



DATA  
PROTECTION  
POLICY  
2023/24

SAINT FINIAN'S NATIONAL SCHOOL



## Introduction

St Finan's promotes openness and cooperation between staff, parents and pupils as a means towards providing a caring environment through which a child can develop and grow to his or her full potential. This can best be achieved where there is openness, transparency and co-operation between staff, parents, pupils and other stakeholders.

This policy was formulated by Staff and Board of Management of St Finian's to identify the records required to be retained by the school to achieve this and to ensure confidentiality and manageable procedures in relation to access to such records by parents, pupils and stakeholders and the safe storage of such data.

## Rationale

- 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 to identify learning needs;
- A policy must be put in place to ensure a school complies with legislation and departmental circulars such as;

1. Education Act, Section 9(g) requiring a school to provide access to records to students over 18 and their parents.

2. Education Welfare Act 2000 – including provisions requiring a school to report school attendance, the transfer of pupils to other schools and communications with the Education Welfare Officer.
3. Data Protection Act 1998 and the Data Protection (Amendment) Act 2003.
4. Circular Letter 0056/2011 -regarding the implementation of the National Literacy and Numeracy Strategy regarding Assessment.
5. Circular Letter 0024/2013 -regarding the online claims system in recognized primary schools.
6. 2014/2015 Primary Online Database (POD).

## **Aims and Objectives**

1. To establish a clear understanding in consultation with staff and management as to the type of staff records that are maintained and how such records should be made available.
2. To ensure that St Finan’s complies with legislative requirements regarding the data protection entitlements of pupils, staff and other members of the school community.
3. To put in place proper records on the educational progress of pupils thereby enabling parents and staff to support a child’s learning in a meaningful and constructive manner and to ensure that eligible pupils benefit from relevant additional teaching and financial support.
4. To report to parents in a meaningful way on the educational progress of their pupils.
5. To establish clear guidelines on making these records available to parents, stakeholders and past pupils (over 18).
6. To stipulate the length of time records and reports will be retained and the way they will be retained.

## **The Eight Rules of Data Protection**

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes

3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purpose
8. Give a copy of his/her personal data to that individual on request

## Scope

**Data:** What is meant by data is information in a form that can be processed. For the purposes of this policy, it includes automated data (information on computer or information recorded with the intention of putting it on a 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 filing system).

**Data Protection:** The means by which the privacy of individuals are safeguarded in relation to the processing of their data.

**Relevant Filing System:** This refers to any set of information that, while not computerised, is structured by reference to pupils, staff or partners with whom the school has business, so that specific information relating to an individual is readily accessible.

**Personal Data:** This refers to data belonging to an individual who is identifiable by this data or from any other personal data that is in possession of the data controller.

**Sensitive Personal Data:** Specific categories of data which may define a person's

- ❖ racial or ethnic origin
- ❖ political opinions or religious beliefs
- ❖ physical or mental health or condition, amongst other categories.

**Data Controller:** A data controller is the individual or staff which controls the contents and use of personal data. The school itself can be considered 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 information of behalf of a data controller.

**Data Processing:** Is a process of (a) obtaining, recording or keeping data (b) collecting, organising, storing, altering or adapting the data (c) retrieving, consulting or using the data (d) aligning, combining, blocking, erasing or destroying the data

## **Guidelines**

The Principal assumes the function of data controller and supervises the application of the Data Protection legislation 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 pupils such as name, address, date of birth, gender, nationality, medical details, dietary information, PPSN, contact details and parents' names. Parents/Guardians reserve the right not to disclose details related to ethnic origin/ background or religious beliefs.

These records are retained in both manual forms in a locked press in the office and in electronic form on the school database which is currently Aladdin.

