

Scoil Mhuire
Dún na Mainistreach
Data Protection Policy

DATA PROTECTION POLICY

Introduction:

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
 - Education Welfare Act 2000
 - Data Protection Act 2003
 - Freedom of Information Act 1997
 - The National Strategy to improve Literacy and Numeracy among Children and Young People 2011 – 2020
 - GDPR (General Data Protection Regulation) from the EU

Details of arrangements in place to ensure compliance with the eight rules of data protection

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.

Aims/Objectives:

- To ensure the school complies with legislative requirements
- To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies
- To put in place a proper recording and reporting framework on the educational progress of pupils
- To establish clear guidelines on making these records available to parents and pupils over 18 years of age.
- To stipulate the length of time records and reports will be retained

Guidelines:

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.

A. Personal Data:

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, nationality, religious belief, medical details, 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.

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
- School 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 SEN Offices

- Psychological 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.).
- Standardised Test Results
- Screening Tests such as M.I.S.T., N.R.I.T., Quest, Dyslexia Screening Tests etc.
- Diagnostic Tests Reports
- Individual Education Plans, Individual Pupil Learning Plans and records of meetings with the stakeholders regarding these plans.

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

- Child Protection concerns and HSE referrals
- Minutes of HSE Child Protection Conferences.

B. Administrative Data:

- Attendance Reports, Roll Book, Registers; Class files; Pupil Profile files; Enrolment applications; baptismal certificate copy (where applicable); birth certificate copy, passport copy if necessary.
- Correspondence between parents and teachers.
- Accident Report Book detailing injury and treatment applied (Staffroom)
- Administration of Medicines Indemnity Forms
- Pupil behavior records and Records of allegations/ incidents of bullying and alleged bullying;(manually recorded notes), (kept in Principal's Office)
- Records kept in line with Children First Procedures (Child Protection) (kept in Principal's Office)

Board of Management records: These 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.
- 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.

Access to Records:

The following will have access where relevant 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)
- Scoil Mhuire Primary School Board of Management

With the exception of child protection-related data which is governed by "Children's First Guidelines and Procedures 2011", data on attendance, (governed by TUSLA) and data regarding achievements in literacy and numeracy, (governed by National Strategy for literacy and numeracy), 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.

The Annual School Report format and its communication to parents are outlined clearly in our schools Assessment Policy. A standardised school report form is used, which is issued by hand in June to all parents along with results of standardised testing of pupils from 1st to 6th classes.

C. 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, Medical Fitness to Teach. Access is restricted to the Principal and Secretary. Records are destroyed by way of shredding when no longer required.

These records are kept in the Principal's office. Attendance details are recorded on the OLCS system, are password protected and are accessed by the Secretary, the Principal and the Chairperson of the Board of Management if necessary.

D. Students' Attendance Records:

Pupils' attendance will be recorded and stored on the Databiz administration system. This system is password protected and is accessed by the Secretary and the Principal. Teachers can access their own class records in any given year. These class records are password protected. Scoil Mhuire has a written contract with Databiz which ensures the secure processing of personal data in line with GDPR.

E. 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. These booklets are securely stored in the Main School Office.
2. ***Psychological Assessments.*** Reports issued following psychological assessment are securely stored in the Principal's Office. Reports issued following other assessments such as Occupational Therapy, Speech & Language, Medical etc are also stored by the SEN team.
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 Literacy Support Teacher. The Principal will also retain a 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 by the Literacy Support Teacher for one school year after which they are shredded.
4. ***Screening Tests.*** The MIST (Middle Infant Screening Test) Assessment is administered to all Senior Infant children in February/March of each year. Class record sheets are securely stored by the class teacher and the Principal.

- MIST Test Results are included in the Annual Summer Report to be completed at the end of the school year and stored in the Main School 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 Learning Support Teachers, Resource 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 Principal's records.
 8. **Learning Support/Resource Data** such as records of consent/refusal to allow diagnostic testing or access to Learning Support Teacher/Resource Teacher 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.** Roll Books are no longer maintained by the Class Teacher. Attendance details are included in school's computerized data management system (Databiz). This is completed by the Class Teacher. Attendance details included in the schools computerized data management system are securely stored in a password protected folder.
 12. **Record of child's breaches of Code of Behaviour.** Incidents of gross misbehavior in the playground are recorded stored in the Principal's office. Each Class Teacher keeps a record of classroom incidents. The Principal maintains a record of incidents brought to his attention. Incidents of serious misbehavior resulting in Suspensions are recorded by the Class Teacher and the Principal.
 13. **Records of serious injuries/accidents.** The accident Report Book is securely stored in the staffroom. The teacher in charge records details of accidents and injuries sustained and action taken. Such records are signed by the Principal.
 14. **Indemnity Form for Administration of Medicine.** These forms are retained in the Principal's office.
 15. **Certificates of Exemption from the Study of Irish.** Copies of certificates are securely stored by the Principal.

