Staff personnel files (whilst in employment)	Final Disposition	Comments
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e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, staff training records etc.	Confidential shredding. Retain an anonymised sample for archival purposes.	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Application &/CV	Confidential shredding/deletion	As above
Qualifications	As above	As above
References	As above	As above
Interview: database of applications (section which relates to employee only)	As above	As above
Selection criteria	As above	As above
Interview board marking scheme & board notes	As above	As above
Interview board panel recommendation	As above	As above
Recruitment medical	As above	As above
Garda Vetting outcome	As above	Record of outcome retained for 12 months. School to retain reference number & disclosure date on file, which can be checked with An Garda Síochána in the future.
Job specification/description	As above	As above
Contract/Conditions of employment	As above	As above
Probation letters/forms	As above	As above
POR app & correspondence (if successful)	As above	As above
Leave of absence applications	As above	As above
Allegations/complaints	As above	As above Please note relevant DES Circular re Disciplinary Procedures in relation to period of time for which a warning remains “active” on an employee’s record.
Grievance and Disciplinary records	As above	As above Please note relevant DES Circular re Disciplinary Procedures in relation to period of time for which a warning remains “active” on an employee’s record.
Job share	As above	As above
Career break	As above	As above
Maternity leave	As above	As above
Paternity leave	As above	As above or for 2 years after retirement/ resignation (whichever greater)

Parental leave	As above	Retain for minimum of 8 years or as above
Parent's leave	As above	Retain for minimum of 8 years or as above
Force Majeure leave	As above	Retain for minimum of 8 years or as above
Carers Leave	As above	Retain for minimum of 8 years or as above
Working Time Act (attendance hours, holidays, breaks)	As above	Retain for minimum of 3 years or as above

Recruitment Process Unsuccessful Candidate Records	Final disposition	Comments
Note: these retention periods apply to unsuccessful candidates only.	Confidential shredding / deletion	18 months from close of competition: 12 months plus 6 months for Workplace Relations Commission to inform school that claim is being taken.
Candidate applications/ CVs called for interview	As above	As above
Database of applications	As above	As above
Selection criteria	As above	As above
Applications of candidates not shortlisted	As above	As above
Unsolicited job applications	As above	As above
Candidates shortlisted but unsuccessful at interview	As above	As above
Successful candidates who do not accept offer	As above	As above
Interview board marking scheme & board notes	As above	As above
Panel recommendation by interview board	As above	As above

Occupational Health Records	Confidential Shredding	Comments
Sickness absence records/certificates	Confidential shredding Or do not destroy	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to/in connection with individual's school duties, in which case, do not destroy.
Pre-employment medical assessment	As above	As above
Occupational health referral	As above	As above
Correspondence re retirement on ill-health grounds	As above	As above
Medical assess/ referrals	As above	As above
Sick leave records (sick benefit forms)	As above	In the case of audit/refunds as above

Accident/injury reports	As above	Retain for 10 years or as above
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Government Returns	Final Disposition	Comments
Any returns which identify individual members of the school community	Confidential shredding/ retained indefinitely	Depends on return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DE guidelines. If it relates to student information, e.g. October Returns, Annual Census etc., "Student Records" guidelines apply.

Superannuation /Pension /Retirement records	Final Disposition	Comments
Records of previous service (incl. prev. correspondence)	N/A	DE advises that these should be kept indefinitely.
Pension calculation	Confidential shredding/ deletion	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/ former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school whichever longer)
Pension increases	As above	As above
Salary claim forms	As above	As above

Board of Management Records	Final Disposition	Comments
Board agenda and minutes	N/A	Indefinitely. Store securely on school property
Principal's monthly report including staff absences	N/A	Indefinitely. Administrative log not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".
School closure	Transfer	On school closure, school to liaise with Patron. decommissioning exercise should take place with respect to archiving and recording data.

Other school based reports/minutes	Final Disposition	Comments
CCTV recordings	Safe/ secure deletion	28 days in the normal course, but longer on a case-by-case basis e.g. where recordings/images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage/vandalism to school property & where images/ recordings are retained to investigate those issues.

Other school based reports/minutes	Final Disposition	Comments
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Payroll and taxation	Confidential shredding/ retained indefinitely	Revenue Commissioners require records be kept for at least 6 years after the end of the tax year. Records must be made available for inspection by authorised Revenue Commissioner officers or of Dept. of Social Protection. Note: The DE requires of schools that “pay, taxation and related school personnel service records should be retained indefinitely within the school. These records can be kept either on a manual or computer system.
Audited accounts	N/A	Indefinitely
Invoices/ back-up records/ receipts	Confidential shredding/ deletion	Retain for 7 years