## **Pupil Records: Type and Access (indicated in brackets)**

- Personal data of the student as outlined above (Principal, Class Teacher, Secretary)
- Medical sensitive data (Principal, Teaching Staff, Secretary, SNA)
- School report cards (Principal, Class Teacher, Learning Support Teacher)
- Psychological/Clinical/Occupational Therapy/Speech and Language Assessments (Principal, Class Teacher, Learning Support Teacher)
- Standardized Test Results (Principal, Class Teacher, Learning Support Teacher)
- Attendance Records (Principal, Deputy Principal, Class Teacher, Post Holder, Tusla, School Completion)
- Screening Test such as Middle Infant Test and Non-Reading Intelligence Test (Principal, Class Teacher, Learning Support Teacher)
- Teacher - designed tests. Each class teacher designs his/her own test template (Principal, Class Teacher, Learning Support Teacher)
- Diagnostic Tests Reports (Principal, Class Teacher, Learning Support Teacher)

- Individual Education Plans (Principal, Class Teacher, Learning Support Teacher)
- Learning Support/Resource Data such as records of permission/refusal to access Learning Support/ Resource Teaching services in the school (Principal, Learning Support Teacher, Class Teacher)
- Portfolios of student work (Principal, Class Teacher, Learning Support Teacher)
- Relevant family information such as Court Orders re custody etc. (Principal)
- Details of behavioural incidents or accidents. (Principal, Teaching Staff, SNA, Secretary)
- School Transfer record (Principal, Secretary, Class Teacher)
- Disciplinary notes (Principal, Deputy Principal, Class Teacher)
- Book Rental Scheme (Principal, Secretary)
- Section 29 appeals (Chairperson, Principal)
- Accident reports (Principal, Chairperson, Class Teacher)
- Parental complaints (Chairperson, Principal)
- Photographs/School Tours/ Parental Permission slips/use of internet at school - parents/guardians sign a consent form when a child becomes enrolled in the school allowing their child access. (Principal, Class Teacher, Secretary)
- Child protection disclosures (Mandated Persons, DLP, DDLP, Tusla)

**This personal data is gathered throughout the life of the pupil in school. Initial data collected on each pupil will comprise personal data such as name, gender, date of birth, details of siblings, home addresses, names and contact details of parents and birth certs. This data is used to confirm that the child conforms to the school's enrolment policy. This data is collected by St Finian's on its enrolment forms. The pupil's PPSN is recorded as the pupil enters the school. The Department of Education and Skills is listed and registered as a user of PPSNs. This number is used to compile a profile of each pupil on the Primary Online Database (POD). POD is used by the department to allow effective planning and administration of school staff and finance. Other Personal Data recorded on POD includes Mother's birth surname, Nationality, Country of residence and Mother Tongue. In Saint Finian's information for POD is processed through Aladdin, an online school data processing platform. Saint Finian's has a processing service agreement with Aladdin. This is subsequently transferred to the Department of Education and Skills online portal known as Esinet. Schools are required to comply with Esinet instructions. Both Aladdin and Esinet comply with correct encryption protocols.**

**Other personal data, described above is gathered and generated as the child progresses through the school. This data is used to allow the teaching staff to plan each child's progress, both social and academic, effectively.**

**Sensitive personal data is also recorded on the school's enrolment form. Information on any medical condition is looked for, for example, information concerning allergies. This data is used to ensure the child's health and safety. This data may be displayed in the school staffroom, where necessary and with relevant permission, ensuring each staff member is alert to any potential risk to pupils. Also, the school requests that each child submit a baptismal cert if applicable. This allows the teaching staff to prepare pupils for religious ceremonies. POD seeks to record the religion and ethnic or cultural background of each child. As this is viewed as sensitive personal data, parents can opt out of this.**

Pupil records are held by each class teacher in a locked cabinet. A computerized school database is also used. As mentioned earlier, the system used is Aladdin.

Psychological/Clinical/Occupational Therapy/Speech & Language Assessments are held in a locked cabinet in the Principal's office.

