



Iontaobhas Scoileanna Éamainn Rís
Edmund Rice Schools Trust

St Vincent's Secondary School
Glasnevin
Dublin 11



**General Data Protection
Regulation Policy (GDPR)
(2019)**

Data Protection Policy

This policy provides guidance for the maintenance of personal data in order to be compliant with the EU General Data Protection Regulation 2016/679 which comes into force on the 25th May 2018.

Introductory Statement

At St. Vincent's Secondary School, Glasnevin we aim to protect the well-being of our students, parents and staff by providing a safe, tolerant and caring environment. This policy endeavours to provide support to the school community regarding the management of data of a personal or sensitive nature.

This Data Protection Policy applies to the personal data held by the school which is subject to the new requirements of the General Data Protection Regulation (GDPR).

The policy applies to all school staff, the Board of Management, parents/guardians, pupils and others (including prospective or potential pupils 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.

Rationale

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 practices to safeguard individuals' 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.

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 16 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 and 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 educational 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 or immunization administration.

➤ Under *Children First: National Guidance for the Protection and Welfare of Children* (2017), 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) and to maintain documentation according to the highest confidentiality standards.

Data Protection Terms

Data Controller for the purpose of this policy is the Board of Management of St. Vincent's Secondary School. The principal, with the support of the secretary and other relevant staff members, manage the data. The principal, on behalf of the Board of Management, is the *data protection officer*, acting as the point of contact for any data management queries.

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 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, 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.

Data Protection Principles

The school is a data controller of personal data relating to its past, present and future staff, students and parents/guardians. As such, the school is obliged to comply with the principles of data protection set out in the GDPR.

The GDPR identifies children as vulnerable persons deserving of specific protection. Children under the age of consent can never, themselves, give consent to the processing of their personal data.

Enhanced individual rights under GDPR include:

1. **The right to be informed** – This policy partially fulfils this requirement to provide fair processing information. In addition, privacy notices will be included on the online enrolment application as well as paper documentation used to gather data at the time of enrolment.
2. **The right to access** – This policy provides clear processes for how data subjects may obtain confirmation as to whether or not personal data concerning them is being processed, where and for what purpose. Further, the school shall provide a copy of the personal data, free of charge, in an electronic format.
3. **The right to rectification** – Individuals are entitled to have personal data rectified if it is inaccurate or incomplete. If the school discloses personal data to third parties, which is limited solely to the Department of Education and Skills, the National Council for Special Education and professional services such as therapists and psychologist as required and only after signed consent from parents, the school must inform them of the rectification where possible.
4. **The right to be forgotten** – Also known as data erasure, the conditions for erasure include the data no longer being relevant to original purposes for processing or a data subject withdrawing consent. It should also be noted that this right requires the school to compare the subjects' rights to the public interest in the availability of the data when considering such requests. If an individual contacts the school and requests that their data be removed from its databases, it will be obliged to do so, unless it has a legitimate reason to retain the data.
5. **The right to restrict processing** – In some situations, this right gives an individual an alternative to requiring data to be erased; in others, it allows the individual to require data to be held whilst other challenges are resolved. If personal data is 'restricted', then the school may only store the data. It may not further process the data unless the individual consents or the processing is necessary for establishment of legal claims, for the protection of the rights of another natural or legal person or for reasons of important public interest.
6. **The right to data portability** – Data subjects may receive the personal data concerning them, which they have previously provided and have the right to transmit that data to another controller such as another school.

7. **The right to compensation & liability**– Data Subjects can sue both controllers and processors for compensation for pecuniary or nonpecuniary damage (e.g. damages for distress) suffered as a result of a breach of the GDPR.

The following practical guidelines apply:

- Privacy by design: The school will only collect data absolutely necessary for the completion of its duties (data minimisation). Access to personal data will be limited to those needing to act out the data processing. Before any protocols of this policy are changed, a Data Protection Impact Assessment shall be conducted where a type of processing is likely to result in a high risk to the rights and freedoms of individuals.
- 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, 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 GDPR. The information will be obtained and processed fairly.
- Keep it only for one or more specified and explicit lawful purposes: The school will inform individuals of the reasons for data collection 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.
- 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.
- Keep personal data 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. Portable devices storing personal data (such as laptops) should be 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.
- 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. 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.

- 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.
- 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 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.
- Provide a copy of their personal data to any individual, on request: Individuals have a right to know what personal data/sensitive personal data is held about them, by whom it is kept and the purpose for which it is held.

Students:

The categories of personal data that we collect, hold and share:

- Personal information (such as name, date of birth, PPS number, address, parent/guardian contact details, school-assigned email address)
- Characteristics (such as ethnicity, language, nationality, country of birth, religion)
- Any relevant medical information
- Special educational needs
- Standardised Testing Scores/Education Passport
- Exclusions and behavioural information
- Assessment information (state and inhouse)
- Attendance information (number of partial or full absences and absence reasons)
- Images/videos relating to school activities

We use student data:

- to support and facilitate student learning
- to monitor and report on student progress
- to provide appropriate welfare, pastoral care and health services
- to provide support and guidance to pupils, their parents and legal guardians
- to facilitate the organisation of events and excursions
- to assess the quality of our services
- to profile and promote school activities and achievements
- to comply with the law regarding data sharing
- to facilitate the planning and management of St. Vincent's Secondary school

Storing Student Data:

- We hold pupil data for 7 years following a student's last entry. For many this will be around their 25th year.

