

# DATA PROTECTION POLICY

Gaelscoil Ultain

Gaelscoil Ultain aspires to provide a positive, secure environment, which fosters independent, confident pupils who think responsibly and critically. We aim to achieve this by providing opportunities for learning, interaction and development of life skills, within a Christian setting. Each child will be recognised, valued and enabled to reach their full potential.

## **Introduction**

This policy outlines the manner in which personal data on staff, students, parents, members of Board of Management and other stake holders are kept and how the data concerned is protected.

The policy was formulated by the Principal in consultation with staff and members of the Board of Management in November/December 2018 with reference to A guide for Data Controllers- Data Protection Commissioner, The Data Protection Act 1988, The Data Protection (Amendment) Act 2003, The Education Act 1998 and Education Welfare Act 2000.

## **Scope**

This policy applies to the keeping and processing of personal data, both in manual form, on computer, and in the cloud and includes personal data on Board members, staff, parents and pupils of Gaelscoil Ultain.

The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by the school.

**Data** means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a 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 accessible.

**Personal data** means data relating to a living individual who is or can be identified 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.

**A data controller** is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the principal acting for the board of management in exercising the functions involved.

## **Rationale**

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

\* Schools are obliged to comply with the Data Protection Act (1988) and the Data Protection (Amendment) Act (2003).

\* Parents of students, and students that have reached their 18th birthday, must be given access to records kept by the school relating to the progress of the student in his/her education. (Education Act 1988).

\* The school must maintain a register of all students attending the school and must also maintain a record of attendance and non-attendance at the school on each school day. (Education Welfare Act 2000).

\* The data controller may supply personal data kept by him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a 'relevant purpose' only.

\* 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 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).

## **Relationship to characteristic spirit of the school**

Gaelscoil Ultain seeks to enable each student to develop his/her full potential. It aims to provide a safe and secure environment for learning and promotes respect for all. It aims to promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society. We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims while fully respecting individuals' rights to privacy and rights under the Data Protection Legislation.

## **Objectives**

Gaelscoil Ultain aims to comply with the Data Protection Acts and aims to ensure that the data protection rights of students, staff and other members of the school community are safeguarded. The policy will be implemented so as to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

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

## **Content**

The Principal assumes the function of data controller and supervises the application of the Data Protection Act within the school. The data under the control of the Principal comes under the following headings: Staff Records, Student Records, Board of Management Records, Other Records.

### **Staff Records**

The personal data records held by the school may include:

- Name, address and contact details.
- PPS number.
  - Teaching Council registration
  - Garda Clearance
- Original records of application and appointment.
- Record of appointments to promoted 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 duties.
- Records of any reports the school have made in respect of the staff member to the state department and/or other agencies under mandatory reporting legislation and or child safeguarding guidelines which are subject to the DES Child Protection Procedures.
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress. A record of grievances may be maintained in a format which is distinct from and separate to individual personnel files.

Staff records are kept for the following *purposes*

- 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.
- to facilitate management of human resources
- 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 for compliance with legislation relevant to the school.

**Location:** Staff records are kept as personal files within the filing system in a secure, locked filing cabinet in the Principal's office. Some personal details are stored in the cloud by Aladdin Systems. Aladdin Systems is a school administration software programme used by Gaelscoil Ultain. Attendance details are recorded on the OLCS system. Records of promotions, career breaks, leave taken, illness etc., is available through the OLCS system. The OLCS system is password protected and is accessed by the Secretary, the Principal, the Deputy Principal and by the Chairperson of the Board of Management if necessary. The Sage One payroll online system is used by the treasurer of the Board of Management to facilitate the payment of ancillary staff. The Komeer messaging service is the school's official messaging service and is used to communicate with all sectors of the school community. The Komeer system is password protected and is accessed by the Secretary and the Principal.