*\*In all instances where the Principal has access to documents, it is understood that the School Chairperson has access to same.*

### **Staff Data**

This data relates to personal and professional details of the Staff such as name, address, date of birth, contact details, payroll number, payroll details of ancillary staff, attendance records, qualifications, school records, sick leave, Teaching Council Certificates, Vetting Certificates, Continuous Professional Development, Detailed accounts of employment processes, Curriculum Vitae, school returns, classes taught, seniority and supervision payments.

Personal Data of teachers, deemed to be sensitive, is also collected. This would refer to medical data of staff. Primarily details related to sick leave.

**Staff data is collected as a teacher, or employee, is appointed to the staff. This is to ensure that each appointment is valid and processed correctly. Details are forwarded to the Department of Education and Skills to ensure correct payment.**

**Medical data is collected to ensure the teachers and staff are compliant with the conditions of employment regarding sick leave. Responsibility of this lies with the deputy principal. This information is processed through the Online Claim System operated by the Department of Education.**

**Principals are required to a non-discretionary referral of staff member who has 4 weeks (28 Days cumulative sick leave ) in a 12 month rolling period. This constitutes an occupational health assessment and this is done through Medmark. This may be done online or by post. The employee concerned must be informed of this and why this referral is being made. Medmark will then deal with the individual in question.**

Staff records are held in a locked cabinet in the office. Staff records are shared with the online claim system known as OLCS. This is administered by a designated staff member through the Department's online portal known as Esinet. The Chairperson, the Principal and the School secretary have access to those records stored in the cabinet.

### **Administrative Data**

This data includes data such as;

- Accident Report Book
- Health and Safety Records
- Fire Drills
- Health and Safety Audits
- Administration of Medicines Indemnity Form
- Policies
- Health Service Executive files
- Accounts
- Attendance Reports

These records are retained both in manual form in the office and in electronic form on the school database which is currently Aladdin.

### **Board of Management files**



- The names and contact details of each member of the Board
- details of appointments to the Board;
- School accounts, grant payments, school subscription payments etc.
- Minutes of Board meetings
- Correspondence to the board which may include references to individuals

These records are retained in the School Secretary's office and in the Principal's office in manual form. The Principal, Secretary, Chairperson and the Treasurer have access where appropriate. Some of these data are stored in electronic form on the principal's computer.

**Sensitive documentation circulated for discussion at board of management meetings (e.g. child protection reports concerning employees) should be circulated in hard copy only at the beginning of meetings and gathered up at the end to be stored securely.**

### **Garda Vetting Policy**

As a part of our Garda Vetting Policy, parents who wish to volunteer their services to the school that may involve direct contact with school children must be vetted. All staff employed directly by the Board of Management should provide Garda Vetting. The information that is collected and subsequently returned to the school by the Patron body is private and sensitive and can only be seen by the school Principal and another named individual on the school Board of Management, usually the Principal. This information is stored in the Principal's office.

### **Third Party Transfers**

Unlike data controllers, data processors have a very limited set of responsibilities under Data Protection laws. They must register with the Data Protection Commissioner as data processors. These data processors may process information on behalf of a school. Saint Finian's uses the services of Aladdin which provides cloud computing electronic storage facilities for the school. It also provides a school text service.

### **Data Access Requests**

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

- Parents/guardians of pupils under 18 years of age
- Past pupils over 18
- Health Service Executive
- Designated school personnel (as specified above)
- Department of Education & Skills
- First and second-level schools (where relevant).

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

Section 8 of the Data Protection Acts provides that restrictions on processing personal data shall not apply in certain limited circumstances. If a state agency (e.g Department of Social Protection, Revenue, HSE etc) requests information/data from Saint Finian's, the school will need to satisfy itself that the state agency has a legal basis for requesting the school provide such data, and that the school is obliged to disclose the requested information based on that legal requirement.

