

# **Data Protection Policy**

**St. Clare's Primary School**

**Harold's Cross Road**

**Dublin 6W**

**Tel: 01 4963237**

**Web: [www.stclares.ie](http://www.stclares.ie)**

## **Introductory Statement**

St. Clare's Primary School Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Protection Regulation (EU) 2016/679 (GDPR).

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 sensitive personal data will be protected by the school.

St. Clare's Primary School operates a "**Privacy by Design**" method in relation to Data Protection. This means we plan carefully when gathering personal data to apply the *data protection principles* in an effective manner and to integrate the necessary safeguards into the processing in order to meet the requirements of GDPR and protect the rights of data subjects. We audit the personal data we hold in order to:

1. be able to provide access to individuals to their data
2. ensure it is held securely
3. document our data protection procedures
4. enhance accountability and transparency

## **Data Protection Principles**

The Board of Management of St. Clare's Primary School is a data controller of personal data relating to its past, present and future employees, students, parents/guardians, Board of Management members and other members of the school community. As such, the Board of Management is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR which can be summarised as follows: -

### **1. Obtain and Process Personal Data Fairly**

Information on St. Clare's students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous school(s). In relation to information St. Clare's holds on other individuals (members of staff, individuals applying for positions in St. Clare's, parents/guardians of students etc.), the information is generally furnished by the individual themselves with full and informed consent, and compiled during the course of their employment or contact with St. Clare's. 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.

## **2. Keep it only for one or more specified and explicit lawful purposes**

The Board of Management 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.

## **3. 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.

## **4. Keep Personal Data safe and secure**

Only those with a genuine reason for doing so may gain access to the information. 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.

## **5. Keep Personal Data accurate, complete and up-to-date**

Students, parents/guardians, and/or staff should inform St. Clare's of any change which should be made 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, St. Clare's will make all necessary changes to the relevant records. The authority to update/amend such records may be delegated to a member of St. Clare's 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. If an individual feel that the information held is incorrect they should complete the "**Personal Data Rectification/Erasure Request Form**" set out at **Appendix 5** and submit it to St. Clare's.

## **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. Personal data held by St. Clare's will be adequate, relevant and not excessive in relation to the purpose/s for which it is kept. Periodic

checks will be made of files (electronic and manual) to ensure that personal data held is not excessive and remains adequate and relevant for the purpose for which it is kept. See **Appendix 3 “Records Management Procedures”** of St. Clare’s and **Appendix 4 “Records Retention Schedule”**.

**7. Retain it no longer than is necessary for the specified purpose or purposes for which it was given**

As a general rule, where the data relates to a student, the information will be kept for the duration of the individual’s time as a student in St. Clare’s. Thereafter, the Board of Management will comply with the Department of Education guidelines on the storage of Personal Data relating to a student. In the case of members of staff, St. Clare’s will comply with both the Department of Education guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. St. Clare’s Primary School may also retain data relating to an individual for a longer period of time for the purposes of complying with relevant provisions of the law and/or defending a claim under employment legislation and/or contract and/or civil law. St. Clare’s has a defined policy on retention periods for personal data and appropriate procedures in place to implement such a policy. For more information on this, see St. Clare’s **“Record Retention Schedule”** as set out at **Appendix 4** to this Data Protection Policy.

**8. 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, and the purpose for which it is held.

**SCOPE**

The Data Protection legislation applies to the keeping and processing of personal data. The purpose of this policy is to assist St. Clare’s to meet its statutory obligations, to explain those obligations to the 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.

## 4. Definitions of the Data Protection Terms

### 4.1 Definitions

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

4.1.1 **Personal Data** means any data relating to an identified or identifiable natural person i.e. 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 the Board of Management.

4.1.2 **Data Controller** is the Board of Management of St. Clare's Primary School who delegates the responsibility for overseeing data protection on a day to day basis to the Principal.

