

Data Protection and Data Retention Policy

18th April 2018

1. Introduction

St. Mary's College Junior Schools Data Protection Policy sets out the manner in which all personal data on staff, pupils, parents, Members of Board of Management and members of the whole school community are kept and protected.

2. Scope

This policy applies to the keeping and processing of personal data in manual form and on all technological devices.

3. Rationale

St Mary's College Junior School follows best practise regarding data protection and data retention.

- Our school is obliged to comply with the **Data Protection Act 1988** and the **Data Protection (Amendment) Act 2003** (henceforth referred to as the **Data Protection Acts**)
- The parents of a student, or a student, who age reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in his education (**section 9G of the Education Act 1998**)
- The school must maintain a register of all students attending the schools (**Section 20 Education Welfare Act 2000**)
- The school must record the attendance or non-attendance of students registered at the school on each day (**Section 20 Education Welfare Act 2000**)
- The data controller may supply personal data kept by him or her, to the data controller of another prescribed body if he or she is satisfied that it will be used for a "relevant purpose" only

4. Relationship to the characteristic spirit of the school as contained in our Mission Statement.

"Our Junior and Senior Schools are sustained through a partnership of religious and lay staff, and a whole school community. It continues to be a community of faith and learning that fosters idealism, inspires hearts and informs minds in the wisdom which enables people to know and to do what is right."

4. Objectives

The objectives of this policy include the following:

1. To ensure the school complies with all Data Protection Acts.
2. To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on those Acts as follows:

Obtain and process information in a right and fair manner

Keep the information for specified, explicit purposes

Use and disclose information in ways compatible with these purposes

Keep the information secure, accurate and up to date

Information should be adequate, relevant and not excessive

Information should be retained for no longer than is necessary and only for the specified purposes

A copy of the personal data should be given to the individual concerned or parent on request

3. To ensure that the data protection rights of pupils, staff and other members of the school community are safeguarded.

Key Measures

The policy content is divided into two sections as follows:

A. Details of all personal data which will be held, the format in which it will be held and the purpose (s) for collecting the data in each case

The personal data records held by the school may include:

Staff records: These may include

- Name, address and contact details, PPS number
- Original records of application and appointment
- Records of appointments to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught)
- Details of complaints and/or grievances including consultations or competency discussions, actions/evaluations plans and records of progress.

Note: A record of grievances may be maintained which is separate to personnel files.

Format: These records will be kept in manual record in a filing system and on computer record

Purpose for keeping staff records may include: to facilitate the payment of staff, payment of pensions in the future, a record of promotions made etc

Pupils' Records:

- Information which may be sought and recorded at enrolment, including
- Name, address and contact details, PPS number
- Names, addresses of Parents, guardians and their contact details
- Special Educational needs, health issues and any other relevant issue
- Religious beliefs
- Racial, ethnic or national origin
- Information on previous academic record
- Psychological assessments
- Attendance records
- Academic records – results
- Records of significant achievements
- Records of disciplinary issues and or sanctions imposed
- Other records e.g. accidents, injuries, bullying, meetings with parents

These records will be kept manually (filing system) and on computer

The purpose for keeping these records is to enable each student develop his 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.

- **Board of Management Records:** These may include:
- Name, address and contact details of each Board member
- 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.

These records are kept manually, in a filing system and on computer.

Purpose: to hold a record of Board appointments, documenting decisions made by the Board.

Other Records:

Student record forms are held manually and on a database.

These contain name of child, parents, guardian and contact details.

This also contains details of any health, or dietary issue.

**Purpose: Should a child become unwell and need medical treatment we know what we are dealing with and have parental permission to contact the ambulance service if need
, without delay.**

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

The following are the details of the policy in place with regard to the eight data protection rules:

- **1. Obtain and process fairly**

Personal information will be obtained and processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, or parents/guardians

- **2. Keep only for one or more specified, explicit and lawful purposes**

The persons whose data is collected will be given the lawful reasons why it is collected and kept.

- **3. Use and disclose it only in ways compatible with these purposes**

The data Commissioner's website states:

“As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve to and including seventeenshould give consent themselves and, in addition, consent should also be obtained from the student's parent/guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice.”

As per section 20 of the Education Welfare Act 2000 and following best practice, the Principal of St. Mary's college Junior School, will maintain a register with the names of all children attending the school. When a child is transferring the Principal will notify the Principal of the new school of any problems relating to school attendance that the child concerned had and any other matters relating to the child's progress that are considered appropriate. As per Section 28 of the act information may be supplied to :

The National Education Welfare Board

HSE

An Garda Siochana (Where the Principal has immediate concerns he/she may contact the HSE/Garda Siochana and disclose relevant personal data)

Exceptions to disclosure rule are :

- Data can be disclosed when required by law
- Data can be disclosed to an individual him/herself or with hi/her consent

4. Keep it safe and secure

Access to information, including authority to add/amend/delete records) is restricted to authorised staff on a “need to know” basis.

Computer systems are password protected

Information on screens and manual files is kept out of view of callers to the school/office

Back-up procedures are in operation for computer held data

All reasonable measures are taken to ensure that staff are made aware of the security measures and comply with them.

All waste paper, printouts etc. containing personal information are shredded and disposed of carefully.

Steps are taken to ensure that no authorised person can access data from computers which are no longer in uses or subject to change of use.

