

Castaheany Educate Together National School



Data Protection Policy 2020

Data Protection Policy 2019 – Castaheany ETNS

Castaheany Educate Together N.S. (hereafter referred to as CETNS) is a data controller responsible for personal data - i.e. information relating to an identified or identifiable natural person. **CETNS** processes personal data, i.e. the school collects, records, stores, retains and uses personal data.

Introductory Statement

Work began on this policy during the 2015/16 school year following training from our patron, Educate Together, and continued into the 2016/17 school year. A sub-committee formulated the first draft and it was circulated to all families, staff and Board of Management members in January 2017. All feedback was discussed by the BOM and the policy was ratified in March 2017. It was further revised in Term Two 2019 and ratified by the BOM on 13.5.19.

Individuals have a number of rights in relation to their personal information – i.e. personal data – and these rights have been enhanced by the **General Data Protection Regulation (GDPR)**, effective from 25th May 2018. This Data Protection Policy describes how we at CETNS collect and processes personal data, in accordance with the GDPR and the school's legal obligations generally in relation to the provision of education.

The purpose of this 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 stakeholders. The Data Protection Acts 1988 to 2018 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. In the event of a difference between this policy and legislation, current legislation supersedes this policy.

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 GDPR, which can be summarised as follows:

- 1. Lawfulness, fairness and transparency:**
the School will ensure there is a lawful basis for processing all personal data. The information will be obtained and processed fairly. 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.
- 2. Purpose limitation:**
Data will be collected for specified, explicit and legitimate purposes, and only further processed where compatible with the original purpose.
- 3. Data minimisation:**
Only the necessary information for a purpose will be used.
- 4. Accuracy:**
The School will take every reasonable step to ensure inaccurate information is corrected or deleted.
- 5. Storage limitation:**
Information will be retained for no longer than is necessary, in accordance with best practice.
- 6. Integrity and confidentiality:**
The School will implement appropriate technical and organisational measures to ensure the security of personal data. Access will be strictly controlled.
- 7. Accountability:**
The School is responsible for being able to demonstrate compliance with the principles above.

Aims and Objectives

- To ensure the school complies with its legal obligations
- To clarify the types of personal data collected, used, stored and disclosed by the School, and the relevant purposes, lawful bases, and retention periods.
- To establish clear guidelines on providing data subjects with information on data processing, access to their personal data, and exercise of their other data protection rights.

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 information relating to an identified or identifiable natural person ('data subject').

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

For the purpose of this policy the *Data Controller* is the Board of Management, Castaheany ETNS.

Filing system means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

Special Category Personal Data refers to:

- Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership
- genetic data
- biometric data (for the purpose of uniquely identifying a natural person)
- data concerning health or data concerning a natural person's sex life or sexual orientation

Processing *Special Category Personal Data* is prohibited unless one of the exceptions listed in GDPR Article 9 applies. There are also restrictions on processing personal data relating to criminal convictions and offences under GDPR Article 9.

Rationale

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts, 1988 to 2018 and also the EU General Data Protection Regulation (GDPR) 2016/679.

- 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 and guidance such as;
 - Education Act 1998
 - Education Welfare Act 2000
 - Freedom of Information Act 1997
 - The National Strategy to improve Literacy and Numeracy among Children and Young People 2011 – 2020
 - Education for Persons with Special Educational Needs Act, 2004
 - Health Act, 1947
 - *Children First: National Guidance for the Protection and Welfare of Children* (2011)

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.

Relationship to School Ethos

Castaheany Educate Together National School promotes openness and co-operation among staff, parents, management and pupils as a means towards providing the caring environment through which a child can develop and grow to their full potential. We do this while ensuring compliance with the principles of Data Protection as outlined above.

Guidelines

The Principal supervises the application of the GDPR and Data Protection Acts within the school. The data under the control of the Principal comes under the following headings:

Personal Data

CETNS collects personal information about staff through the recruitment process. We collect additional personal information through general interaction throughout the course of employment at CETNS

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
 - Records of interview procedures, results of interview process, interview board recommendations to BOM and BOM recommendations to Educate Together.
 - Contracts
 - Job applications, references and CVs,
 - Garda Vetting and Statutory Declaration (all staff)
 - Teaching Council Registration and Fitness to Teach documents (teachers)
 - Original records of application and appointment to promotion posts
 - Documents /contracts relating to posts of responsibility
 - Details of approved absences (sick leave, career breaks, parental leave, study leave etc.)
 - Details of work records (qualifications, classes taught)
 - CPD records
 - 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)
 - 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:** Manual data (paperwork) relating to current staff is stored in a secure, locked filing cabinet in the principal's office. Contact details for all staff are also available in the secretary's office. (Ref: Critical Incident Policy) Historic data (paperwork) relating to former staff is archived in secure filing cabinets with access by principal, deputy principal and secretary. Employees are required to maintain the confidentiality of any data to which they have access.
- Attendance details and automated data are recorded on the OLCS system for the Department of Education and Skills (DES), are password protected and are accessed by the principal, deputy principal and assistant principal.

