

Lusk National School

Data Protection and Records Retention Policy

2017/2018

Introductory Statement

The review and update of this policy was formulated by the members of the Board of Management and staff in November 2017.

The school's Data Protection and Records Retention Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003.

This policy is a re-working of the policy using the template provided by the Data Protection in Schools website www.dataprotectionschools.ie. This website was developed by primary and post-primary management bodies with the assistance of the Department of Education and Skills.

The Records Retention Schedule is attached as Appendix 1 to this policy.

The Personal Data Security Breach Code of Practice Template is attached as Appendix 2.

The Personal Data Rectification/Erasure Request Form is attached as Appendix 3.

The CCTV Policy template is attached as Appendix 4.

The Enrolment Data Protection Statement is attached as Appendix 5.

Rationale

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts, 1988 and 2003.

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased.

The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the Principal and Board of Management to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and Board of Management.

Scope

Purpose of the Policy: The Data Protection Acts 1988 and 2003 apply to the keeping and processing of *Personal Data*, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff and to inform staff, students and their parents/guardians how their data will be treated.

The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school.

Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by the school.

Data Protection Principles

The school is a *data controller* of *personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- **Obtain and process *Personal Data* fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** The School will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.
- **Process it only in ways compatible with the purposes for which it was given initially:** Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.
- **Keep *Personal Data* safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) should be encrypted and password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data.
- **Keep Personal Data accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. The principal may delegate such updates/amendments to another member of staff. However, records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.
- **Ensure that it is adequate, relevant and not excessive:** Only the necessary amount of information required to provide an adequate service will be gathered and stored.
- **Retain it no longer than is necessary for the specified purpose or purposes for which it was given:** As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a student. In the case

of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law.

- **Provide a copy of their *personal data* to any individual, on request:** Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

Definition of Data Protection Terms

In order to properly understand the school's obligations, there are some key terms which should be understood by all relevant school staff:

Data means information in a form that can be processed. It includes both *automated data* (e.g. electronic data) and *manual data*. *Automated data* means any information on computer, or information recorded with the intention that it be *processed* by computer. *Manual data* means information that is kept/recorded as part of a *relevant filing system* or with the intention that it form part of a relevant filing system.

Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily, quickly and easily accessible.

Personal Data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller i.e. the school.

Sensitive Personal Data refers to *Personal Data* regarding a person's

- racial or ethnic origin, political opinions or religious or philosophical beliefs
- membership of a trade union
- physical or mental health or condition or sexual life
- commission or alleged commission of any offence or
- any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

Data Controller for the purpose of this policy is the board of management, Lusk NS.

Other Legal Obligations

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. **For example:**

- Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School
- Under section 20(5) of the Education (Welfare) Act, 2000, a principal is obliged to notify certain information relating to the child's attendance in school and other matters relating

to the child's educational progress to the principal of another school to which a student is transferring

- Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day
- Under Section 28 of the Education (Welfare) Act, 2000, the School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)
- Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers "SENOS") such information as the Council may from time to time reasonably request
- The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body
- Under Section 26(4) of the Health Act, 1947 a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2011) published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Relationships to the Characteristic Spirit of the School

Our Roman Catholic ethos aims to promote the full and harmonious development of all aspects of the person of the pupil - intellectual, physical, cultural, moral and spiritual. At Lusk NS we aim to provide an environment where each child is given an opportunity to fulfil his/her potential in the academic, social, artistic, sporting and musical spheres. We recognise and value our rich traditional, rural heritage and our place in the history of the local community.

We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

Information Technology Security

Lusk NS uses the School's Broadband Programme which is managed by PDST Technology in Education, under the auspices of the Department of Education and Skills. It provides an integrated set of services to schools which includes broadband connectivity and hosted services including content filtering.

All staff desktops and the office PC are password protected using the Windows User Account Controls and password option. Encryption is used for portable devices such as the Principals laptop. Email communication referring to pupils or staff will be deleted within a timely manner, generally once a term, once the relevant issue has been addressed.

Personal Data

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

A. Staff Records:

(a) **Categories of staff data:** As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:

- Name, address and contact details, PPS number
- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, subjects etc.)
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).

(b) **Purposes:** Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)
- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

(c) **Location:**

- Secure, locked Staff filing cabinet: Individual Staff Files, Appointments files for shortlisted candidates.
- Secure, locked Office filing cabinet: Esinet/OLCS folder and records (for substitute teacher and SNA payments and teacher absences)

The Principal, Deputy Principal and School Secretary have authorised access to these files.

Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:**

- Individual hard copy personal files are stored in the secure, locked Staff filing cabinet.
- Where online applications are accepted they are received and stored on the password protected school email account
- Interview records for shortlisted candidates will be printed and stored in an Appointments Folder in the secure, locked Staff filing cabinet.

B. 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
- Child Protection/ Child Welfare Records
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements).
- Academic record – standardised test results as 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 mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

(b) **Purposes:** The purposes for keeping student records are:

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction

- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's "Media Permission Form".
- to ensure that the student meets the school's admission criteria
- 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

(c) **Location:**

- Secure, locked Pupil Filing Cabinet: Individual Pupil files
- Secure, locked Learning Support Cabinet: Individual Learning Support Pupil Files for relevant pupils.
- Secure, locked Child Welfare Filing Cabinet: Incidents Logbook, Anti-Bullying files, Child Protection files
- Secure and locked office Filing Cabinet: Current Enrolment Applications, Overall School Enrolment Folder
- Secure and locked Strong Room: Roll Book archive
- School Attic & Principals Office: Archive files for past pupils

The Principal, Deputy Principal and School Secretary have authorised access to these files.

Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:**

- These records will mainly be hard copy personal files in the locked Pupil Filing Cabinet and/or the Learning Support Pupil Filing Cabinet. Teachers will maintain one copy of the key for the Pupil Filing Cabinet in their room while another copy will be kept in the key box in the school office with each key coded appropriately.
- Pupil information for the Pupil Online Database (POD) will be generated in a Microsoft Excel Spreadsheet file. This file will be encrypted and password protected. The passwords will be made known to the Principal and Secretary only.

C. Board of Management Records:

(a) **Categories** of board of management data: These may include:

- Name, address and contact details of each member of the board of management (including former members of the board of management)
- Records in relation to appointments to the Board
- Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.

(b) **Purposes:** To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of board appointments and decisions.

Location:

- Secure, locked Principals Filing Cabinet.

The Principal and Staff Representative on the Board of Management will manage this access. Employees are required to maintain the confidentiality of any data to which they have access.

(c) **Security:**

- The Board of Management Meeting records are printed and stored in a Board of Management folder in the secure, locked Principals Filing Cabinet.
- Archive Board of Management folders are stored in the secure and locked strong room.
- The original electronic documents (e.g. minutes) are stored on the Principal's c drive. This file will be encrypted and password protected. The passwords will be made known to the Principal.
- Principal's reports emailed to the Board Recording Secretary for drafting as minutes of Boards meeting will be password protected and deleted once returned to the secretary of the Board.

D. Other Records:

Creditors

(a) **Categories of data:** the school may hold some or all of the following information about creditors (some of whom are self-employed individuals):

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid.

(b) **Purposes:** This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

(c) **Location:**

- Secure and locked Office Filing Cabinet:

The Principal, Deputy Principal and Secretary will manage this access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:**

- Manual record in Bank Payments folder stored in secure and locked Office Filing Cabinet.

Examination/Assessment Records

(a) **Categories:**

- Individual Class Teachers will maintain an Assessment folder for their current class listing ongoing class assessments, e.g. weekly test results, teacher designed assessment tasks, portfolio material, etc.
- The school will hold data comprising annual standardised/screening assessment results in respect of its students

- An annual school report is issued for each student.
- (b) **Purpose:** The main purpose for which these assessment results and other records are held is to monitor a student’s progress. The data from the annual standardised test results is aggregated for statistical/reporting purposes and is transferred to the Department of Education and Skills each year via the online and secure Esinet system. Note: these are whole class reports and do not identify individual pupils.

(c) **Location:**

- Teacher’s Desk: Class Based Assessment Folders.
- Secure, locked Pupil Filing Cabinet: Individual Pupil files, Copies of Annual Pupil Reports
- School Attic: Archive files for past pupils

For the annual standardised tests and annual reports, the Principal, Deputy Principal and School Secretary have authorised access to these files.

Employees are required to maintain the confidentiality of any data to which they have access.

(c) **Security:**

1. Each Class Teacher and any visiting Department of Education and Skills Inspector requires access to the Class Based Assessment Folder. These folders are daily, working documents. They will be stored at the Teacher’s Desk.
2. Other assessment records will mainly be hard copy personal files in the locked Pupil Filing Cabinet and/or the Learning Support Pupil Filing Cabinet.
3. Electronic Archive of previous Annual Pupil reports will be stored on the central, password controlled R drive on the school server. Electronic copies of these files must be deleted from all teachers laptops/PCs, from the “trash” folder and from any staff USB keys once the reports have been completed and stored in the central files.

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. During their review phase, 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 Policy
- Anti-Bullying Policy
- Code of Behaviour
- Enrolment Policy
- Substance Use Policy
- Acceptable Internet Use Policy
- Special Needs Policy
- Assessment Policy
- Promoting Positive Staff Relations Policy
- Health and Safety in The Workplace Policy

Processing in Line with Data Subject’s Rights

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

Data subjects have a right to:

- (a) Request access to any data held about them by a data controller

- (b) Prevent the processing of their data for direct-marketing purposes
- (c) Ask to have inaccurate data amended
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Dealing with a Data Access Request

Section 3 access request

Under Section 3 of the Data Protection Acts, an individual has the right to be informed whether the school holds data/information about them and to be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing and the data controller will accede to the request within 21 days.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.

Section 4 access request

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

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 40 days.
- A fee may apply but cannot exceed €6.35.
- Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.
- No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

Providing Information Over The Phone

In our school, any employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. In particular the employee should:

- 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.

Roles and Responsibilities

In our school the board of management is the data controller.

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 & relevant postholders :	Awareness of responsibilities
Administrative personnel:	Security, confidentiality

Monitoring, Implementation and Review

The implementation of the policy shall be monitored by the Principal and a designated member of the board of management.

An annual report will be issued to the board of management to confirm that the actions/measures set down under the policy are being implemented. This will be done in Term 3 each year. On-going review and evaluation should take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the NEWB), legislation and feedback from parents/guardians, students, school staff and others.

Ratification and Communication

This policy will be ratified by the Board of Management and will be implemented immediately after ratification.

When the Data Protection Policy has been ratified by the board of management, it becomes the school's agreed Data Protection Policy. The policy will be introduced to all staff and thereafter will be reviewed by the staff at the start of each school year

Notification of the availability of this and other school plans and policies is displayed on the Parents' Noticeboard and on the school web site www.luskns.ie

A full copy of the policy will be made available on the school web site and parents will be informed that this is available.

The new Website Privacy Statement will be published on the school website immediately.

At the point of enrolment, Parents/Guardians will be notified of the existence of the Data Protection Policy and informed where they can access it.

The plan was ratified by the Board of Management:

on _____ **(date)**

signed _____
Lorcan O'Toole, Chairperson, Board of Management