With whom do we share pupil information?

We do not share information about our students without consent unless the law and our policies allow us to do so. We share students' data with the Department for Education and Skills on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

Internally:

Data is shared only with those who need to access information in relation to a student's academic progress, wellbeing, attendance and behaviour. Therefore, depending on the needs of a particular student, information may be shared with some or all of the following: management, administrators, form teachers, mainstream teachers and special needs assistants, care team, guidance counsellor, behaviour for learning teacher, home school community liaison officer, school completion office, special education needs team and the first aid officer.

Externally:

We are legally obliged to share certain subject data with government authorities such as some of those below. Only relevant and required information is shared in each case.

- Department of Education
- HSE
- Department of Social Protection
- Health and Safety Authority
- TUSLA
- Vsware
- Gmail/Google
- Fresh Today (school lunches)

Retention Protocols:

Student Record	Retention Period	Method of Disposal
<ul style="list-style-type: none"> Roll Book 	2 Years	Shredding
<ul style="list-style-type: none"> Christmas/Summer Exams 	1 Year	Shredding
<ul style="list-style-type: none"> Application/Registration /enrolment details 	7 Years Post-Graduation	Shredding/Deletion as appropriate
<ul style="list-style-type: none"> Disciplinary Documentation 	7 Years Post-Graduation	Shredding/Deletion as appropriate
<ul style="list-style-type: none"> Assessment results/Standardised testing results 	7 Years Post-Graduation	Shredding/Deletion as appropriate
<ul style="list-style-type: none"> Section 29 Appeals 	7 Years Post-Departure	Shredding/Deletion as appropriate
<ul style="list-style-type: none"> Accident Report 	10 Years Post-Event	Shredding/Deletion as appropriate
<ul style="list-style-type: none"> Psychological Assessments/Special Education Needs Information/ISP 	7 Years Post-Graduation	Shredding/Deletion as appropriate
<ul style="list-style-type: none"> Record of School Trips (Consent forms/finances paid) 	7 Years Post-Graduation	Shredding/Deletion as appropriate
<ul style="list-style-type: none"> Child Protection Records 	Indefinitely	N/A
<ul style="list-style-type: none"> Complaints: relating to child safeguarding, accidents, teacher professionalism 	Indefinitely	N/A
<ul style="list-style-type: none"> CCTV Footage 	2 Weeks Post-Recording	Deleted from Hard Drive
<ul style="list-style-type: none"> SLAR Footage/JCSP Profiles 	2 Weeks Post-Recording	Deleted from Hard Drive

Staff :

(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 include:

- Name, address and contact details, PPS number, Curriculum Vitae
- 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; and
- 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).
- MedMark
- Garda Vetting

(b) Purposes: Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future);
- facilitating the payment of staff, and calculating other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant);
- facilitating pension payments in the future;
- human resources management;
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.;
- enabling 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);
- enabling 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 filing cabinet located in the school office 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: A personal file for each staff member is maintained for manual storage of the documents listed above as well as any other relevant data. Any documents that are printed from applications are stored in a secure filing cabinet.

Staff Record	Retention Period	Method of Disposal
<ul style="list-style-type: none"> • Application/CV • Qualifications/Transcript • References • Selection Process • Interview Panel Feedback • Correspondence from candidates re: feedback • Contract of Employment • Probation Letters/Forms • POR Applications • Leave of Absence Applications • Job Share • Career Break • Maternity/Paternity Leave • Parental Leave • Force Majeure • Calculation of Service • Promotions/POR • Board Master Files • POR appeal documents 	Duration of Employment plus 7 Years	Confidential Shredding/Permanent Deletion
<ul style="list-style-type: none"> • Sick Leave Certificates, Records & Benefit forms • Accident/Injury at work reports • Retirement Correspondence • Occupational Health Referral • MedMark • Pension Calculation • Pension Increases • Salary Claim Forms 	Duration of Employment plus 7 Years	Confidential Shredding/Permanent Deletion
<ul style="list-style-type: none"> • Records of previous service (including correspondence with previous employers) 	Indefinitely	N/A

Board of Management records:

1. Categories of board of management data:
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 and Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.
2. 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 decisions.
3. Location: In binders/folders in a secure, locked 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. Minutes and accounts are also stored on computers.
4. Security: Manual records are kept in a locked, secure cabinet in the school office. Automated data e.g. all Board minutes and accounts files are password-protected. Minutes and accounts are distributed at meetings in hard-copy and collected at the end of the meetings to be shred.

Board of Management Records	Retention Period
Minutes of Meetings	Indefinitely
Principal's Report	Indefinitely

Financial Records	Retention Period
Audited Accounts	Indefinitely
Payroll and Taxation	Pay, taxation and related school personnel service records will be retained indefinitely.
Invoices/Back Up Records/Receipts	Retain for 7 Years

Government Returns	Comments	Method of Disposal
Data that identifies students	7 Years Post Graduation	Shredding/Deletion
Data that identifies staff	Pay/Pension/Benefits- Keep Indefinitely as per DES guidelines Otherwise	N/A

Monitoring the Implementation of Policy:

The implementation of the policy shall be monitored by the principal and the Board of Management.

Reviewing and Evaluating the Policy:

The policy should be reviewed and evaluated 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.

This General Data Protection Regulation Policy was adopted by the St Vincent's Board of Management on:

Signature:

(Chair of Board of Management)

Date for Review: