



# ***Cashel Community School***

## ***Data Protection Policy***



**CASHEL COMMUNITY SCHOOL**



# Data Protection Policy

## Data Protection Policy of Cashel Community School

### Introductory Statement

The school's Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003.

The characteristic spirit of Cashel Community School, has at its core a desire to promote and protect the dignity of every member of its community, students, staff and parents. This includes respect for the protection of data stored at the school and for the right of access to this data. This policy is informed by these aspirations and also the Data Protection Acts of 1988 and 2003. The policy applies to all school staff, the Board of Management, parents/guardians, students, (including prospective students) and their parents/guardians and applicants for positions within the school.

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 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 Data Protection Acts 1988 and 2003 which can be summarised as follows:

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, individuals applying for positions within the school, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. 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.

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.

Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are encrypted and password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data.

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. The Principal may delegate such updates/amendments to another member of staff. However, 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.

Only the necessary amount of information required to provide an adequate service will be gathered and stored.

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 and Sensitive 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.

Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

#### Scope

The Data Protection Acts 1988 and 2003 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.

#### 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:

**Data** means information in a form that can be processed. It includes both *automated data* (e.g. electronic 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 kept/recorded as part of a *relevant filing system* or with the intention that it forms 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, quickly and easily accessible.

**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 Data Controller i.e. 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
- any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

**Data Controller** for the purpose of this policy is the board of management of, Cashel Community School.

### 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 and 2003.

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.

### Other Legal Obligations

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

- Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School
- 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 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day
- Under Section 28 of the Education (Welfare) Act, 2000, the school may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the school is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)
- 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 (School’s mission/vision/aims)**

Cashel Community School seeks to

- enable each student to develop their full potential
- provide a safe and secure environment for learning
- 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/missions while fully respecting individuals’ rights to privacy and rights under the Data Protection Acts.

#### **Personal Data**

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
  - Original records of application and appointment to promotion 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 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).

Note: a record of grievances/record of disciplinary matters may be maintained by the School which is distinct from and separate to the individual’s personnel files and which consequently may not constitute part of a Relevant Filing System. Materials prepared in connection with the staff member’s professional duties within the School (including but not limited to teaching plans and class notes etc.) will not constitute part of that staff member’s personal files held by the School and will generally not constitute part of a Relevant Filing

System. The format in which these records will be kept will generally be manual record (personal file within filing system) and computer record (database).

(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)
- to facilitate pension payments in the future
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)
- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

(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:** Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are encrypted and password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data. These records are kept in both a manual record (personal file within a *relevant filing system*), and a computer record (database). Please note manual records are stored in a secure locked filing cabinet in a secure room. While computer records are password protected and have adequate levels of encryption etc.

## **B. Student records:**

(a) **Categories of student data:** These may include:

- 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, PPS number
  - date and place of birth
  - names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
  - religious belief
  - racial or ethnic origin
  - membership of the traveller community, where relevant
  - 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
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Psychological, psychiatric and/or medical assessments
- Attendance records

- 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”
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Whether the student is repeating the Leaving Certificate
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Garda vetting outcome record (where the student is engaged in work experience organised with or through the school/ETB which requires that they be Garda vetted)
- 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).
- 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).

These records will generally be kept on a manual record (personal file within filing system) and computer record (database).

(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 support the provision of religious instruction
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child’s educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the 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 students meet the minimum age requirements for their course,
- 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, 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
- In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the school will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student’s parent/guardian) to the work experience employer.

(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 records are kept in both a manual record (personal file within a relevant filing system), and a computer record (database). Please note manual records are stored in a secure locked filing cabinet in a secure room. While computer records are password protection and have adequate levels of encryption.

### **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.
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- (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 filing cabinet and 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:** Cashel Community School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. Please note manual records are stored in a secure locked filing cabinet in a secure room. While computer records are password protection and have adequate levels of encryption. Cashel Community 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. Cashel Community School acknowledges that high standards of security are essential for processing all personal information.

### **D. Other records:**

The school will hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), and 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 records are kept in both a manual record (personal file within a relevant filing system), and a computer record (database). Please note manual records are stored in a secure locked filing cabinet in a secure room. While computer records are password protection and have adequate levels of encryption.

#### **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 parent's 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:** These records are kept in both a manual record (personal file within a relevant filing system), and a computer record (database). Please note manual records are stored in a secure locked filing cabinet in a secure room. While computer records are password protection and have adequate levels of encryption.