### **Student Records:**

Student Records may include:

- \* Information which may be sought and recorded at enrolment, and which may be collated and compiled during the course of the student's time in the school including: name, address and contact details, PPS number, racial, ethnic or national origin, religious beliefs, records of relevant special conditions (e.g. special educational needs, health issues/ care orders/custody arrangements etc.), names and addresses of parents/guardians and their contact details.
- \* H.S.E. Early intervention reports, psychological/ psychiatric and /or medical assessment
- \* Information on previous academic record.
- \* School relevant medical records.
- \* Photographs and recorded images of students.
- \* Attendance Records, class roll books/ Aladdin System/ Registers
- \* Academic record – subjects studied, test results as recorded on official school reports.
- \* Records of significant achievements.
- \* Records of disciplinary issues and/or sanctions imposed.
- \* Records of meetings with parents
- \* Serious Injuries and accident reports.
- \* Records of reports the school or its employees have made in respect of a student to State departments and or other agencies under mandatory reporting legislation and/ or child safe guarding guidelines.
- \* Individual Education Plans, Individual Pupil Learning Plans and records of meetings with

the stakeholders regarding these plans

\*Records of meetings with parents as part of the complaints procedures.

\*Permission slips e.g. AUP policy/school tours etc.

The ***purpose*** for keeping student records includes the following:

- to enable each student to develop his/her full potential.
- to comply with legislative and administrative requirements.
- to ensure that eligible students can benefit from the relevant additional teaching / resource/ financial supports.
- to support the provision of support teaching.
- to support the provision of religious instruction and sacramental preparation.
- to enable parent/guardians to be contacted in the case of emergency/ school closure etc.
- to ensure that the pupil meets the school's admission criteria.
- to maintain a record of the student's progress through school.
- to maintain accurate accident/incident reports.
- to communicate clearly with all educational partners.
- to support medical/special needs conditions within the school environment.
- 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. Parents give/withdraw consent by completing a Use of Images form on enrolment in the school.
- to furnish documentation/ information about the student to the Department of Education and Skills, the National Council for Special Education, TUSLA, and other schools etc. in compliance with law and directions issued by government departments.
- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to third-level educational institutions and/or prospective employers.

***Location:*** Records are kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Files on students are stored in locked cabinets/filing cabinets in the relevant classroom or SEN rooms. Additional Information is also stored on the Aladdin data system. Aladdin Systems is a school administration software programme used by Gaelscoil Ultain. Teachers have access via Aladdin to their own class data only. SEN teachers have access to their own case loads. Principal, Deputy Principal, Secretary and IT post holder have access to whole Aladdin data system. Employees are required to maintain the confidentiality of any data to which they have access. Enrolment Forms for future students are stored in the Secretary's Office. Information such as name, address, contact numbers and registration numbers on pupils is stored in both hard and soft copy format. Child Protection concerns and HSE referrals are stored in the Principal's Office. Standardised Test Results of current school year are kept in locked filing cabinet by relevant post holder. Standardised Test results and tests from previous years are stored in a secure location on school premises. Record of First AID/Injuries is held by relevant post holder. The Komeer messaging service is the school's official messaging service and is used to communicate with all sectors of the school community. The Komeer system is password protected and is accessed by the Secretary and the Principal.

## **Board of Management Records:**

These may include:

- Name, address and contact details of each member 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.
- Financial documents

The *purpose* for keeping Board of Management records include:

- \*A record of board appointments.
- \*A record of how legislative requirements are carried out.
- \*A record of staff appointments.
- \*Documenting decisions made by the board.
- \*A record of how enrolment to the school is managed.
- \*A record of the financial management of the school.
- \*A record of the development of the school.
- \*A record of how health and safety issues within the school are managed.
- \*A record of policy development within the school.
- \*A record of insurance cover and related issues.
- \*A record of capital development and building/grounds maintenance.
- \*Documentation relating to grievance and disciplinary procedures.

**Location:** These records are kept in the Principal's office. All relevant documents relating to the financial management of the school in the current school year are kept by the Treasurer. We use on-line banking in the school where possible so much of this detail is stored on this system. This is regulated by BOI online banking regulations. The Komeer messaging service is the school's official messaging service and is used to communicate with all sectors of the school community. The Komeer system is password protected and is accessed by the Secretary and the Principal.