The Principal is the designated person responsible for overall security

Periodic reviews of measures and practices will be undertaken.

The premises will be secured when unoccupied.

A contract will be put in place with any data processor working on behalf of the school, which imposes an equivalent security obligation on that processor.

5. Keep it accurate, complete and up-to-date:

- Clerical and computer procedures are reviewed regularly to ensure high levels of data accuracy.
- Appropriate procedures are in place, including periodic review and audit, to ensure that each data item is kept up-to-date.

6.Ensure that it is adequate, relevant and not excessive:

The information held is adequate, relevant and not excessive, in relation to the purposes for which it is kept.

7. Retain it for longer than is necessary for the purpose or purposes

There is a defined policy in place for the retention periods for all items of personal data kept.

Management and clerical and computer procedures are in place to implement this policy

Personal data will not be kept for any longer than is necessary to fulfil the function for which it was first recorded. Retention times cannot be rigidly prescribed to cover every possible situation. Individual judgement should be exercised in this regard.

However the following requirements should be met:

- St. Mary's college will keep registers and roll books within the school archive, as per best practice.
- General records are kept for a minimum of 7 years
- Pay, taxation and related school personnel service records will be retained indefinitely within the school.
- Where litigation may potentially arise in the future, the relevant records will be retained until the possibility of litigation ceases.

Note: the statute of limitations in relation to personal injuries is currently two years. The limitation period for other causes of action varies, but in most cases is not greater than six years. A limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim. In the case of minors, the limitation period does not begin to run until they reach their 18th birthday or later if the date of knowledge post dates their 18th birthday.

It would appear prudent for schools not to destroy records likely to be relevant in litigation at least until the six year limitation period has expired.

In line with the above, it is suggested that the information on student files might as a general rule, be retained for a period of 6 years after the student has completed the senior cycle and/or reached the age of 18.

8. Give a copy of his/her personal data to the individual on request

- **On making an access request any individual (subject to the restrictions in notes A and B below) about whom you keep personal data, is entitled to:**
- **A copy of the data which is kept about him/her**
- **Know the purpose/s for processing this 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 where such opinions were given in confidence.**

To make an access request, an individual must:

- Apply in writing
- Give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
- Pay an access fee (?) €6.35

Handling access requests:

- The data controller and Principal (for the BOM), is responsible for handling access requests.
- Procedures are in place to provide applicants with access to personal data about themselves/their child in accordance with the Data Protection Acts as detailed above.
- Proof of identity may be required, in certain circumstances, in order to access personal data
- Procedures are in place to record the outcome of any legal proceedings which may limit the right of one or both parents to access information about their child.
- If spouses are separated and one of them has obtained an order for custody but both of them remain guardians, then both of them are entitled to be involved in important decisions which affect the child.
- Procedures are in place to ensure that all relevant manual files and computers are checked for the data in respect of which the access request is made
- Procedures are in place to rectify or erase any inaccurate information as identified by the the individual on whom the data is kept, within 40 days of the rquest being made.
- Information is supplied 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)
- Information will be supplied in a clear and understandable form
- The individual will be informed within 40 days of the the request if no information is held on them.
- **Note A: Access requests by students**
- Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts.
- Students under 18 years can be given access to their personal records depending on the age of the student and the nature of the record i.e. it is suggested that:

If the information is ordinary, routine or non-controversial, the student could readily be given access

If the record is of a sensitive nature, it would be prudent to seek parental/guardian consent

If the student has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the person concerned, parental/guardian consent should be sought

Note B: Exceptions to note:

Schools should note that data protection regulations prohibit the supply of:

- Health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such data is to be communicated only by, or after consultation with, an appropriate “health professional” normally the patient’s own doctor
- Personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. The regulations apply to social work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds

Links to other school policies and to Curriculum Delivery

Links to related school policies

School policies need to be consistent with one another, within the framework of the overall school plan. Relevant school policies already in place, being developed or reviewed, will be examined with reference to the data protection policy and any implications which it has for them should be addressed.

- The following should be among those considered:
- Child Protection Policy
- Anti bullying policy
- Code of behaviour

Implementation, Roles and Responsibilities

The Principal will co-ordinate the implementation of the policy and for ensuring that staff who handle or have access to personal data are familiarised with their data protection responsibilities.

School administrative staff will have a key role in implementing the policy and will be provided with a copy of the policy and other relevant information. Teaching staff will be provided with a copy of the policy. A hard copy of the policy will be available at reception and may also be accessed through www.stmarys.ie

9.Ratification and Communication

The entire staff must be familiar with the policy and ready and ready to put it into practice in accordance with the specified implementation arrangements. It is important that all are made aware of any changes implied in recording information on students, staff and others in the school community.

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

Implementation Date

The policy will be ratified by the Board and and take effect from May 25th 2018.

11. Monitoring the implementation of the policy.

The Principal and Data Protection Controller will take steps to ensure the actions/measures set down by the policy are being implemented.

12. Reviewing and evaluating the Policy

The policy will be reviewed and evaluated every 2 years and as necessary. Ongoing review will take cognisance of changing information or guidelines, legislation and feedback from parents/guardians, students school staff and others. The policy will be revised as necessary within the framework of school planning.

Ratified by the Board of Management on _____

Chairperson: _____

Secretary: _____

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