

Ballinabranna N.S.
Ar Aghaidh le Chéile

DATA PROTECTION POLICY

Ballinabranna N.S.

DATA PROTECTION POLICY

Introduction:

- The purpose of this Data Protection Policy is to support the school in meeting its responsibilities with regard to the processing of personal data. These responsibilities arise as statutory obligations under the relevant data protection legislation. They also stem from our desire to process all personal data in an ethical manner which respects and protects the fundamental rights and freedoms of natural persons.
- This policy aims to help transparency by identifying how the school expects personal data to be treated (or “processed”). It helps to clarify what data is collected, why it is collected, for how long it will be stored and with whom it will be shared.
- The school recognises the seriousness of its data processing obligations and has implemented a set of practices to safeguard personal data. Relevant policies and procedures apply to all school staff, boards of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school).
- Any amendments to this Data Protection Policy will be communicated through the school website and other appropriate channels, including direct communication with data subjects where this is appropriate. We will endeavour to notify you if at any time we propose to use Personal Data in a manner that is significantly different to that stated in our Policy, or, was otherwise communicated to you at the time that it was collected.
- 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. Formally, the statutory responsibility of Controller is assigned to the Board of Management. The Principal is assigned the role of co-ordinating the implementation of this Policy and for ensuring that all staff who handle or have access to Personal Data are familiar with their responsibilities.

Name	Responsibility
Board of Management	Data Controller
Principal	Implementation of Policy
All Staff	Adherence to the Data Processing Principles
Entire School Community	Awareness and Respect for all Personal Data

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, staff and other stake holders.

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
- A policy must be put in place to ensure a school complies with legislation such as;
 - Education Act 1998, s9(g)
 - Education Welfare Act 2000, s20,21 & 28
 - Education for Persons with Special Educational Needs Act, 2014. S14
 - Data Protection Acts 1988- 2003
 - The General Data Protection Regulation (GDPR)
 - Data Protection Act 2018
 - Freedom of Information Act 2014
 - The National Strategy to improve Literacy and Numeracy among Children and Young People 2011 – 2020
 - Health Act 1947, s26(4)
 - Children First Act 2015

Details of arrangements in place to ensure compliance with the eight Principles of data protection (Processing Principles)

Processing is the term used to describe any task that is carried out with personal data e.g. collection, recording, structuring, alteration, retrieval, consultation, erasure as well as disclosure by transmission, dissemination or otherwise making available. Processing can include any activity that might relate to personal data under the control of the school, including the storage of personal data, regardless of whether the records are processed by automated or manual means.

There are a number of fundamental principles, set out in the data protection legislation, that legally govern our treatment of personal data. As an integral part of its day to day operations, the school will ensure that all data processing is carried out in accordance with these processing principles.

1. Obtain and process personal data fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Process it only in ways compatible with the purpose for which it was given initially
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 specified purpose or purposes
8. Provide a copy of his/her personal data to that individual on request.

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 stipulate the length of time records and reports will be retained

Relationship to characteristic spirit of the school (school's mission/vision/aims)

- How does this policy relate to the school's mission/vision and aims?

Mission Statement

Ballinabranna National School is concerned with delivering a holistic education by example and instruction. It aims to foster the intellectual, spiritual, physical and social development of all the children enabling them to achieve their full potential. It strives to provide a vibrant, caring, supportive and happy environment for all. It recognizes the uniqueness and dignity of all our pupils and staff. It interacts in a positive manner with our community and environment.

Scope:

The Data Protection legislation applies to the keeping and processing of *Personal Data*. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated

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

Definition of Data Protection Terms :

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

Personal Data means any data relating to an identified or identifiable natural person i.e. a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller (BoM)

Data Controller is the Board of Management of the school

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

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

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

- Aligning, combining, blocking, erasing or destroying the data

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. In the case of Ballinabranna NS, this includes Aladdin, Funky Frog and the school accountants.

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.

The personal data records held by the school may include:

1 Personal Data: Students

This data relates to personal details of the students such as name, address, date of birth, gender, family status, parents' place of employment, ethnic origin, membership of the Traveller community where relevant, nationality, whether English is the pupil's first language and/or whether the pupil requires language support, religious belief, medical details, information on previous academic record (including reports, assessments and other records from previous school/s attended by the pupil), photographs and recorded images of pupils are managed in line with school's policy, dietary information, PPSN, home telephone and mobile contact details. It also includes the names of students' parents/guardians.

This information is included in the School Enrolment Form. These forms are kept in the Secretary's Office. Information such as name, address, contact numbers and registration numbers on pupils are stored in both hard and soft copy format.

2 Student Records:

Student records outlined below are held by each class teacher and also in the Secretary's Office. Such student records contain:-

- Personal details of the student.
- Student report cards
- Attendance Records
- Records of students who have been granted exemption for the study of Irish.
- Teacher-designed tests. Each class teacher designs his/her own test template

- Individual Education Plans, Individual Pupil Learning Plans and records of meetings with the stakeholders regarding these plans
- Learning Support/Resource Data such as records of permissions/refusals to allow children access to LS/RT services in the school
- Portfolios of student work e.g. Projects/Art and achievements on diagnostic tests.

The following records are stored securely in the SET room.

- Psychological Assessments/and/or medical assessments
- Assessment results carried out by professionals to assist teaching and learning (e.g. results of psychiatric reports; occupational therapy reports; speech and language assessments; etc.).
- Education Plans, Individual Pupil Learning Plans and records of meetings with the stakeholders regarding these plans.
- Diagnostic Tests Reports

The following records are stored securely in the Principal's Office

- Standardised Test Results
- Screening Tests such as M.I.S.T., N.R.I.T., Quest, Dyslexia Screening Tests etc.
- Child Protection concerns and HSE referrals
- Minutes of HSE Child Protection Conferences.

3 Administrative Data:

The following records are stored securely in the Secretary's Office:

- Administration of Medicines Indemnity Forms
- Class files;
- Enrolment applications; baptismal certificate copy (where applicable); birth certificate copy, passport copy if necessary.
- Records of books rented under book-rental scheme and books borrowed from school library

The following records are stored securely in the Principal's Office:

- Attendance Reports, Roll Book, Registers;
- Pupil behavior records and (kept in Principal's Office)

Records kept in line with Children First Procedures (Child Protection) (kept securely in Principal's Office)

Administrative details are recorded on the Aladdin system, are password protected and are accessed by the Secretary, Deputy Principal, the Principal, relevant class teacher and the Chairperson of the Board of Management if necessary.

The following records are stored securely by the Deputy Principal:

- Accident Report Book detailing injury and treatment applied

The following records are stored securely by the AP2 post holder:

- Records of allegations/ incidents of bullying and alleged bullying;(manually recorded notes).

The following records are stored securely by teachers:

- Correspondence between parents and teachers.

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 support the provision of religious instruction
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child’s educational progress or to inform parents of school events, etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, e.g. compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the ‘Acceptable Use Policy’ 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, other schools, and other agencies 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.

4 Board of Management records:

The following records are stored securely in the Principal’s Office:

These include:

- Name, address and contact details of each member of the Board of Management, such details will be made available to the Kildare and Leighlin Diocese.
- 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.
- Minutes, reports and correspondence relating to the Board of Management are kept in the Principal's office. Child Protection matters reported to the Board will not identify a pupil by name except in exceptional circumstances.

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.

Access to Records:

The following will have access where relevant, with legitimate aim and appropriate to the data listed above where pupils are identified by name:

- Parents/Guardians
- Past Pupils over 18
- Health Service Executive staff
- National Educational Psychological Service
- National Education Welfare Board
- Occupational Therapists or Speech Therapists working with pupils
- Designated School Personnel
- Department of Education and Skills (where necessary)
- First and Second level schools (where relevant)
- Ballinabranna N.S. School Board of Management

The school may process personal data to comply with legal and statutory obligations including:

- Data Protection Act 2018 & GDPR
- Education Act 1998, as amended,
- Education (Welfare) Act 2000
- Education for Persons with Special Needs (EPSEN) Act 2004
- Health Act 1947
- Children First Act 2015
- Child Protection Procedures for Primary and Post-Primary Schools 2017
- Safety, Health and Welfare at Work Act 2005 as amended
- Teaching Council Acts 2001-2015

Outside of these legal and statutory obligations, written parental authorisation must be provided by parents in the event of data being transferred to outside agencies. Outside agencies requesting access to records must do so in writing. Parents/Guardians of current pupils can make such a request in writing. Past pupils and parents of past pupils seeking data must do so in writing.

A standardised school report form is used, which is issued by post in mid June to all parents along with results of standardised testing of pupils from 1st to 6th classes.