4.1.3 **Data Subject** is an individual who is the subject of personal data

4.1.4 **Data Processing** is performing any operation or set of operations on data including: -

- Obtaining, recording or keeping the data
- Collecting, organising, storing, altering or adapting the data
- Retrieving, consulting or using the data
- Disclosing the data by transmitting, disseminating or otherwise making it available
- Aligning, combining, blocking, erasing or destroying the data

4.1.5 **Data Processor:** a person who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. St. Clare's uses the following data processors: Aladdin, School Accounting.

4.1.6 **Sensitive Personal Data refers to the personal data regarding an individual's:**

- racial or ethnic origin
- political opinions or religious or philosophical beliefs
- physical or mental health
- sexual life and sexual orientation
- genetic and biometric data
- criminal convictions or the alleged commission of an offence
- trade union membership

- 4.1.7 **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.
- 4.1.8 **Personal Data Breach:** a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed. This means any compromise or loss of personal data, no matter how or where it occurs.
- 4.1.9 **Consent:** Where consent is the basis for provision of personal data, (e.g. data required to join sports team/ after-school activity or any other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. St. Clare's Primary School will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations

## 5. Rationale

In addition to its legal obligations under the broad remit of educational legislation, St. Clare's Primary School has a legal responsibility to comply with the Data Protection Acts, 1988 to 2018 and the EU General Data Protection Regulation (EU) 2016/679 (GDPR).

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. St. Clare's takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard an 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 the 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 the Board of Management.

## Relationship to Characteristic Spirit of the School

This policy has been developed in line with our Mission Statement which states:

*'We aim at a general education, which embodies high academic standards allied to a broad range of experience, which will develop the whole child and prepare him/her for the demands of further education and the rapidly changing society in which we now live'.*

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. St. Clare's Primary School wishes to achieve these aims while fully respecting individuals' rights to privacy and rights under the Data Protection legislation.

## **Aims**

The objectives of developing this policy include the following: -

- To ensure that the school complies with the Data Protection Acts 1988 to 2018 and the EU General Data Protection Regulation (EU) 2016/679 (GDPR);
- To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts;
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded;
- To provide clarity to all interested parties re the data protection protocols of the school; and
- To stipulate the length of time records and reports will be retained.

## **8. Other Legal Obligations**

Implementation of this policy takes account of the legal obligations and responsibilities imposed on the Board of Management of St. Clare's Primary School. Some legislation places an obligation on Primary Schools to obtain and retain personal data and is therefore directly relevant to data protection:

- Teaching Council Act 2006.
- Teaching Council (Amendment) Act 2015
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016
- Social Welfare Acts.
- Minimum Notice & Terms of Employment Act 1973.
- Protection of Employees (Fixed-Term Work) Act 2003
- Payment of Wages Act 1991.
- Social Welfare & Pension Acts 2015
- Comptroller & Auditor General Act 1993.
- Maternity Protection Acts 1994-2004.
- Organisation of Working Time Act 1997.
- Work Relations Act 2015
- The Public Service Management (Recruitment and Appointments) (Amendment) Act 2013
- Parental Leave Acts 1998-2006.
- Paternity Leave and Benefits Act 2016

- Carers Leave Act 2001.
- Adoptive Leave Act 2005.
- Safety, Health & Welfare at Work Act 2005.
- (Prescribed Bodies) Regulation 2005
- National Minimum Wages Act 2000
- Companies Act and Taxes Consolidation Act 1997
- Various Taxation Legislation
- Other employment and equality legislation.
- Primary Schools are also regulated by Circular Letters and Memos issued by the Department of Education. These regulations require personal data to be collected, retained by the school and in some cases the data is to be transferred to Department of Education.
- Governance Manual for Primary Schools 2019-2023
- **Education Act 1998**
  - 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 his or her education.
- **Education (Welfare) Act 2000**
  - (a) Under Section 20 of the Education (Welfare) Act, 2000, the School must maintain a register of all students attending the school. In addition, under section 20(5), 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.
  - (b) 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.
  - (c) 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, TUSLA Education Welfare Services, 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).
- **Education for Persons with Special Educational Needs Act 2004**
  - 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 (NCSE) (and its employees, which would include Special Educational Needs Organisers (SENO)) such information as the Council may from time to time reasonably request.