Storage:

Records are securely stored in office. Older records may be stored in the Principal's office as the need arises. Very old records (over 20 years old) are stored in the office but may in the future be donated to Dungarvan Library. Records are stored until pupils reach the age of 25 years.

All completed school Roll Books, Registers and Leabhar Tinrimh are stored in same location and access to these stored files is restricted to authorised personnel only. For computerised records, systems are password protected.

Access to Pupil Records:

A parent may apply for access to their 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 24 years (see appendix 1).

A written application will be required, accompanied by a form of identification and Birth Certificate. Records will be provided within 40 days.

Transfer of Student Records:

A parental authorisation must be sought from parents in the event of data being transferred to outside agencies, including other Primary Schools and Secondary Schools. When a pupil transfers to another Primary School the new school will notify the original school and the original school will transfer records of attendance and educational progress to them. A standard School Report Form is used for this purpose. Upon enrolment, parents are informed as to how the data provided is to be used and the agencies to which it may be transferred (see Scoil Mhuire Enrolment form).

Acceptable Use Policy

Scoil Mhuire has an updated Acceptable Use Policy. This was updated in September 2018 and includes references to data that may be contained in e mail and messaging, social media, personal devices, images & video, cyberbullying and school websites

Requests for Data Access/Correction or Deletion.

All requests for data access will be responded to within the statutory 40 days. Before releasing materials to a data subject, all third party data is redacted. Certain data such as health data, social work data may be withheld and will only be accessible in certain circumstances to those specifically entitled to that data. Staff, parents on behalf of pupils and former pupils may submit a Subject Access Request (SAR) to be given a copy of any information on record relating to them, which is kept on computer or in a structured manual filing system operated by the school.

Where information is withheld from an access request, the data subjects will be informed of the reasons for this and they will be advised of their right to complain to the Office of the Data Protection Commissioner.

All requests for data and the responses made will be documented. If there is a transfer or disclosure of personal data to a third party the subject of that disclosure will be informed.

Where data is time sensitive (i.e. likely to become inaccurate over time unless updated) every effort will be made to update this data regularly through requests for updates from parents/pupils (change of address, phone numbers etc.)

Data Security Breaches.

Scoil Mhuire BOM is aware of its reporting obligations to the Data Protection Commission in relation to data security breaches within 72 hours. Where this occurs the BOM will refer to the Personal Data Security Breach Code of Practice Form.

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 and school grounds including the two school yards. There are 8 cameras in total located on the school building.

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 and the contact details of JEC (the monitoring security company) will be displayed at the entrance to the school. A notice advising that CCTV cameras are in operation will also be displayed internally.

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.

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.

Success Criteria:

- Compliance with GDPR regulations
- Compliance with Data Protection Act 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.

Review/Ratification/Communication:

*This policy was ratified by the Board of Management _____
It will be subject to review as the need arises.*

James M Shine, Chairperson.

Date: _____

Appendix 1

How Long Must Schools Retain Data?

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 in 25 years Never destroy Never destroy Never destroy Never destroy Never destroy
Interview Records	Retention Periods
Interview Board Marking Scheme Board of Management notes (for unsuccessful candidates)	18 months from close of competition Plus 6 months in case of Equality Tribunal needs to inform school that a claim is being taken
Staff Records	Retention Periods
Contract of Employment Teaching Registration Vetting Records Accident/Injury at work reports	Retention for the duration of employment +7 years (6 years to make claim against the school plus 1 year for proceedings to be served on school)
BOM Records	Retention Periods
BOM Agenda and minutes CCCTV recordings Payroll and Taxations 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
<p><i>Records for a former pupil should be held until that pupil has attained 25 years of age.</i></p> <p><i>A pupil reaches the age of majority at 18 years and there should be a 6 years limitation period which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The Statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time-barred.</i></p>	