For the purposes of COVID-19 contact tracing, the HSE may require a school to provide the personal data of staff, pupils, and parents. This transfer of data by a school as a data controller has a legal basis in data protection law as being, “necessary for compliance with a legal obligation to which the controller is subject (Article 6(1)(c) GDPR).” The Infectious Disease Regulations 1981 provide medical officers of health with the power to take steps, including the collection of personal data, as are necessary for preventing the spread of an infectious disease. Article 9(2)(i) GDPR and Section 53 of the Data Protection Act 2018, further enable the processing of health data by the public health authorities where necessary for public interest reasons in the area of public health including protecting against serious cross-border threats to health.

Please Note That: a) As the legal basis for processing personal data is identified as compliance with a legal obligation, the consent of parents is not necessary and this processing will not be optional. b) Once the data has been transferred, the HSE will act as a data controller for the purpose of conducting contact tracing.

A. Staff Data:

- Staff records include name, address, contact details, payroll number, PPSN, qualifications, records of interview procedures, results of interview process, Interview board recommendations to BOM, BOM recommendations to Bishop, contracts, pension details, references, curriculum vitae, job applications, attendance records, Teaching Council registration Garda Clearance, Statutory Declaration where necessary, Form of Undertaking, Medical Fitness to Teach, details of approved absences (career breaks, parental leave, study leave, 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

Access is restricted to the Principal and Secretary(where appropriate). Records are destroyed by way of shredding when no longer required. These records are kept in the Principal’s office.

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.

Other Records: Creditors

1. a) *Categories of Board of Management data:*

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

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

2. b) *Purposes: The purposes for keeping creditor records are:*

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

B. Students' Attendance Records:

Pupils' attendance will be recorded and stored on the Aladdin software administration system. This system is password protected and is accessed by the Secretary, Principal and Deputy Principal. Teachers can access their own class records in any given year. These class records are password protected.

C. Student Records:

Student records maintained under the Data Protection Policy will include:

1. ***School Report Booklets.*** An annual progress report is issued to each child's parent/guardian at the end of the school year. A copy of this report is available on request to a parent who resides at a different address and who makes their address known to the school. These booklets are securely stored in the School Office. Computer generated reports using the Aladdin system will be stored electronically with copies printed and stored in pupils' files in the School Office
2. ***Psychological Assessments.*** Reports issued following psychological assessment are securely stored in designated folders in the SET room. Reports issued following other assessments such as Occupational Therapy, Speech & Language, Medical etc are also stored in the SET room
3. ***Standardised Test Results.*** Standardised Tests in English and Mathematics are administered in May to all classes from First Class to Sixth Class. Class Record Sheets are securely stored by the Class Teacher and SET Teacher and on Aladdin. The Principal will also retain a school copy of class record sheets. Standardised Test results are included in the Annual Summer Report to be completed at the end of the school year and stored in the Secretary's Office. Test Booklets are stored for one school year after which they are shredded.
4. ***Screening Tests.*** Assessments are administered to children each year. Class record sheets are securely stored by the class teacher and the Principal. Results are recorded on Aladdin, test booklets are stored for 1 year in the principal's office.
5. ***Teacher – designed tests.*** Results of teacher designed tests are securely stored by the teacher.

6. **Diagnostic Test Reports.** Diagnostic tests are administered by the Special Education Teachers.. Results from these assessments are securely stored by the relevant teachers and details are also included in records kept by the Principal.
7. **Special Educational Needs.** Classroom Support Plans, School Support Plans and Individual Education Plans will be completed by relevant teachers for children with Special Educational Needs. Copies will be securely stored by teachers, relevant Support Teachers and a copy included in the Deputy Principal's records.
8. **Special Education Teaching Data** such as records of consent/refusal to allow diagnostic testing or access to SET services in the school. These records are securely stored by the relevant teacher.
9. **Class Records.** Class records are updated regularly. Class record sheets are stored securely in class folders in teachers' classrooms.
10. **Portfolios** of student work e.g. Art, Written work are stored securely by the Class Teacher.
11. **Attendance Records.** Attendance details are included in school's computerized data management system (Aladdin) which is password protected.
12. **Record of child's breaches of Code of Behaviour.** Incidents of serious misbehavior in the playground are recorded and stored in the Principal's office. Each Class Teacher keeps a record of classroom incidents. The Principal maintains a record of incidents brought to her attention. Incidents of serious misbehavior resulting in suspensions are recorded and retained by the Principal.
13. **Records of serious injuries/accidents.** The accident Report Book is securely stored by the Deputy Principal The teacher in charge records details of accidents and injuries sustained and action taken. Such records are signed by the Deputy Principal.
14. **Indemnity Form for Administration of Medicine.** These forms are retained in the Secretaries office.
15. **Certificates of Exemption from the Study of Irish.** Copies of certificates are securely stored by the SET teacher.