▪ **Freedom of Information Act 1997**

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 primary schools are not currently subject to freedom of information legislation, however, if St. Clare’s furnishes information to a body covered by the Freedom of Information Act (such as the Department of Education, etc.) these records could be disclosed if a request is made to that body.

▪ **Health Act 1947**

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.

▪ **Children First**

Under *Children First Act 2015* schools, their Boards of Management and their staff have responsibilities to report child welfare concerns to the Child & Family Agency (TUSLA) (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

## **Identifying Personal Data**

The Personal Data records held by St. Clare’s Primary School in their administrative offices may include:

### **Staff records**

**Categories:** 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,
- Date of birth, PPS number
- Civil Status
- Name and contact details of next-of-kin in case of emergency
- Educational or previous employment background
- Original records of application and appointment including those relating to promotion posts
- Interview records, references
- Selection Board recommendation to the Board of Management

- Board of Management correspondence with Patron regarding approval of the appointment
  - Teaching Council Registration
  - Garda Vetting
  - Statutory Declaration
  - Medical Fitness
  - Details of approved absences (career breaks, parental leave, study leave etc.)
  - Records of in-service courses attended
  - Details of work record (qualifications, classes taught, subjects etc.)
  - Details of complaints and/or grievances and/or disciplinary procedures including consultations or competency discussions, action/improvement/evaluation plans and record of progress.
- Note:** A record of grievances may be maintained which is distinct from and separate to individual personnel files.
- Records of any reports made in respect of the staff member to State Departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines under Children First Act 2015.
  - Salary, payroll details, bank details.
  - Medical information, including the medical questionnaire which employees complete prior to taking up employment, records of sickness absence and medical certificates. St. Clare's will request all employees to have a medical examination and will therefore hold the resulting medical report. The purpose of keeping this sort of information is to administer sick pay and disability entitlement, monitor and manage sickness absence and to comply with our health and safety obligations.
  - Garda Vetting records will be retained in compliance with DE circular 31/2016 (Commencement of Statutory Requirements for Garda Vetting) and any subsequent relevant circular letters.

**Purposes:** Staff records are processed and kept for the purposes of: -

- For the management and administration of St. Clare's business now and into the future
- To facilitate the payment of staff, and calculate other benefits/entitlements and to assist the member of staff applying for other benefits/entitlements (including but not limited to State Illness Benefit, State Disability Allowance, State Invalidity Pension, State Maternity Benefit etc.) to determine reckonable service for the purpose of calculation of statutory entitlements, and/or redundancy payments where relevant)
- To calculate annual leave allowances or other leave allowances (e.g. parental leave, maternity leave, etc.)

- Human resources management
- To obtain advices on and to address IR/HR matters, disciplinary matters, complaints under the Dignity in the Workplace Policy, complaints made under the grievance policy, and performance management issues. **Note:** this may involve records being transferred to third parties including legal advisors
- recording promotions (documentation relating to promotions applied for) and changes in responsibilities
- To enable St. Clare's 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 St. Clare's to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education (NCSE), TUSLA, the HSE and any other governmental, statutory and/or regulatory departments and/or agencies

## **Location**

Manual records will be held in a secure, locked filing cabinet in the Fire Proof Safe located in Principal's Office that only personnel who are authorised to use the data can access. Some records will also be held by the School Accounting who manages the payroll on behalf of St. Clare's. Employees are required to maintain the confidentiality of any data to which they have access. Attendance details of Teaches and Special Needs Assistants are recorded on the OLCS system, which is password protected and are accessed by the Secretary, the Principal and the Chairperson of the Board of Management.

Digital records are stored on a password-protected computer with adequate encryption and firewall software in a locked office.