B. Student Records:

CETNS collects personal information about pupils and their families through the enrolment process and/or through expressions of interest in relation to enrolment (pre-enrolment form).

Additional information is collected from third parties, including former schools and through school activities and general interaction(s) during the course of the pupil's time at **CETNS**.

(a) **Categories of student data:** This includes:

- 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
 - Gender
 - PPS number
 - Date and place of birth
 - Nationality
 - Names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
 - Religious belief (optional)
 - Racial or ethnic origin (optional)
 - 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
 - Emergency contact details
 - Number of children and child's place in family
 - Consent in respect of medical emergencies? (*currently on form*)

- Attendance records
- Absence notes
- Photographs and recorded images of students (including at school events and noting achievements). See the template "Guidance on Taking and Using Images of Children in Schools" and AUP.
- 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).
- Child Protection files- 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).
- Anti-Bullying files.
- Academic records – subjects studied, class assignments, teacher observations, examination results as recorded on official School reports
- Records of significant achievements
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student)
- Teacher-designed tests and assessments. Each class teacher designs his/her own test template
- Standardised test results
- Portfolios of student work e.g. Projects/Art and achievements on diagnostic tests.
- Whether the student is exempt from studying Irish
- Learning Support/Resource Data such as records of permissions/refusals to allow children access to LS/RT services in the school
- Individual Education Plans, Individual Pupil Learning Plans, Personal Pupil Profiles and records of meetings with the stakeholders regarding these plans
- School Counsellor files
- Psychological, psychiatric and/or medical assessments
- Any Special Educational Needs (SEN)
- End-of-year reports
- Permission slips for school tours/outings and other school-related activities
- School transport information
- CCTV footage
- Records, correspondence or notes arising from interaction with parents/guardians

- (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 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, 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 "Guidance for Taking and Using Images of Pupils in Schools" (see template)
 - 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, HSE, EWS and other Schools etc. in compliance with law and directions issued by government departments
- (c) **Location:** All student data is stored in secure, locked filing cabinets that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
SEN files are securely locked in SET rooms.
Child Protection and Anti-Bullying records are securely locked in principal's office.
Irish exemption records are securely locked in the principal's office.
Home-School records are securely locked in the HSCL Room.
- (d) **Security:** Hard-copy pupil files are kept locked in the main school office and are maintained by the school secretary. They are accessible to teaching staff upon request. Other hard copy pupil files are stored in locked filing cabinets in the principal's office (*accessible to the principal and deputy principal only*), SENCO's room (*accessible to teaching staff only*) and School Counsellor's room (*accessible to the counsellor only*). Digital data is also stored on POD, Aladdin and the school server. All school computers and laptops are password protected.
Pupil archives are stored in metal cabinets, which are locked at all times and only authorised personnel have access.(*principal, deputy principal and secretary*)

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.
- (c) **Location:** In a secure, locked metal cabinet that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** Board of Management paperwork is locked in the principal's office, including all BOM correspondence. Digital records are also stored on the school server, accessible to the principal only. BOM archives are locked into metal cabinets and only authorised personnel have access.

D. Other Records:

The school will hold other records relating to other individuals. The format in which these records will be kept are manual record (personal file within a filing system), and/or computer record (database). Some examples of the type of other records which the school will hold are set out below (this list is not exhaustive):

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:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** These financial records are maintained in hard copy files, locked in the office. Only authorised personnel have access. All financial transactions are also digitally managed by a cloud computing system. This system is password-protected with limited access by authorised personnel only.

Charity tax-back forms

- (a) **Categories of data:** the school may hold the following data in relation to donors who have made charitable donations to the school:
- name
 - address
 - telephone number
 - PPS number
 - tax rate
 - signature and
 - the gross amount of the donation.
- (b) **Purposes:** 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 case of audit by the Revenue Commissioners.

- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** Paper Records are kept in a secure filing cabinet in a locked office. Computer records are kept on password protected PCs and cloud based storage is protected by up to date security and enhanced data protection and controlled password protected access to information, relevant to each staff member's role/duties.

CCTV images/recordings

- (a) **Categories:** CCTV is installed in our school, externally and one internally at reception. These CCTV systems may record images of staff, students and members of the public who visit the premises.
- (b) **Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.
- (c) **Location:** Cameras are located externally and internally, as outlined in the CCTV Policy. Recording equipment is located in the reception office of the school.
- (e) **Security:** Access to images/recordings is restricted to school management .Digital recordings are retained for 30 days, except if required for the investigation of an incident. Images/recordings may be retained and made available to An Garda Síochána pursuant to Section 14 of the Data Protection Act 2018.

