



Swords Educate Together National School

Roll Number 20145 O

Data Protection and Record Retention Policy

General Information

Name of School:	Swords Educate Together N.S.
Address:	Applewood, Swords, Co. Dublin.
Telephone:	01 8903899
Email:	info@swordseducatetogether.ie
Website:	www.swordseducatetogether.ie
Denominational Character:	Equality Based
Patron:	Educate Together

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)

1. INTRODUCTION

This policy was formulated by Staff and Board of Management of Swords Educate Together National School to ensure compliance with Data Protection Acts 1988 to 2018 and the EU General Data Protection Regulation (GDPR).

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.

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 Protection Regulation (GDPR)

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.

Swords Educate Together 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

2. 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 so as to identify learning needs.

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
- Education Act 1998, Section 9- requiring a school to provide access to records to students over 18/parents
- Education Welfare Act 2000 requiring a school to report school attendance and transfer of pupils.

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

3. RELATIONSHIP TO SCHOOL ETHOS

Swords Educate Together National School promotes openness and co-operation between staff, parents and pupils as a means towards providing the caring environment through which a child can develop and grow to their full potential.

Swords Educate Together National School seeks to:

- 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 while fully respecting individuals' rights to privacy and rights under the Data Protection legislation.

4. AIMS/OBJECTIVES

- To ensure the school complies with legislative requirements
- 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 pupils over 18
To stipulate the length of time records and reports will be retained

5. DATA PROTECTION PRINCIPLES

The BoM of Swords Educate Together National 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 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:

- **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.
- **Consent:** Where consent is the basis for provision of personal data, (e.g. data required to join sports team/ afterschool activity or any other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. Swords Educate Together National School will require a clear, affirmative action e.g. payment of a fee or ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations

- **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.

6. SCOPE AND PURPOSE OF THE POLICY

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.

7. 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 Swords Educate Together National 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

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. [e.g. Aladdin; Sage, Redbook, Google for Education]

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.

8. 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. Swords Educate Together National School sends, by post/email, a copy of a child's Passport, as provided by the National Council for Curriculum and Assessment, to the Principal of the PostPrimary School in which the pupil has been enrolled.

Where reports on pupils which have been completed by professionals, apart from Swords Educate Together 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)

9. PERSONAL DATA

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

STAFF RECORDS

A) CATEGORIES: 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 SWORDS EDUCATE TOGETHER 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. The school has the burglar alarm activated during out-of school hours.

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 Acceptable Usage Policy, School Facebook Policy and other relevant policies as applicable
 - 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 his/her 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 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 Acceptable Usage Policy, School Facebook Policy and other relevant policies as applicable and '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:

- Manual records are kept in a secure, locked filing cabinet/press 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. The school has the burglar alarm activated during out-of-school hours.

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:

- Manual records are kept in a secure, locked filing cabinet/press 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. The school has the burglar alarm activated during out-of-school hours.

OTHER RECORDS: CREDITORS

A) CATEGORIES: 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 AND SECURITY PROCEDURES:

- Manual records are kept in a secure, locked filing cabinet/press 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. The school has the burglar alarm activated during out-of-school hours.

OTHER RECORDS CHARITY TAX-BACK FORMS

A) CATEGORIES: 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

C) 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 event of audit by the Revenue Commissioners.

D)

C) LOCATION AND SECURITY PROCEDURES:

- Manual records are kept in a secure, locked filing cabinet/press 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. The school has the burglar alarm activated during out-of-school hours.

CCTV IMAGES/RECORDINGS

- A) CATEGORIES: CCTV is installed in Swords Educate Together National School.
- cameras are installed externally – outside the main entrance and facing the front gate
 - cameras are installed internally on the lower corridor

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 and Principal's Office.

- B) PURPOSES: Safety and security of staff, students and visitors and to safeguard school property and equipment.
- C) LOCATION AND SECURITY PROCEDURES: 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

- A) CATEGORIES: The school will hold data comprising examination results in respect of its students. These include:
- class, mid-term, annual and continuous assessment results,
 - Diagnostic Test results
 - and the results of Standardised Tests
- B) 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 guardians 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 a pupil will move to.
- C) LOCATION AND SECURITY PROCEDURES:
- Manual records are kept in a secure, locked filing cabinet/press 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. The school has the burglar alarm activated during out-of-school hours.

