

Data Protection and Record-keeping Policy

Cong National School

Introduction:

This policy was formulated by Staff and Board of Management of Cong National School, in line with the updating of the 1998 Data Protection Act in 2018 and the EU General Data Protection Regulation.

The purpose of this policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by parents and stake holders.

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 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 special categories of personal data will be protected by the school.

Rationale:

- A policy on data protection and record keeping is necessary to ensure that the school has proper *procedures in place in relation to accountability and transparency*
- It is good practice to record pupil progress so as to identify learning needs and careful storage of this information is imperative
- Taking into consideration the New GDPR Procedures 25th May 2018, the following legislation and supports are also of importance in the formulation of this policy.

A guide for Data Controllers- Data Protection Commissioner at

www.dataprotectionschools.ie

The Data Protection Act 1988

The Data Protection (Amendment) Act 2003 & Data Protection Act 2018

The Education Act 1998

Education Welfare Act 2000

The Freedom of Information Act 1997

Children First Act 2015

Relationship to School Ethos:

Cong National School promotes openness and co-operation between staff, parents and pupils as a means towards providing the caring environment through which a child can develop and grow to his/her full potential.

Aims/Objectives:

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

Guidelines:

The Board of Management assumes the function of Data Controller and the Principal supervises the application of the Data Protection Act within the school (as the Data Protection Liaison Officer). The data under the control of the Principal comes under the following headings:

Transfer of Personal Data

The Data Controller/Data Protection Liaison Officer i.e. the Principal on behalf of the Board of Management may supply data kept by him/her, or information extracted from such data, to the data controller of another prescribed body if satisfied it will be used for a relevant purpose only.

Examples of this are as follows:

- The school may supply information to secondary schools into which pupils are enrolled regarding their performance in standardised tests etc. The NCCA designed Education Passport is now mandatory for schools to use as they transfer from primary to secondary.
- Information required by other government bodies so that resources may be obtained for use by children with Special Educational Needs e.g. National Council for Special Education (N.C.S.E.) or National Education Psychological Service (N.E.P.S.).
- The Department of Education and Skills.
- Information regarding attendance/non Attendance of pupils may be given to TUSLA / National Education Welfare Board (NEWB).
- Department of Education POD – POD Helpdesk 01 8892311
- The Health Service Executive (H.S.E).
- Child and Family Services, CAMHS and the H.S.E.
- The Gardaí.

Security of this information.

These records are kept as manual records in a secure /lockable filing cabinet in the Principal's room or other staff members rooms that only personnel who are authorised to use the data can access. If sensitive information is stored on *Principal's computer/SET Teacher's Computers these computers must be password protected and have firewall software such as Norton installed or downloaded.*

Each staff member has a personal file maintained in a locked filing cabinet in their classroom. *Personal Contact details, PPS numbers, class records, duty lists and reports are stored on the Principal's computer and in the cloud by Aladdin Systems.*

Some records of promotions, career breaks, leave taken, illness etc, is available through the Department of Education and Skills On line Claims System (OLCS/Esinet).

The policy content is divided into two sections as follows:

1. 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.
2. Details of the arrangements in place to ensure compliance with the eight rules of data protection.

Section 1 The Personal Data records held by the school may include:

Staff Records

- Name, address and contact details.
- PPS number.
- Original records of application and appointment.
- Record of appointments to promoted 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 duties.
- Records of any reports the school have made in respect of the staff member to the state department and/or other agencies under mandatory reporting legislation and or Child Safe-Guarding Guidelines which are subject to the DES Child Protection Procedures.
- 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 in a format which is distinct from and separate to individual personnel files.

Purpose:

Staff records are kept for the following purposes:

- the management and administration of school business
- 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).
- 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 for compliance with legislation relevant to the school.

Location:

In a secure, locked filing cabinet and on the Principal's laptop. The school also has a monitored burglar alarm that is active during out of school hours.

Student Records

These may include:

- Information which may be sought and recorded at enrolment, and which may be collated and compiled during the course of the student's time in the school including: name, address and contact details, PPS number, names and addresses of parents/guardians and their contact details.
- records of relevant special conditions (e.g. special educational needs, health issues/ care orders/custody arrangements etc.) which may apply.
- H.S.E. Early intervention reports, psychological/ psychiatric and /or medical assessments
- Information on previous academic record.
- School relevant medical records.
- Photographs and recorded images of students.
- Attendance Records, class roll books/ Aladdin System/ Registers
- Academic record – subjects studied, test results as recorded on official school reports.
- Records of significant achievements.
- Records of exemptions from Irish (letter of application from parents, copy of certificate granted).
- Records of disciplinary issues and/or sanctions imposed.
- Serious Injuries and accident reports.
- Records of reports the school or its employees have made in respect of a student to State departments and or other agencies under mandatory reporting legislation and/ or child safe guarding Guidelines.
- Records of meetings with Parents as part of the complaints procedures.
- Permission slips e.g. AUP policy/school tours etc.