### **Note on Parental Access Requests**

The right of access to a copy of one's own data under Section 4 of the Data Protection Acts applies to a person's own personal data only. There is no express provision within the Data Protection Acts for a person (such as a parent) to exercise the right on behalf of another person (such as their minor child). Aside from the Data Protection Acts, Schools are also governed by other pieces of legislation, including the Education Act 1998 (as amended). All Schools are reminded that under the Education Act 1998 parents/guardians of children under the age of 18 years are statutorily entitled to information relating to their child's educational progress.

The definition of a “parent” as set out in the Education Act 1998 is important; it “includes a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in loco parentis who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter”.

St Finian's recognises its obligations under the equality legislation, and its obligation to communicate and correspond with all parents/guardians (which according to the Education Act 1998 includes foster parents, and others acting in loco parentis etc) in a fair and equitable manner irrespective of their marital/family/civil status.

Parents seeking a data access request will be asked to provide guardian status.

### **Pupil Access Request**

In relation to access requests made by a pupil, under section 4 Data Protection Acts, there is no “age of consent” in the Data Protection Acts. A student who is under 18 years old is entitled to receive their data if they make an access request. Where the school receives an access request under section 4 from a student aged under 18 years, the school will need to consider the nature of the data they hold and whether the student is mature enough to deal with the information. If there is anything on the student’s file which might be upsetting or distressing for the student to receive, appropriate support and pastoral care should be offered to the student. It is suggested that if the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access. However, if the information is of a sensitive nature, in certain circumstances appropriate measures should be taken before releasing the data to the student to ensure the student is appropriately supported. In appropriate cases advice should be sought before releasing the materials to the student.

### **Responding to Requests**

The Data Controller will respond within 40 days of request. Requests should be made using the request form attached to this policy.

## **Handling requests to rectify personal data**

If an individual discovers that Saint Finian's has details about them (or their child in the case of parents of children under 18) that are not factually correct, s/he can ask the school to change or, in some cases, remove these details. Similarly, if the individual feels that the school does not have a valid reason for holding their personal details or that the school has collected these details in an unfair way, the individual can ask to have the details changed or removed.

In both cases, the individual should write to the school principal explaining their concerns or outlining which details are incorrect. Within 40 days, the school must rectify or erase the data or explain why they will not do so.

**A request for access, correction and deletion may be made by using the form attached to this policy document.**

## **Storage**

**Data is stored either in manual or electronic form. Attached to this policy is a schedule detailing which kind of data is stored and for which duration.**

- All pupil records are stored in the school for several years until the past pupil reaches the age of 25. These records are stored in a locked room in filing boxes and retained on the school database. Computerized records, systems are password protected.
- All staff data is stored indefinitely within the school and/or in line with departmental guidelines. All other data is stored in line with departmental guidelines.
- A pupil profile and selection of records are held by each teacher in his/her individual classroom and passed onto the next teacher as the child moves to the next class.
- All completed school roll books are stored in the Secretary's office in an adjacent locked room.
- All waste paper /printouts are shredded/disposed of carefully;
- Access to these stored files is restricted to authorized personnel only.

## **Closed Circuit Television**

- A CCTV system operates on the school grounds in order to enhance the security of the premises.
- The recognizable images recorded by CCTV constitute 'personal data' and therefore come under the Data Protection Acts 1988 and 2003.
- The Board of Management of St Finian's have authorized the use of CCTV to protect the school grounds, the school buildings and its contents from vandalism and theft. The system also acts as a measure to enhance the personal security of all authorized persons entering the school grounds.
- Accordingly, images recorded by the CCTV system shall be retained for one month except where an issue arises in relation to an image in which case the image shall be retained until the issue has been investigated or resolved.
- There are clear, legible signs informing people of the presence of CCTV and its operation.

## **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

## **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.

**Review**

This policy will be reviewed every second year or as the need arises.

This policy was implemented in May 2018. A copy of this policy will be made available to each member of staff and each parent through the school website.

Annual reviews should take place to keep up compliance with current GDPR regulations.