10. DATA RETENTION PERIODS TABLE

PUPIL RELATED	RETENTION PERIODS
<ul style="list-style-type: none"> School Register Enrolment Forms Disciplinary notes Test Results – Standardised Psychological Assessments etc. SEN Files /IEPS Accident Reports Child Protection Reports / Records S.29 Appeals 	<ul style="list-style-type: none"> Indefinitely on Aladdin Data Management System Hold until Pupil is 25 years old (subject to review) Indefinitely on Aladdin Data Management System (booklets shredded after 12 months) Hold until Pupil is 25 years old (subject to review) Hold until Pupil is 25 years old (subject to review) Hold until Pupil is 25 years old (subject to review) Hold until Pupil is 25 years old (subject to review) Hold until Pupil is 25 years old (subject to review)
INTERVIEW RECORDS	RETENTION PERIODS
<ul style="list-style-type: none"> Interview Board Marking Scheme Board of Management notes (for unsuccessful candidates) 	<ul style="list-style-type: none"> 18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is taken
STAFF RECORDS	RETENTION PERIODS
<ul style="list-style-type: none"> Contract of Employment Teaching Council Registration Vetting Records Records of accidents at work Personal injury claims 	<ul style="list-style-type: none"> Duration of employment + 7 years Duration of employment + 7 years Duration of employment + 7 years 10 years (subject to review) 3 years (subject to review)
BOM RECORDS	RETENTION PERIODS
<ul style="list-style-type: none"> BOM Agenda and Minutes CC TV Recordings Payroll & Taxation Invoices / receipts Audited A/C's 	<ul style="list-style-type: none"> Indefinitely 28 days normally. In event of criminal investigation – as long as is necessary Revenue require a 6-year period after the end of the tax year Retain for 7 Years Indefinitely

Why in certain circumstances does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age?

The reasoning is that a pupil reaches the age of majority at 18 years and that there should be a 6-year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time barred.

11. 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 Safeguarding Policy
- Anti-Bullying Policy
- Code of Behaviour
- Mobile Phone Code
- Enrolment Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- Special Educational Needs Policy
- Critical Incident Policy
- Enrolment Policy

12. PROCESSING IN LINE WITH DATA SUBJECT'S RIGHTS

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

- Know what personal data the school is keeping on them;
- Request access to *any data* held about them by a data controller;
- Prevent the processing of their data for direct-marketing purposes;
- Ask to have inaccurate data amended;
- Ask to have data erased once it is no longer necessary or irrelevant

B) 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**). Swords Educate Together 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.

C) 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.

D) Dealing with a data access request

Individuals are entitled to a copy of their personal data on written request

Request must be responded to within one month. An extension may be required (e.g. over holiday periods etc.)

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

13. PROVIDING INFORMATION OVER THE PHONE

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:

- Check the identity of the caller to ensure that information is only given to a person who is entitled to that information
- Suggest that the caller put their request in writing if the employee is not sure about the identity of the caller and in circumstances where the identity of the caller cannot be verified
- Refer the request to the principal for assistance in difficult situations. No employee should feel forced into disclosing personal information

14. IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES

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:

Name	Responsibility
Board of management:	Data Controller
Principal:	Implementation of Policy

Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

15. RATIFICATION AND COMMUNICATION

Ratified at the BoM meeting on **28th January 2020** and signed by Chairperson. Secretary recorded the ratification in the minutes of the meeting

16. MONITORING THE IMPLEMENTATION OF THE POLICY

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

17. REVIEWING AND EVALUATING THE POLICY

The policy will be reviewed and evaluated after two years or where necessary. 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: **Yvonne Coakley**

For and on behalf of SETNS Board of Management

Date: **28/01/2020**



Swords Educate Together National School

Roll Number 20145 O

Data Access Request Procedures Policy

Introduction:

This Data Access Request Procedures Policy relates to the right of access by an individual data subject. This policy was first developed in 2018, reflecting the General Data Protection Regulation (GDPR), which replaces the existing data protection framework under the EU Data Protection Directive.

Swords Educate Together National School is not subject to the Freedom of Information Acts 1997-2003, but is subject to data protection legislation. Data subjects have a right to access all data relating to them.

Rationale:

The Data Protection Acts provide for a right of access by an individual data subject to personal information held by Swords Educate Together National School. The procedures outlined in this policy are provided to ensure compliance with the school's obligations under the Acts and governs the manner in which requests for access to personal data will be managed by the school.

It is important to note that only personal information relating to the individual (or in the case of a parent/carer making an access request on behalf of a student, only personal information in relation to his/her/their child) will be supplied. No information will be supplied that relates to another individual.