## **Security**

These records are kept as manual records in a secure locked filing cabinet located in the Fire Proof Safe located in the Principal's 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. Some information is also stored on the office computer and on the Principal's laptop, which are password protected and have firewall software installed. Some information is also stored on computers in School Accounting who manage the payroll. Such protective software is regularly updated. Information is also regularly backed up by hard drive. St. Clare's will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their

accidental loss or destruction. St. Clare's acknowledges that high standards of security are essential for processing all personal information. An intruder alarm is installed in the school building which is connected to a monitoring station. The alarm is activated at all times when the school is vacant and it is monitored by a central monitoring station.

## **Student records**

**Categories:** In general student records are kept at St. Clare's. These records may include: -

- (a) Information may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in St. Clare's. Information which may be sought and recorded at enrolment, including:
  - name, address and contact details
  - Birth Certificate
  - Baptismal Certificate (where necessary)
  - Passport copy if necessary
  - 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,
  - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- (b) Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- (c) H.S.E. Early Intervention Reports
- (d) Information on previous academic record
- (e) Psychological/ psychiatric and /or medical assessments
- (f) School relevant medical records
- (g) Photographs and recorded images of students including at school events and noting achievements are managed in line with the accompanying photography policy
- (h) Attendance Records, class roll books/Aladdin System/Registers/Leabhar Tinrimh

- (i) Academic record – subjects studied, test results as recorded on official school reports
- (j) Teacher-designed tests. Each class teacher designs his/her own test template
- (k) Individual Education Plans (IEPs), Individual Pupil Learning Plans (IPLPs) Pupil Personal Plan (PPP) and records of meetings with the stakeholders regarding these plans
- (l) Assessment Test Results
- (m) Standardised Test Result
- (n) Diagnostic Test Results
- (o) Learning Support/Resource data such as records of permissions/refusals to allow children access to LS/RT services in the school
- (p) Portfolios of student work e.g. Projects/Art and achievements
- (q) Records of significant achievements
- (r) Records of exemptions from Irish
- (s) End of Year Reports and Mid-Year Progress Reports
- (t) Correspondence between parents and teachers
- (u) Administration of Medicines Indemnity Forms
- (v) Late Arrivals record book
- (w) Early Collection record book
- (x) Late Collection record book
- (y) Records of books rented under book-rental scheme and books borrowed from school library
- (z) Permission slips – AUP/educational trips, extra-curricular activities, field trips, swimming, Run a Mile, etc.
- (aa) Records of disciplinary issues and/or sanctions imposed
- (bb) Serious injuries and accident report
- (cc) 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 Children First 2015

**School Reports:** An annual End of Year report is issued to each child's parent/guardian by post on or before 14 June. A copy of this report is available on request to a parent who resides at a different address. These reports are securely stored in the student's file in a secure locked filing cabinet in the school office. A Mid-Year Progress report is issued annually to parents/guardians of each student in 3<sup>rd</sup> – 6<sup>th</sup> class during the second week of January. A copy of this report is available on request to a parent who resides at a different address. These reports are securely stored in the student's file in a secure locked filing cabinet in the administrative office of the school. The Annual School Report format and its communication to parents are outlined clearly in our schools Assessment Policy.

**Psychological Assessments:** Reports issued following psychological assessment are securely stored in a locked filing cabinet in the Fire Proof Safe located in the Principal's Office. Reports issued following other assessments such as Occupational Therapy, Speech & Language, Medical, etc. are also stored in a locked filing cabinet in the Fire Proof Safe located in the Principal's Office.

**Standardised Test Results:** Standardised Tests in English and Mathematics are administered annually in May to all classes from First Class to Sixth Class in accordance with circulars 56/2011, 18/2012, 45/2014, 42/2015 and 34/2016. Class Record Sheets are securely stored by the Class Teacher and Special Education Support Teachers. The Principal will also retain a copy of class record sheets. Standardised Test results are included in the Annual End of Year Report. The results of these tests are uploaded onto the DES Esinet portal on or before 17th June annually. Test Booklets are stored for one school year after which they are shredded.

**Screening Tests:** The MIST (Middle Infant Screening Test) Assessment is administered to all Senior Infant students in May of each year. Class record sheets are securely stored by the class teacher and the Principal. MIST Test Results are in a locked filing cabinet in the Fire Proof Safe located stored in the Principal's Office.

**Teacher-designed tests:** Results of teacher designed tests are securely stored by the teacher and filed in the student's file in the Administrative Office at the end of each the academic year.

**Diagnostic Test Reports:** Diagnostic tests are administered by the Learning Support Teachers and Resource Teachers. Results from these assessments are securely stored by the relevant teachers and details are also included in records kept by the Principal.

**Special Educational Needs:** Classroom Support Plans, Behaviour Support Plans, Pupil Personal Plans (PPP), School Support Plans and Individual Education Plans (IEPs) Individual Pupil Learning Plans (IPLPs) will be completed by relevant teachers for students with Special Educational Needs. Copies will be securely stored by teachers, relevant Support Teachers and a copy included in the student's file which is located in the filing cabinet in Fire Proof Safe located in the Principal's Office.

**Learning Support/Resource Data:** Records of consent or refusal by a parent/guardian to allow diagnostic testing or access to SET teaching in the school are securely stored by the relevant teacher in the student's file in the locked filing cabinet in the administrative office of the school.

**Class Records:** Class records are updated regularly. Class record sheets are stored securely in class folders in teachers' classrooms.

**Portfolios:** pupils work e.g. art, or written work is stored securely by the Class Teacher.

**Attendance Records:** Roll Books are maintained by the Class Teacher. Attendance details are included in school's computerised data management system (Aladdin). Computerised records are securely stored in a password protected folder.

**Record of student's breaches of Code of Behaviour:** Incidents of misbehavior in the playground are recorded on Incident Sheets and stored in the Principal's office. Each Class Teacher keeps a record of classroom incidents. The Principal maintains a record of incidents brought to her attention. Incidents of serious misbehavior resulting in suspensions are recorded and stored in a locked filing cabinet in the Fire Proof Safe located in the Principal's Office.

**Records of serious injuries/accidents:** The Accident Report Book is securely stored in the Principal's office. The teacher in charge records details of accidents and injuries sustained and action taken. Such records are signed by the Principal.

**Indemnity Form for Administration of Medicine:** These forms are retained in a locked filing cabinet in the Fire Proof Safe located in Principal's Office.

**Certificates of Exemption from the Study of Irish:** Copies of certificates are securely stored in a locked filing cabinet in the Fire Proof Safe located in Principal's Office.

**Purposes:** The purposes for obtaining, processing, holding and keeping student records are: -

- a) To enable each student to develop their full potential.
- b) To comply with legislative or administrative requirements.
- c) To ensure that eligible students can benefit from the relevant additional teaching or financial supports.
- d) To support the provision of religious education.
- e) To enable parent/guardians to be contacted in the case of emergency etc.
- f) To inform parents of their child's educational progress.
- g) To inform parents of school events etc.
- h) To meet the educational, social, physical and emotional requirements of the student.
- i) To obtain advice necessary to assist and support the student, and to enable the student to access additional resources etc. **Note:** this may involve student records being transferred to third parties including: TUSLA, social workers or medical practitioners, National Council for Special Education (NCSE), Special Education Needs Organiser (SENO), National Educational Psychological Service (NEPS), and legal advisors.
- j) Photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, calendars, school website, record school events, and to keep a record of the history of the school.
- k) To ensure that the student meets the admissions criteria.

- l) To ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption.
- m) To furnish documentation/information about the student to the Department of Education, the National Council for Special Education (NCSE), TUSLA and other schools etc. in compliance with law and directions issued by DE.

#### **Location:**

Records are securely stored in the Administrative Offices and in secure filing cabinets in the Fire Proof Safe located in Principal's Office that only personnel who are authorised to use the data can access. Additional Information is also stored on the Aladdin data system and on the office administration. Employees are required to maintain the confidentiality of any data to which they have access. All completed school Roll Books, Registers and Leabhar Tinrimh are stored in the Administrative Offices together with Accident Report Books and Incident/Bullying Report Books. Access to these stored files is restricted to authorised personnel only.