Information and third parties

CETNS may receive from, share and/or transfer information to a range of third parties such as the following:

- ***The Department of Education and Skills***
- ***TUSLA / the Child and Family Agency***
- ***The National Council for Special Education***
- ***National Educational Psychological Service (NEPS)***
- ***Department of Social Protection and/or other state benefit providers***
- ***An Garda Síochána***
- ***School Insurance Providers***
- ***Third Party Service Providers:*** We may share personal information with third party service providers that perform services and functions at our direction and on our behalf such as our accountants, IT service providers including, printers, lawyers and other advisors, and providers of security and administrative services, including data processing / cloud storage service providers

Purpose and legal basis for collecting and processing information

CETNS collects and processes personal information (as listed above) about pupils and parents / guardians for a variety of purposes and relies on a number of legal grounds to do so. **CETNS** requires this information to perform our duties and responsibilities and to comply with our legal

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

(a) **Legal Obligation:**

CETNS collects and process personal information to comply with our legal and statutory obligations, including, but not limited to those under the Education Act 1998 (as Amended), the Education (Welfare) Act 2000, the Education for Persons with Special Needs (EPSEN) Act 2004, the Health Act 1947, the Children First Act 2015, the Child Protection Procedures for Primary and Post-Primary Schools 2017, the Teaching Council Acts 2001-2015 and Safety Health and Welfare at Work legislation

(b) **Legitimate Interests:**

CETNS may also process personal information to:

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

(c) **Consent:**

CETNS may sometimes process some of pupils' personal information with consent e.g. photograph which may be displayed on the school's website or on social media platforms or in the print media. Please note that consent can be withdrawn at any time by contacting the school.

Data Retention

We will only retain personal information for as long as it is necessary to fulfil the purposes the information was collected for, including any legal, accounting or reporting requirements. **See Appendix 1 for full data retention schedule.**

Transfer of personal information outside the European Union

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

Links to other policies and to curriculum delivery

Our school policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place or being developed or reviewed, shall be examined with reference to the data protection policy and any implications which it has for them shall be addressed.

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Mobile Phone Code
- Admissions/Enrolment Policy
- CCTV Policy
- Substance Use Policy
- Internet Acceptable Usage Policy (AUP)

Processing in line with data subject's rights

Individuals have several rights under GDPR which in certain circumstances are limited and/or constrained. These individual rights include the right – free of charge and subject to any limitations as may apply – to:

1. Request a copy of the personal information held about the individual;
 2. Rectify any inaccurate personal data held about the individual;
 3. Erase personal information held about the individual;
 4. Restrict the processing of individual personal information;
 5. Object to the use of individual personal information for our legitimate interests;
 6. Receive individual personal information in a structured commonly used and machine-readable format and to have that data transmitted to another data controller.
- 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.

If you wish to exercise any of these rights please contact us at the school as outlined above.

CETNS will endeavour to respond to your request within a month. If we are unable to deal with your request within a month we may extend this period by a further two months and we will explain why.

You also have the right to lodge a complaint to the office of the Data Protection Commission.

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.

Data Protection for Remote Teaching and Learning

Responsibilities of school staff:

- Video conferencing will not be used between teachers and children in their homes.

- All devices used for remote working will have all the latest security updates including anti-virus and malware protection.
- Only one online learning platform, Google Classroom will be used.
- Google Classroom will be a closed domain with access restricted to staff and pupils who have been issued with domain logins.
- Access to specific Google classrooms will be restricted to relevant staff only.
- Only school email accounts will be used for communication with parents.
- Retention of children's work on Google Classroom will be in line with the 7 Data Protection principles above.
- When sharing links to websites and Apps for activities or as resources, school staff will consider the following:
 - Websites and Apps should not require personal data to be entered or users to register with the exception of trusted educational websites and Apps with prior approval of school management.
 - Websites and Apps should not require files to be downloaded.
 - Websites and Apps should be screened before sharing and should have appropriate privacy policies displayed.

Responsibilities for parents, guardians and pupils:

- Generic passwords provided for initial login to Google Classroom will be changed.
- Passwords will not be shared with others.
- Pupils will be supervised by adults when accessing online learning.
- Pupils will not share any personal information online.
- Lessons, videos, recordings on Google Classroom will not be downloaded and/or shared with others.

Data Breach

If a data breach occurs at CETNS, the data subjects will be notified immediately. A Data Breach Notification Form will be sent to the Data Commissioner's Office within 24 hours of the first detection of the data breach. Advice will be followed.

Implementation arrangements, roles and responsibilities

In our school, 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

Ratification and Communication

When the Data Protection Policy has been ratified by the Board of Management, it becomes the school's agreed Data Protection Policy. It should then be dated and circulated within the school community. The entire staff must be familiar with the Data Protection Policy and ready to put it into practice in accordance with the specified implementation arrangements. It is

important that all concerned are made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students should be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Policy as part of the Enrolment Pack, by either enclosing it or incorporating it as an appendix to the enrolment form.

Monitoring the implementation of the policy

The implementation of the policy shall be monitored by the principal and the Board of Management. The policy will be reviewed annually or as the need arises.

Signed: Ann Ryan (Chairperson)

Date: 23/11/2020