

**St. Patrick's Secondary School
Castleisland
Co. Kerry**



DATA PROTECTION POLICY

INTRODUCTION

All personal information which **St. Patrick's Secondary School** holds is protected by the Data Protection Act of 1988 and Data Protection Amendment Act of 2003. The school notes and adheres to its responsibilities under these laws. This policy document will set out, in writing, the manner in which Personal Data relating to staff, students and other individuals (e.g. parents, staff, students and management etc.) is kept and how the data concerned is protected.

For glossary of terms relating to this policy see Appendix A

RATIONALE

In addition to its legal obligations under the broad remit of educational legislation and other legislation, **St. Patrick's Secondary School** has a legal responsibility to comply with the Data Protection Acts. 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. In the absence of a documented Policy, there is a risk that data entrusted to the school will be retained, used or disclosed in ways that breach individuals' data protection rights.

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.

IDENTIFICATION OF PERSONAL DATA

STAFF RECORDS:

Categories of Staff Data: These may include:

- Name, address and contact details.
- Date of Birth and PPS number
- Marital and family status
- Educational or previous employment background
- Original records of application and appointment
- Interview records, references
- Record of appointments to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Records of in-service courses attended
- Details of work record (qualifications, classes taught, subjects etc)
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress. Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.
- Superannuation and pension documentation
- Salary, payroll details, bank details.
- Medical card details.

PURPOSE OF STORING ABOVE DATA

For the management of **St. Patrick's Secondary School** and its business now and into the future. e.g. to facilitate the payment of staff, to facilitate pension payments in the future, human resources management, recording promotions etc. and for compliance with legislation.

Sensitive Personal Data:

Certain categories of information are categorised as sensitive under data protection legislation. **St. Patrick's Secondary School** may hold some or all of the following sensitive information about its employees:

Medical information, records of sickness absence and medical certificates. The purpose of keeping this sort of information is solely for school records in the event of a query by the DES.

Garda Vetting records will be retained in compliance with DES C/L 0063/2010 and subsequent relevant circular letters.

Location: Staff records are kept in the Principal's Office at **St. Patrick's Secondary School**.

Security: **St. Patrick's Secondary School** stores all personal information in controlled access, centralised databases (including computerised and manual files) in the Principal's Office at **St. Patrick's Secondary School**. The school will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. The school acknowledges that high standards of security are essential for processing all personal information.

STUDENT RECORDS:

These may include:

- Information which may be sought and recorded at enrolment, including:
- Name, address and contact details, PPS number; names and addresses of parents/guardians and their contact details; religious belief; racial, ethnic or national origin; any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply.
- Information on previous academic record.
- Psychological assessments.
- Attendance Records.
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports.
- Records of significant achievements.
- Records of disciplinary issues and/or sanctions imposed.
- Other records e.g. records of any serious injuries/accidents etc.

PURPOSE OF STORING ABOVE DATA

The purpose/s for obtaining and holding these records is to enable each student to develop 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 parent/guardians to be contacted in the case of emergency etc

Each year, each recognised post primary school makes a return to the Department of Education and Skills, the data from which allow the Department of Education and Skills calculate the teaching posts and core funding to be allocated to each recognised post primary school, for the following

school year. These returns are made in accordance with ***The Rules and Programme for Secondary Schools*** via a process called the Annual Post-Primary School October Return/Examination Entries, or more familiarly known as the October Returns. In making their respective returns to the Department, post primary schools transfer personal data and personal sensitive data on each of their enrolled students. The only purpose some post primary schools may collect some of these data is to meet the data requirements for their October Returns to the Department. Sensitive Data which may be sought at the time of enrolment includes membership of the travelling community and medical card information. This information is sought and retained for the purpose of completion of the October Returns. Explicit permission will be sought from parents/guardians before processing this data in line with DES C/L 47/2010.

CCTV Images/Recordings

- **Categories:** CCTV is installed in the school externally i.e. perimeter walls/fencing and internally. These CCTV systems may record images of staff, students and members of the public who visit the premises.
- **Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.
- **Location:** Cameras are located externally and internally. Recording equipment is located in the Principal's Office.
- **Security:** Access to images/recordings is restricted to the Principal & Deputy Principal of the school. Tapes, DVDs, hard disk recordings are retained for 28 days, except if required for the investigation of an incident.

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)

With the exception of child protection-related data which is governed by "Childrens First Guidelines and Procedures 2011", data on attendance, (governed by NEWB) 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 either by phone or in writing. Past pupils and parents of past pupils seeking data must do so by phone or in writing.

The 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 post in January and June to all parents along with results of school exams done during the school year.

- Access to files containing personal data (computerised and manual) is restricted to the Principal and Deputy Principal.
- Computer systems are password protected and are backed up.
- The Offices are secured and alarmed (monitored) when not occupied.
- Waste paper which may include personal information is confidentially shredded.

REQUESTING INFORMATION

Persons have the right to periodically review, update and/or correct the information held about them. On making an access request any individual (subject to the restrictions in Notes A and B below) about whom **St. Patrick's Secondary School** keeps Personal Data, is entitled to:

- A copy of the data which is kept about him/her
- Know the purpose/s for processing his/her data
- Know the identity of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions
- A copy of any data held in the form of opinions, except in certain limited circumstances where such expression of opinion was given in confidence or on the understanding that it would be treated as confidential.

To make an access request, an individual must:

- Contact the **Principal** stating that an Access Request is being made under Section 4 of the Data Protection Acts 1988-2003.
- Give any details which might be needed to help identify him/her and locate all the information the school may keep about him/her

There are a number of exceptions to the general rule of Right of Access, including those specified in Notes A and B below.

Handling access requests

1. The Principal will be nominated as the Coordinator responsible for handling access requests.
2. The Principal will check the validity of the access request, check that sufficient information has been provided to definitively identify the individual and that sufficient information to locate the data has been supplied.
3. The Principal will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the data.
4. The Principal will ensure that all relevant manual files and computers are checked for the data in respect of which the access request is made.
5. The Principal will ensure that the information is supplied promptly and within 40 days of receiving the request or, in respect of examinations data, within 60 days of receiving the request or 60 days of first publication of the results (whichever is the later).
6. Before supplying the information to the individual the Principal will check each item of data to establish if any of the modifications in respect of health or social work data (section 4(8)) or any of the restrictions on access provided by section 5 apply.
7. If data relating to a third party is involved, it will not be disclosed without the consent of the third party or the data will be anonymised in order to conceal the identity of the third party.
8. The Principal will ensure that the information is provided in a form which is clear to the ordinary person.
9. The individual will be informed within 40 days of the request if no information is held on them.

Note A:**Access Requests by Students: Age of Consent for Access Requests.**

In relation to access requests made by a student, the Office of the Data Protection Commissioner has recommended that the following guidance be followed as a general rule:

- A student aged eighteen years or older (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student aged eighteen years or older has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student.
- A student aged from twelve up to and including seventeen can be given access to their personal data, depending on the age of the student and the nature of the record, ie, it is suggested that:
 - If the information is ordinary, routine or non-controversial (eg. a record of a test result) the student could readily be given access.
 - If the information is of a sensitive nature, it would be prudent to seek parental/guardian consent in writing before releasing the data to the student. Where the parent/guardian does not give their consent to releasing the data to the student, legal advice should be sought.
 - If the information would be likely to be harmful to the individual concerned, parental/guardian consent should be sought before releasing the data to the student.
- In the case of students under the age of twelve, an access request may be made by their parent or guardian on the student's behalf. The consent of the child need not be obtained. However, the school must note that the right of access is a right of the data subject themselves (ie it is the right of the student). Therefore, access documentation should be sent to the address of the child at his/her address which is registered with the school as being his/her home address. It should not be addressed or sent to the parent who made the request. This may present particular difficulties in the case of separated parents.

Copy to Parents where Students Make Access Request.

Where an access request is made by a student under 18 years, the school will inform the student that:

- Where they make an access request, their parents will be informed that they have done so.
- A complete copy of the access request materials being furnished to the data subject by the school will also be furnished to the student's parent/guardian.

Parental Access Requests:

A parent/guardian may make an access request asking for their child's data. The school has to remember at all times that the right of access is a right of the data subject (ie, it is the student's right) and therefore the parent/guardian is making the request on behalf of the child. In such a case, the access materials should be sent to the child, not to the parent who requested them. This means that the documentation should be sent to the address at which the child is registered on the school's records, and should be addressed to the child. The documentation should not be sent to or addressed to the parent/guardian who made the request. Where parents are separated/estranged, it can be difficult for one parent to accept that they may have less involvement in their child's life. They may feel that they do not have all the information in relation to their child's life in school. Accordingly, the parent may see a section 4 access request as an opportunity to "look into the life of the child". As access materials are sent to the child themselves (not to the parent who made the request) the non-custodial parent may feel frustrated by the lack of information. In such circumstances, the school may invite the parent to make an application under section 11 Guardianship of Infants Act 1964 which enables the court (on application by a guardian) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent, the school can release the data on foot of the court order.