#### **CCTV images/recordings**

- (a) **Categories:** CCTV is installed in Cashel Community school, externally and internally as detailed in the CCTV Policy. 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 detailed in the CCTV Policy. Recording equipment is located in the Deputy Principal's office.
- (d) **Security:** Access to images/recordings is restricted to the Principal & Deputy Principals of each Cashel Community School. Tapes, DVD's, hard disk recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts 1988 and 2003.

#### **Examination results**

Examination results are also kept. The main purpose for which these Examination results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables.

- (a) **Categories:** The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual, continuous assessment and mock-examinations results.
- (b) **Purposes:** The main purpose for which these examination results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.

**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.

**Security:** These records are kept in both a manual record (personal file within a relevant filing system), and a computer record (database). Please note manual records are stored in a secure locked filing cabinet in a secure room. While computer records are password protection and have adequate levels of encryption.

## October Returns

- (a) **Categories:** At the beginning of each academic year (and for 1st year or transferring students, on enrolment) parents/guardians and students are asked to provide the school with certain information so that the school can make returns to the Department of Education and Skills (“DES”) referred to as “October Returns”. These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians and students on the basis of explicit and informed consent. The October Return contains individualised data (such as an individual student’s PPS number) which acts as an “identifier” for the DES to validate the data that belongs to a recognised student. The DES also transfers some of this data to other government departments and other state bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy-making and research purposes. However the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has a data protection policy which can be viewed on its website ([www.education.ie](http://www.education.ie)). The DES has also published a “Fair Processing Notice” to explain how the personal data of students and contained in October Returns is processed. This can also be found on [www.education.ie](http://www.education.ie) (search for Circular Letter 0047/2010 in the “Circulars” section).
- (b) **Purposes:** The school asks parents/guardians and students to complete October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the school. The main purpose of the October Returns is for the DES to determine whether the student qualifies for English language support and/or additional resources and support to meet their particular educational needs. The October Returns are submitted to the DES electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as the school’s aim is to ensure that each student is assisted in every way to ensure that s/he meets his/her full potential.
- (b) **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.
- (c) **Security:** These records are kept in both a manual record (personal file within a relevant filing system), and a computer record (database). Please note manual records are stored in a secure locked filing cabinet in a secure room. While computer records are password protection and have adequate levels of encryption.

### Links to other policies and to curriculum delivery

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 are among those considered:

- Child Protection Policy

- Anti-Bullying Policy
- Code of Behaviour
- Mobile Phone Code
- Admissions/Enrolment Policy
- CCTV Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE/CSPE etc.

<p><b>Processing in line with data subject's rights</b></p>
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Details of arrangements in place to ensure compliance with the rules of data protection

The arrangements in place 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: Information on students is gathered with the help of parents/guardians and staff. Information is also gathered from the records of their previous schools. In relation to information held on other individuals (members of staff etc.), the information is generally furnished by the individual themselves or compiled during the course of their employment with the School. The information will be obtained and processed fairly.
2. Keep it only for one or more specified, explicit and lawful purposes: All information is kept with the best interest of the individual in mind at all times.
3. Use and disclose it only in ways compatible with these purposes: Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.
4. Keep it safe and secure: Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records, and protected with firewall software and password protection in the case of electronically stored data. Confidential information will be stored securely, and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data.
5. Keep it accurate, complete and up-to-date: Students, parents/guardians, and/or staff should ensure that the School is advised 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 as the need arises. The Principal may delegate such updates/amendments to another member of staff. However, 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) 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 for no longer than is necessary for the purpose or purposes: 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 and Sensitive Personal Data relating to a student. For more information on this,

see “Retention Policy” below. 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 the employee. 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 civil law.

8. Give a copy of his/her Personal Data to that individual on request: Individuals have a right to know what Personal Data/Sensitive Personal Data is held about them, by whom, and the purpose for which it is held. Where the School receives an access request from a student or their parent/guardian, the School will adhere to the guidance material published on the Data Protection Commissioner’s website in respect of the person who can give consent, which states:
9. “As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student’s parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice.”

Data in this school will be processed in line with the data subjects’ rights.