For computerised records, systems are password protected.

**Note:** some records may be transferred to third parties as disclosed at 2.3 above.

#### **Security:**

Where records are held by St. Clare's, these will be held in the Administrative Offices. Manual records are stored in locked filing cabinets, in offices which are accessed only by authorised staff. St. Clare's IT system is password protected, with sufficient firewall software, adequate levels of encryption arrangements in place. St. Clare's will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St. Clare's acknowledges that high standards of security are essential for processing all personal information. An intruder alarm is installed in the school building which is connected to a monitoring station. The alarm is activated at all times when the school is vacant and it is monitored by a central monitoring station.

### **Transfer of Information**

#### **Communicating with Post-Primary Schools**

In accordance with circular 45/2014, St. Clare's uses the Education Passport materials when sharing information with the post-primary school. The *Education Passport* materials include the following: -

- 6<sup>th</sup> class Report Card (standard NCCA version)
- My Profile sheet for children
- My Child's Profile sheet for parents/guardians



- A Special Educational Needs Summary form will be added to support the sharing of information for those students who have identified learning needs

### **Transferring Assessment Information between Schools**

In accordance with circular 56/2011, St. Clare's will forward a copy of the End-of-Year Report (including the information from standardised tests) to the primary or second-level school to which a student transfers. This information will only be provided after enrolment in the primary or second-level school has been accepted.

Legislative arrangements have been made to provide for sharing information on progress, including the results of standardised tests, where students transfer from one school to another. The Education (Welfare) Act 2000 (Section 28) and the (Prescribed Bodies) Regulations 2005 allow schools to share relevant information concerning a child transferring between recognised schools without breaching data protection law. (*DES Circular 56/2011*)

### **Annual Census for Primary Schools**

**Categories:** Sensitive personal data may be sought at the time of enrolment to St. Clare's Primary School, and sensitive data may also be sought at certain points during the student's time in the school. Sensitive personal data collected for St. Clare's Primary School to prepare its Annual Census to the Department of Education includes whether the student is a member of the Traveller Community, and data on religious, ethnic or cultural background. Non-sensitive personal data will also be sought, such as the name, address, gender, and PPS number, "mother tongue" of the student and their "year of arrival in Ireland". Some personal data will be gathered relating to the student's parents, e.g. mother's maiden name. This information is sought and retained by the Department of Education for the purpose of *inter alia*, the allocation of resources and/or the completion of the Annual Census. Recognised primary schools must return an Annual Census to the Department of Education. Where such information is collected for completing these returns, this information should not be used for any other purpose and should be deleted when no longer required. Data on primary school students enrolled as at 30<sup>th</sup> September is returned to the Department of Education on an annual basis via the Annual Census. Data on students in the census is only returned in an aggregated format. The DE has a data protection policy which can be viewed on its website. [www.education.ie](http://www.education.ie) The DE has also published a "Fair Processing Notice" to explain how the personal data of students and contained in the Annual Census is processed. This can also be found on [www.education.ie](http://www.education.ie) (search for Circular 17/2014). Explicit permission will be sought from parents/guardians before processing this data in line with DES circular 17/2014.

**9.4.2 Purposes:** The only purpose primary schools may collect some of this data is to meet the data requirements for its 'Annual Census' to the Department. The

purpose for which the DES collects this information is set out in the DE Fair Processing Notice which can also be found on [www.education.ie](http://www.education.ie) (search for Circular 17/2014).

**Location:** Records are securely stored in the Administrative Offices and in secure filing cabinets in the Fire Proof Safe located in Principal's 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. Details of POD {Primary Online Database} are recorded on the OLCS system, are password protected and are accessed by the Secretary, the Principal and the Chairperson of the Board of Management.

**Security:** Where records are held by St. Clare's, these will be held in the Administrative Offices. Manual records are stored in locked filing cabinets, in offices which are accessed only by authorised staff. St. Clare's IT system is password protected, with sufficient firewall software, adequate levels of encryption arrangements in place. St. Clare's will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St. Clare's acknowledges that high standards of security are essential for processing all personal information. An intruder alarm is installed in the school building which is connected to a monitoring station. The alarm is activated at all times when the school is vacant and it is monitored by a central monitoring station.