Relationship to characteristic spirit of the school:

Swords Educate Together National School is a multi-denominational, equality-based, child-centred and democratically-run school. It seeks to enable each student to develop their full potential; provide a safe and secure environment for learning; and 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 pupils, staff, parents/carers and others who interact with us. The school wishes to achieve such while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

Making an Access Request:

Any data subject about whom the school holds personal data has a right to find out, free of charge, if a person (an individual or organisation) holds information about him/her. The data subject also has a right to be given a description of the information and to be told the purpose for holding the information.

Applications for the release of data must always be in writing. This must be done on the school's Data Access Request Form (Appendix 1).

When making an access request, a data subject is required to familiarise themselves with the procedure and to complete the Data Access Request Form which will assist the school in processing the access request where personal information (or in the case of a parent/carer making an access request on behalf of a student, personal information in relation to their child) as a data subject is processed and retained by the school.

1.1 Individual's making an access request

On making an access request, any individual whom the school keeps personal data, is entitled to:

- a copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts apply, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
- know the purpose/s for processing his/her data
- know the identity (or the categories) of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions, where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the "decision" as to whether a loan should be made to an individual based on his/her credit rating)

1.2 Students making an access request

Where a student (aged under 18 years) makes an access request, the school may inform the student that:

- (a) Where they make an access request, their parents/carers will be informed that they have done so and
- (b) A complete copy of the access request materials being furnished to the data subject by the school will also be furnished to their parents/carers.

The right of access under the Data Protection Acts is the right of the data subject. However, there may be some data held by the school which may be of a sensitive nature and the school will have regard to the following guidance issued by the Office of the Data Protection Commissioner in relation to releasing such data:

- A student aged **eighteen years or older** (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student aged **eighteen years or older** has some disability or medical condition which may impair his or her ability to understand the information, then parent/carer consent will be sought by the school before releasing the data to the student.
- A student aged from **twelve up to and including seventeen** can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:
 - (a) If the information is ordinary, routine or non-controversial (e.g. a record of a test result, statement of attendance) the student could readily be given access
 - (b) If the information is of a sensitive nature, the school will seek parent/carer consent before releasing the data to the student
 - (c) If the information would be likely to be harmful to the individual concerned, parental/carer consent will be sought before releasing the data to the student.
- In the case of students **under the age of twelve**, an access request may be made by their parent or carer on the student's behalf. The school, however, notes that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation will be addressed to the child at his/her address which is registered with the school as being his/her home address.

Note: Where a parent/carer makes an access request on behalf of their child (a student aged under 18 years), the right of access is a right of the data subject (i.e. it is the student's right). In such a case, the access materials will be sent to the child, not to the parent who requested them. This means that the access request documentation will be sent to the address at which the child is registered on the school's records and will be addressed to the child. The documentation will not be sent to or addressed to the parent/carer who made the request. Where a parent/carer is unhappy with this arrangement, the parent/carer is invited to make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court (on application by a parent/carer) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent/carer, a copy of the order should be given to the school by the parent/carer and the school can release the data on foot of the court order.

1.3 Parents/carers making an access request

Under the Education Act 1998, parents/carers of children under the age of 18 years are statutorily entitled to information relating to their child's educational progress. This obligation is entirely separate and distinct from an 'access request'.

Parents/carers are reminded that an 'access request' only applies where an individual requests their own data. The school can facilitate the parent's access to records relating to their child's progress in his/her education under Section 9(g) Education Act 1998.

Should the school receive an access request from a parent/carer relating to their child, we will, in the first instance consider releasing the data per Section 9(g) Education Act 1998. Should this not be relevant, the school may choose to deem the parental access request as an access request made on behalf of the child who is under 18 (see above).

Should the school receive an access request from a parent/carer relating to their own data, the procedures, as outlined below, will be followed.

1.4 Solicitors making an access request

Where a solicitor makes an access request on behalf of an individual, the school will seek legal advice. However, if the school is satisfied that the solicitor is acting on behalf of the data subject (by the solicitor furnishing a signed consent from the data subject), there is no legal requirement for the school to seek legal advice in the context of complying with a request.

Procedures for Data Access Requests:

To make an access request, you must:

1. Apply in writing requesting access to your data using the Data Access Request Form (Appendix 1) in order to assist the school in processing your access request. Such correspondence should be addressed to the Chairperson of the Board of Management
2. The school reserves the right to request official proof of identity (e.g. photographic identification such as a passport or driver's licence) in order to process your request.
3. On receipt of the access request form, a co-ordinator will be appointed to check the validity of your access request and to check that sufficient information to locate the data requested has been supplied. In Swords Educate Together National School, the co-ordinator is the Chairperson of the Board of Management. It may be necessary for the co-ordinator to contact you in the event that further details are required with a view to processing your access request.
4. The co-ordinator will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.
5. The co-ordinator will ensure that all relevant manual files (held within a "relevant filing system") and computers are checked for the data in respect of which the access request is made.
6. The co-ordinator will ensure that the access request is processed as quickly as possible, and **will not take longer than one month**, in line with GDPR regulations.

7. Before supplying the information requested to you as data subject (or where the access request is made on behalf of a student aged under 18 years, information relating to the student), the co-ordinator will check each item of data to establish:

- If any of the exemptions or restrictions set out under the Data Protection Acts apply, which would result in that item of data not being released, or
- where the data is “health data”, whether the obligation to consult with the data subject’s medical practitioner applies, or
- where the data is “social work data”, whether the prohibition on release applies.

8. If data relating to a third party is involved, it will not be disclosed without the consent of that third party or alternatively the data will be anonymised in order to conceal the identity of the third party. Where it is not possible to anonymise the data to ensure that the third party is not identified, then that item of data may not be released.

9. The school reserves the right to seek legal advice regarding data access requests.

10. The co-ordinator will ensure that the information is provided in an intelligible form (e.g. codes explained) or will provide an explanation.

11. The documents supplied under a data access request will be numbered.

12. The response to a data access will be ‘signed-off’ by an appropriate person, i.e. Chairperson of the Board of Management.

13. The school reserves the right to supply personal information to an individual in an electronic format e.g. on tape, USB, CD etc.

14. Where you as an individual data subject may seek to rectify incorrect information maintained by the school, please notify the school.

15. The school has a right to refuse data access request if it is manifestly unfounded or excessive, in particular taking into account whether the request is repetitive.

16. In circumstances where your access request is refused, Swords Educate Together National School will write to you explaining the reasons for the refusal. In such circumstances, you have the right to make a complaint to the Office of the Data Protection Commissioner www.dataprotection.ie.

Policy review:

This policy will be reviewed as necessary, and particularly to comply with any relevant changes to DES guidelines and circular or legislation.

Ratification, communication and implementation:

This policy was reviewed and ratified by the Board of Management of Swords Educate Together National School on 28 January 2020.

This policy will be circulated to all parent(s)/carer(s) following ratification and a copy will be published on the school website.

This policy will be brought to the attention of all staff members upon their appointment to the school.

The implementation of the policy shall be monitored by the Principal and the Chairperson of the Board of Management.

Signature of Chairperson

Yvonne Coakley

Signature of Principal:

Karl Breen

Date: **28/01/2020**

Swords Educate Together National School

Data Access Request Form

Request for a copy of Personal Data under the Data Protection Acts 1988 to 2018

Please see the school’s Data Protection Policy and Data Access Request Procedures Policy for further information regarding the completion of this Data Access Request Form.

Important: Proof of Identity must accompany this Access Request Form (e.g. official/State photographic identity document such as driver’s licence, passport).

Full Name:	
Maiden Name <i>(if name used during your school duration)</i>	
Address:	
Contact number *	Email addresses *

* We may need to contact you to discuss your access request

Please tick the box which applies to you:

Parent/carer of current/former pupil <input type="checkbox"/>	Current/former pupil <input type="checkbox"/>	Current staff member <input type="checkbox"/>	Former staff member: <input type="checkbox"/>
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Name of Pupil:	Date of Birth of Pupil:
Insert Year(s) of attending school:	

Data Access Request:

I, _____, [insert name] wish to make an Access Request for a copy of personal data that Swords Educate Together National School holds about me/my child [please choose as relevant]. I am making this access request under Data Protection Acts 2013 to 2018.

To help us to locate your personal data, please provide specific details below, which will assist us to meet your requirements e.g. description of the category of data you seek, relevant dates and the purpose of seeking this information) in order to help us to your access request.

I declare that all the details I have given in this form are true and complete to the best of my knowledge.

Signature of Applicant: _____ Date: _____

Please return this form to the relevant address:

**To the Chairperson of Board of Management, Swords Educate Together National School, Applewood,
Swords, Co. Dublin**