Data subjects have a right to:

- (a) Request access to any data held about them by a data controller
- (b) Prevent the processing of their data for direct-marketing purposes
- (c) Ask to have inaccurate data amended
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

#### Retention Policy

The School complies with the DES guidelines in respect of the retention of data relating to students. Currently, those guidelines state that Schools should retain Personal Data on each student up to their 25th birthday and subject to review thereafter. In certain circumstances, the School may retain students’ data beyond this date, particularly but not only where the circumstances involve loss, damage or injury of any kind. This data may be utilised in order to defend any cases subsequently taken against the School under civil law. Also, where the student has special needs, learning difficulties or behavioural issues, the records may be retained for a longer period of time. In the case of certain records (such as School registers, roll books, test results etc.), these may be kept indefinitely. Individual records of students are also retained to meet individual requests from former students which may be required for job applications and/or references in respect of further education, employment or other purposes. After the retention period, the School may arrange for the secure destruction/shredding of the data. The DES also maintains student records, and their policy (including their policy on the Post Primary Pupil Database which acts as the national archive of student enrolment at post primary schools) is available on [www.education.ie](http://www.education.ie).

In the case of members of staff, the School retains their records for the duration of that person’s employment within the School. Save where there is a legal requirement to retain the data for a longer timeframe, the School shall retain data in respect of staff/former members of staff/applicants for staff posts for no longer than necessary following the end of the relationship between the School and the data subject, which may be some years to facilitate the provision of references etc. to former members of staff. The School may also retain data for the purpose of defending a claim under employment legislation, equality legislation and/or contract or civil law. This retention period is to ensure the School can comply with any obligations it may have.

### Section 3 access request

Under Section 3 of the Data Protection Acts, an individual has the right to be informed whether the school holds data/information about them and to be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing and the data controller will accede to the request within 21 days.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.

### Section 4 access request

Individuals are entitled to a copy of their personal data on written request.

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 40 days
- 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 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.

### Providing information over the phone

In our school, any employee dealing with telephone enquiries will 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.

### 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:

<b>Name</b>	<b>Responsibility</b>
Board of management:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality

IT personnel:

Security, encryption, confidentiality

**Ratification & communication**

Parents/guardians and students will be informed of the Data Protection Policy from the time of enrolment of the student

**Monitoring the implementation of the policy**

The implementation of the policy shall be monitored by the Principal and a sub-committee of the board of management.

At least one annual report should be issued to the board of management to confirm that the actions/measures set down under the policy are being implemented.

**Reviewing and evaluating the policy**

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

Signed: .....

*Chairman of the Board of Management*

Date: .....

Appendix 1

Cashel Community School

Data Access Request Form

Request for a copy of Personal Data under the Data Protection Act 1988 and Data Protection (Amendment) Act 2003

Important: Proof of Identity must accompany this Access Request Form (e.g. official/State photographic identity document such as driver's licence, passport).

A fee of €6.35 must accompany this Access Request Form if it is a Section 4 Data Access Request together with proof of identity (e.g. official/State photographic identity document such as driver's licence, passport).

Full Name	
Maiden Name (if name used during your school duration)	
Address	
Contact number *	Email addresses *

\* We may need to contact you to discuss your access request

Please tick the box which applies to you:

Student <input type="checkbox"/>	Parent/Guardian of student <input type="checkbox"/>	Former Student <input type="checkbox"/>	Current Staff <input type="checkbox"/>	Former Staff <input type="checkbox"/>
Name of Student:	Age:	Year group/class	Insert Year of leaving	Insert Years From/To:

Section 3 Data Access Request:

I, .....[insert name] wish to be informed whether or not Cashel Community School holds personal data about me/my son/daughter and to be provided with a description of this data and to be informed of the purpose for holding such data. I am making this access request under Section 3 of the Data Protection Acts.

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OR

Section 4 Data Access Request:

I, ..... [insert name] wish to make an access request for a copy of any personal data that Cashel Community School, holds about me/my son/daughter. I am making this access request under Section 4 of the Data Protection Acts.

Section 4 Data Access Request only: I attach €6.35

Any other information relevant to your access request (e.g. if requesting images/recordings made by CCTV, please state the date, time and location of the images/recordings (otherwise it may be very difficult or impossible for the school to locate the data).

Signed ..... Date .....

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Checklist: Have you:

- 1) Completed the Access Request Form in full?
- 2) Included a cheque or postal order made payable to Cashel Community School, in the amount of €6.35 where a Section 4 request is made? (Please do not send us €6.35 if you are making a request under section 3. There is no administration charge for a section 3 request, and if you send us a cheque, it will be returned to you).
- 3) Signed and dated the Access Request Form?
- 4) Included a photocopy of official/State photographic identity document (driver's licence, passport etc.

Please return this form to: The Principal, Cashel Community School ,Dualla Rd , Cashel, Co Tipperary