## **Other Records**

### **Creditors**

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. 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. It is stored by the Treasurer of the BOM.

### **Charity Tax-back Forms**

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. This information is kept because 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 name of the Parent, Address, PPS number, Tax rate, Telephone number, Signature and the gross amount of the donation. This is retained by the Treasurer of the BOM in the event of audit by the Revenue Commissioners.

## **CCTV Data Usage**

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

- A. Externally, cameras are in use at the main entrance door to the school.  
There are cameras, operated by CMETB, in use in the school car park and at the entrance gate to campus.
  
- B. Internally, cameras are in use as follows
  1. Two cameras on ground floor; one at the entrance foyer and one at the fire escape leading to basketball courts.
  2. Two cameras on Upper Floor, one at either end of corridor
  3. One camera on Lower Ground Floor.

The viewing station is in the main school administration office.

### **Use of CCTV images;**

The use of this CCTV system is intended primarily 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 is displayed at the entrance to the school reception.

Images captured by the CCTV system will be retained on the monitor for a month. 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 want CCTV images for a specific investigation, the data controller will satisfy himself that there is a genuine investigation underway. A phone call to the requesting Garda's station will be sufficient, provided that the data controller speaks to a member in the District Office, the station sergeant or a higher ranking officer, as all may be assumed to be acting with the authority of a District/Divisional officer in confirming that an investigation is authorised.

Any person whose image has been recorded has a right to be given a copy of the information recorded. To exercise that right, a person must make an application in writing. A data controller will charge up to €6.35 for responding to such a request and will respond within 40 days.

Practically, 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.

## **Details of arrangements to ensure compliance with the eight rules of data protection**

### ***1. 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, parents/guardians of students, etc.), the information is generally furnished by the individuals themselves with full and informed consent. A copy of Gaelscoil Ultain's Privacy Notice will be given to new applicants on enrolment.

### ***2. Keep it only for one or more specified and explicit lawful purposes***

The BoM will inform individuals of the reasons they collect their data and 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

### ***3. 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

### ***4. Keep Personal Data safe and secure***

Only those with a genuine reason for doing so may gain access to the information. Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are encrypted and password-protected

### ***5. 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. 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

### ***6. 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

### ***7. 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 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.

### ***8. Provide a copy of their personal data to any individual on request***

Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held

## **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

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place (Written Third Party Service Agreement). Gaelscoil Ultain's third party agreement specifies the condition 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 access request**

Individuals are entitled to a copy of their personal data on written request. Request must be responded to within one month. An extension may be required (e.g. over holiday periods etc) 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 school request (no time limit but reasonable interval for 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**

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

### **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:

- \*Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education and Skills' pupil online database.
- \*Child Protection Procedures
- \*Anti-Bullying Procedures
- \*Code of Behaviour
- \*Enrolment Policy
- \*ICT Acceptable Usage Policy
- \*Assessment Policy
- \*Special Educational Needs' Policy
- \*Critical Incident Policy
- \*Attendance Policy

### **Implementation and monitoring arrangements, roles and responsibilities**

In Gaelscoil Ultain the Board of Management is the data controller and the principal will be assigned the role of coordinating 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. Teaching Personnel should be aware of their responsibilities as set out in this policy.

### **Ratification & Communication**

This policy was ratified at a BOM meeting on 26 February 2019 and signed by the chairperson. The secretary recorded the ratification in the minutes of the meeting. The policy will be circulated to all members of the school community. The policy will be available on the school website and copies of the policy will be available on request from the school office.

### **Implementation Date**

The policy will apply from 29 April 2019.

### **Monitoring the Implementation of the Policy**

The Principal will monitor the implementation of the policy and report to the BOM on its implementation.

### **Reviewing and Evaluating the Policy**

The policy will be reviewed and evaluated every two 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 TULSA), 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.

Sínithe

\_\_\_\_\_  
Brendan Ó Dufaigh, Cathaoirleach, 26-02-19