Note B:

Exceptions to note:

Data protection regulations prohibit the supply of:

Health data to a patient in response to a request for access if that would be likely to cause serious harm to his or her physical or mental health. This is to protect the individual from hearing anything about himself or herself which would be likely to cause serious harm to their physical or mental health or emotional well-being. In the case of health data, the information can only be released after the school has consulted with the appropriate health professional (usually the data subject's GP).

Personal Data obtained in the course of carrying on social work ("social work data") (personal data kept for or obtained in the course of carrying out social work by a Government department, local authority, the HSE etc) is also restricted in some circumstances if that would be likely to cause serious harm to the health or emotional condition of the data subject concerned. In the case of social work data, the information cannot be supplied at all if the school believes it would be likely to cause serious harm to the physical or mental health or emotional condition of the data subject. If the social work data includes information supplied to the school by an individual (other than one of the school's employees or agents) while carrying out social work, the school is not permitted to supply that information to the data subject without first consulting that individual who supplied the information.

The Data Protection Acts state that the following data is **exempt** from a data access request:

1. Section 5 of the Data Protection Act provides that the right of access does not apply in a number of cases in order to strike a balance between the rights of the individual, on the one hand, and some important needs of civil society on the other hand. Examples would include the need for State Agencies (like An Garda Síochána) to **investigate crime** effectively, and the need to protect the international relations of the State.
2. **Estimates of liability:** where the personal data consists of or is kept for the purpose of estimating the amount of the liability of the school on foot of a claim for damages or compensation, and where releasing the estimate would be likely to prejudice the interests of the school in relation to the claim, the data may be withheld.
3. **Legally privileged information:** the general rule is that all documentation prepared in contemplation of litigation is legally privileged. So correspondence between the school and their solicitors in relation to a case against the school should not be disclosed to the claimant pursuant to a data access request.
4. Section 4 states that the right of access does not include a right to see **personal data about another individual**, without that other person's consent. This is necessary to protect the privacy rights of the other person. If it is reasonable for the school to conclude that redacting or omitting the particulars identifying the third party would both conceal the identity of the third party, and enable the data to be disclosed (subject to the redactions), then the data could be disclosed with such redactions. However, if it is not possible to redact or omit the particulars which identify a third party, then the affected data should not be released to the applicant.
5. Section 4 also states that where personal data consists of **expressions of opinion** about the data subject made by another person, the data subject has a right to receive that expression of opinion except where that expression of opinion was given in confidence, and on the clear understanding that it would be treated as confidential.
6. The obligation to comply with an access request does not apply where it is impossible for the school to provide the data or where it involves a disproportionate effort.
7. Where the school refuses to hand over some or all of the personal data they hold in relation to a data subject (on the basis of any of the exemptions or prohibitions set out above), the school **will advise the data subject of this in writing, setting out reasons for the refusal, and notifying the data subject that he or she has the right to complain to the Office of the Data Protection Commissioner about the refusal Implementation**

ROLES & RESPONSIBILITIES:

The school staff, under the direction of the Principal, will implement and monitor this policy. Individual teachers will design, administer and record their own exam results. The Principal will ensure records are maintained and stored.

ASSOCIATED POLICIES:

- Admissions/Enrolment Policy
- Code of Behaviour
- Anti-Bullying Policy
- Assessment Policy
- Attendance Policy
- School Guidance Plan
- Special Education Needs Policy
- Health & Safety Policy

RATIFICATION:

This Data Protection Policy has been updated and ratified and is the operating policy of this school until the next review/update.

Signed: *Denis O'Donovan*
Principal

Denis O'Donovan
Manager

Date: *30/05/2015*

Review Date: *May 2018*

GLOSSARY

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

Data means information in a form that can be processed. It includes both automated data and manual data. Automated data means any information on computer, or information recorded with the intention that it be processed by computer.

Manual data means information that is recorded as part of a relevant filing system or with the intention that it form part of a 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. Examples might include student files stored in alphabetic order in a filing cabinet or personnel files stored in the office.

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

Sensitive Personal Data refers to Personal Data regarding a person's racial or ethnic origin, political opinions or religious or philosophical beliefs; membership of a trade union; physical or mental health or condition or sexual life; commission or alleged commission of any offence; or criminal convictions or the alleged commission of an

APPENDIX B

Data Protection Statement for inclusion on relevant forms when personal information is being requested

The information collected on this form will be held by St. Patrick's Secondary school in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is *(School should insert the relevant information eg. for administration, to facilitate the school in meeting the student's educational needs etc.)*.

Disclosure of any of this information to statutory bodies such as the Department of Education and skills or its agencies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians or students aged 18 or over if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of students and students aged 18 or over have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

Signed Parent/Guardian: _____

Signed Student: _____