Storage:

Older attendance records are securely stored in the "Dark Room".

All completed school Roll Books, Registers and Leabhar Tinrimh are stored in this location. Accident Report Books and Incident/Bullying Report Books are stored in the principal's office.

Access to these stored files is restricted to authorised personnel only. For computerised records, systems are password protected.

Data Retention Periods for schools

Pupil Related	Retention Periods
School Register/Roll Books Enrolment Forms Disciplinary notes Test Results – Standardised Psychological Assessments etc. SEN Files/IEPS Accident Reports Child Protection Reports/Records S.29 Appeals	Indefinitely Hold until Pupil is 25 Years Never Destroy Hold until pupil is 25 Years Never Destroy Never Destroy Never Destroy Never Destroy Never Destroy
Interview Records	
Interview Board Marking Scheme Board of Management notes (for unsuccessful candidates)	18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken
Staff Records	
Contract of Employment Teaching Council Registration Vetting Records Accident/Injury at work Reports	Retention for duration of employment + 7 years (6 years to make a claim against the school plus 1 year for proceedings to be served on school)
BoM Records	
BOM Agenda and Minutes CC TV Recordings Payroll & Taxation Invoices/receipts Audited Accounts	Indefinitely 28 days normally. In the 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

Access to Pupil Records:

A parent may apply for access to their child/childrens' records until the child reaches the age of 18 years. A past pupil may apply for access to their own records from the age of 18 years to 21 years.

A written application will be required, accompanied by a form of identification and Birth Certificate. Records will be provided within 30 days.

Transfer of Student Records:

When a pupil transfers to another Primary School the new school will notify in writing the original school and the original school will transfer records of attendance and educational progress to them via the online POD (Primary Online Database)

CCTV data usage:

CCTV cameras are in operation at the following points in the school;

A. **Externally**, cameras are in use at the

1. Entrance to the School Hall and school grounds over the basketball court.
2. Main entrance door to school.
3. 1 camera at front of school monitoring the entrance to the rear of the school office.

B. **Internally**, cameras are not installed at present but may be in the future.

Use of CCTV images:- Purposes

The use of this CCTV system is to ensure the safety and security of staff, pupils, and visitors and to ensure the security of the school premises and its contents. The CCTV system may be used to capture images of intruders or of individuals damaging property or removing goods without authorisation.

A sign informing data subjects that the CCTV system is in operation will be displayed at the entrance to the school.

Images captured by the CCTV system will be retained on the monitor for a month they are then automatically erased. In exceptional circumstances images may be retained where an investigation by An Garda Síochána is ongoing or where such images are the subject of court proceedings.

If the Gardaí request CCTV images for a specific investigation, the data controller will satisfy himself that there is a genuine investigation underway. **Images/recordings may be viewed or made available to An Garda Síochána pursuant to Data Protection legislation.** Any person whose image has been recorded has a right to be given access to or a copy of the information recorded. To exercise that right, a person must make an application in writing. A data controller will respond within 30 days. A person must provide necessary information to the data controller, such as the date, time and location of the recording. If the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data. In giving a person a copy of his/her data, the data controller may provide a still/series of still pictures, a tape or a disk with relevant images. However, other people's images will be obscured before the data are released.

PROCESSING IN LINE WITH A DATA SUBJECT'S RIGHTS :

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

- 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.

Data Processors

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place. Ballinabranna NS 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.

Personal Data Breaches :

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay.

If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

Dealing with a data/subject access request:

1. Individuals are entitled to a copy of their personal data on written request
The individual is entitled to a copy of their personal data
Request must be responded to within one month. An extension may be required e.g. over holiday periods
No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive
No personal data can be supplied relating to another individual apart from the data subject

Providing information over the phone:

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

- Ask that the caller put their request in writing
- Refer the request to the Principal for assistance in difficult situations
- Not feel forced into disclosing personal information

IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES

The BoM is the data controller and the Principal implements the Data Protection Policy, ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities
The following personnel have responsibility for implementing the Data Protection Policy:

Name	Responsibility
Board of Management	Data Controller
Principal	Implementation of Policy

Success Criteria:

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

Roles and Responsibilities:

The school staff, under the direction of the Principal will implement and monitor this policy. The Principal will ensure that records are maintained and securely stored.

Reviewing and evaluating the policy :

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

Review/Ratification/Communication:

This policy was ratified by the Board of Management. It will be subject to review as legislative requirements dictate or the need arises.

_____,
Chairperson

Date: _____