Purpose:

- to enable each student to develop his/her full potential.
- to comply with legislative and administrative requirements.
- to ensure that eligible students can benefit from the relevant additional teaching / resource/ financial supports.
- to support the provision of support teaching.
- to support the provision of religious instruction and sacramental preparation.
- to ensure that the student fulfils the criteria for the exemption from Irish.
- to enable parent/guardians to be contacted in the case of emergency/ school closure etc.
- to ensure that the pupil meets the school's admission criteria.
- to maintain a record of the student's progress through school.
- to maintain accurate accident/incident reports.
- to communicate clearly with all educational partners.
- to support medical/special needs conditions within the school environment.

- 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 AUP policy ie: parents needs to give consent for photographs to be used.
- 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.

Location: Records are kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access and there may also be some computer files backed up and securely password protected.

Board of Management

Records maintained include:

- Name, address and contact details of each member of the Board of Management.
- Records in relation to appointments to the board.
- Minutes of board of management meetings.
- Financial statements/ audits and certification of accounts.
- Record of how funding from the DES is managed.
- Correspondence to the board.

Purpose: for keeping Board of Management records include:

To enable the Board of Management to operate in accordance with the Education Act 1988 and other applicable legislation to maintain a record of the Board of Managements appointments and decisions.

Location:

Stored in a locked filing cabinet of which **Principal only has access to.**

Other Information that may be retained by the school includes:

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/or 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):

- **Aladdin**

One of the IT service companies that we use includes Cloudware Limited (T/A Aladdin Schools) ("Aladdin"). Aladdin processes personal data on behalf of the school in order to provide an online management information system. *(At present our school uses Aladdin for Roll Book Recording)*

The schools liaison person for any queries relevant to use of the Aladdin system is Mrs Martina Flannery.

Anyone provided with a username and password and who is authorised to use the Aladdin system by the school should adhere to and be aware of the following:

- **users may be allocated different access rights** to the Aladdin system. The access rights are solely determined by the school.
 - **a log is taken of some actions undertaken by the user** when using the Aladdin system and made available to the school;
 - a unique username and password is provided to each user. **Users should keep their username and password confidential** and not disclose it to anybody or allow any person to access the system using their username and password;
 - **the Aladdin system should only be used for the purposes of managing internal school administration activities and for no other purpose.** The school is responsible for ensuring that access to the Aladdin system for terminated or suspended users is disabled;
 - **the user should notify the Aladdin liaison person in the event of any misuse or loss of their username and password;**
 - **the user should only login to the Aladdin system when in a secure and non-public environment, e.g. the school or home of the user;**
 - the user should **sign out of the Aladdin system** or lock their device when leaving the device unattended;
 - users are responsible for ensuring that all communications sent to parents or guardians using the Aladdin system are accurate and are sent to parents/guardians for whom the school has appropriate and up to date consent and contact details;
 - before each communication, users should consult with the appropriate school's database to determine which **parents or guardians have consented to being contacted;**
 - the Aladdin system should **not be accessed through an unsecure network or internet connection.** If in doubt, the user should wait until in a secure environment before accessing the Aladdin system;
 - information available through the Aladdin system should only be printed or saved to an electronic device where absolutely necessary. Any hardcopy or electronic files originating from the Aladdin system should be treated in accordance with the relevant provisions of this policy; and
 - users may be able to access the websites of other third party service providers when accessing the Aladdin system. When the user accesses a third party website from the Aladdin system they are leaving the Aladdin system and appropriate due diligence should be undertaken before sharing any personal data with that third party. **The Aladdin liaison person should be contacted if the user is in any doubt.**
- **For further information about Aladdin please go to: <https://www.aladdin.ie/>**

- **Creditors**

The school may hold some of the following information on creditors (some of whom are self-employed) name, contact details, pps and tax details along with bank and payment records.

This information is stored securely in a locked filing cabinet in the Principal's room and only the principal has access.

- **CCTV images/recordings**

CCTV is installed in the school externally i.e. front door, junior and senior yards as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.

Purpose: Safety and security of staff, students and visitors and to safeguard school property and equipment.

Security & Storage : Access to images/recordings is restricted to the principal & deputy principal of the school.

- **Garda Vetting Information**

All adults working with children in any capacity within the school must be Garda vetted. Completed vetting stored manually in a locked filing cabinet in the Principal's Room to which only authorised personnel may have access. Teachers are vetted through the Teaching Council and the vetting outcome is available through the Digitary Core which is password controlled by each individual teacher.

Section 2 Rules of Data Protection to ensure compliance with the eight rules of data protection.

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.

- Obtain and process information fairly.
- Keep it only for one or more specified, explicit and lawful purposes.
- Use and disclose it only in ways compatible with these purposes.
- Keep it safe and secure.
- Keep it accurate, complete and up-to-date.
- Ensure that it is adequate, relevant and not excessive.
- Retain it for no longer than is necessary for the purpose or purposes.
- Give a copy of his/her personal data to that individual on request.

Access to Records:

The following will have access where relevant and appropriate to the data listed above in Section 1;

- Parents/guardians
- Past pupils over 18
- Health Service Executive
- Designated school personnel
- Department of Education & Skills
- First and second-level schools (where relevant).

A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies such as health professionals. Each agency supplies this form.

Outside agencies requesting access to records must do so in writing.

Parents/Guardians can make a request either by phone, email or in writing. The right to erasure or rectification is available to change any mistakes or inaccuracies by proper authorisation through the same procedures. See Appendix 2

A standardised school report form is used which is issued by hand/post in June.

Storage:

All records are stored in the school for a minimum of 7 years until the past pupil reaches the age of 21. These records are stored in a secured locked location within the school.

A pupil profile and selection of records are held by each teacher in his/her individual classroom and communicated to the next teacher as the child moves to the next class.

All former completed roll books are stores in a secure location in the school.

Access to these stored files is restricted to authorised personnel only.

Providing Information over the Phone/Email

In our school, any employee dealing with telephone enquiries is careful about disclosing any personal information held by the school over the phone. In particular the employee will:

- 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.

Protocol for Action in the Event of a Data Breach

In circumstances where an incident gives rise to a risk of unauthorised disclosure, loss, destruction or alteration of personal data, in manual or electronic form, the school will follow the following protocol:

- Staff inform Principal
- Principal will Investigate & assess risk
- Principal will Inform Board of Management
- Board of Management as the DATA Controller will decide on action based on level of risk
- Data Controller will record action taken /no action taken with reason.

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay. If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

SEE also Guidance on DPC Website

Success Criteria:

- Compliance with Data Protection Act and Statute of Limitations Act
- Easy access to records
- Framework in place for ease of compilation and reporting
- Manageable storage of records.

Implementation 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:

Name	Responsibility
Board of Management	Data Controller
Principal	Implementation of Policy
Teaching Personnel & Snas	Awareness of responsibilities and adherence
Administrative Personnel/IT Personnel (Computer Supports)	Security & Confidentiality Encryption where essential

The school staff, under the direction of the Principal will implement and monitor this policy. The Principal will ensure records are maintained and stored, particularly the records of students transferring to another school and other relevant documentation etc.

Implementation Date:

This new policy is effective from 20 Sept 2021

Parents/guardians will be informed of the Policy at the time of enrolment. The policy will be available to view on request from parents.

The policy will be reviewed every 2 years.

All records held from before that date will continue to be maintained in the school.

Review/Ratification/Communication:

This policy was ratified on 20/9/2021.

Signed: James Mahoney Board of Management

Signed: Pauline Waldron Principal
(Acting Principal)

Appendix 1

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

The information collected on this form will be held by Cong National 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 for administration needs and to facilitate the school in meeting the student's educational needs and legal commitments 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: _____

Appendix 2

Cong National School Personal Data Access Request Form

Request for a copy of Personal Data under the Data Protection Acts 1988 to 2018
Important: Proof of Identity must accompany this Access Request Form (eg. 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:

Parent/Guardian of current Pupil

Former Pupil

Current Staff Member

Former Staff Member

Name of Pupil: _____

Date of Birth of Pupil: _____

Insert Year of leaving school: _____

Insert Years From/To: _____

DATA ACCESS REQUEST:

I, [name] wish to make an Access Request for a copy of personal data that Cong National School holds about me/my child. I am making this access request under Data Protection Acts 2013 to 2018

To help us to locate your personal data, please provide details below, which will assist us to meet your requirements e.g. description of the category of data you seek.

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 as otherwise it may be very difficult or impossible for the school to locate the data)

This Access Request must be accompanied with a copy of photographic identification e.g., passport or drivers licence.

I declare that all the details I have given in this form are true and complete to the best of my knowledge.

Signature of Applicant Date:

Please return this form to marked CONFIDENTIAL:

The Chairperson of Board of Management,
Cong National School,
Nymphsfield,
Cong,
Co Mayo,
F31XV80.