**Board of Management records maintained includes: -**

- Name, address, PPS, date of birth, and contact details of each member of the Board of Management such details will be made available to the Patron and the Charities Regulator
- Records in relation to appointments to the Board of Management
- Minutes of Board of Management meetings
- Financial statements/audits and certification of accounts
- Record of how funding from the DE is managed
- Minutes of Board of Management meetings and correspondence to the Board of Management which may include references to particular individuals

**Purpose:** To enable the Board of Management to operate in accordance with the Education Act 1998, Governance Manual for Primary Schools 2019-2023, DE circulars and other applicable legislation and to maintain a record of Board appointments and decisions.

**Location**

Records are securely stored in a secure filing cabinets in the Fire Proof Safe located in Principal's Office. Access is restricted to the Board of Management, Inspectorate, Patron and legal advisors.

**Security**

St. Clare's will take appropriate security measures against unauthorised access to Board of Management records. St. Clare's acknowledges that high standards of security are essential in maintaining Board of Management records. An intruder alarm is installed in the school building which is connected to a monitoring station. The alarm is activated at all times when the school is vacant and it is monitored by a central monitoring station.

**Creditors**

**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
- Tax details – Tax Clearance Certificate
- VAT, RCT
- Bank details
- Amount Paid/Due

**Purpose**

This information is required for routine management and administration of the school's financial accounts and complying with audits and investigations by the Revenue Commissioners.

**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**

Manual records are stored in locked filing cabinets, in offices which are accessed only by authorised staff. St. Clare's IT system is password protected, with sufficient firewall software, adequate levels of encryption arrangements in place. St. Clare's will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St. Clare's acknowledges that high standards of security are essential for processing all personal information. An intruder alarm is installed in the school building which is connected to a monitoring station. The alarm is activated at all times when the school is vacant and it is monitored by a central monitoring station.

## Voluntary Contribution Payments/Donations/Charity Tax-Back Forms

**Categories of data:** St. Clare's may hold the following data in relation to donors who have made charitable donations to the school:

- ✓ name
- ✓ address
- ✓ telephone number/email
- ✓ PPS number
- ✓ signature

**Purpose:** 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 CHY3 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 parents name, address, PPS number, tax rate, telephone number, and signature. This is retained by St. Clare's in event of an audit being carried out by the Revenue Commissioners.

**Location:** The CHY3 forms are kept in locked filing cabinet located in the Fire Proof Safe located in the Principal's 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. Information is also stored electronically on the school's administrative computers and on the computers of School Accounting.

**Security:** The CHY3 forms are securely stored in a secure filing cabinets in the Fire Proof Safe located in Principal's 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. St. Clare's IT system is password protected, with sufficient firewall software, adequate levels of encryption arrangements in place. An intruder alarm is installed in the school building which is connected to a monitoring station. The alarm is activated at all times when the school is vacant and it is monitored by a central monitoring station.

## Garda Vetting Information

All adults who have unsupervised access to students within St. Clare's Primary School must be Garda vetted. Teachers are vetted through the Teaching Council.

For non-teaching staff a completed Vetting Invitation Form (NVB1) is furnished to Child Safeguarding & Protection Service, Archbishop's House. Applicants are required to provide two forms of documentation (one photographic) to validate their identity in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016. Copies of the identity are retained by St. Clare's. The results of the vetting process are stored manually in a locked filing cabinet located in the Fire Proof Safe located in the Principal's Office to which only authorised personnel may have access. St. Clare's understands that sensitive information may be identified through Garda Vetting. In the event that an employee's Garda Vetting raises concerns, the information will be

dealt with on a confidential basis. All information pertaining to such a situation will be stored in a locked filing cabinet located in the Fire Proof Safe located in the Principal's Office to which only authorised personnel may have access. St. Clare's will not pass on a copy of an employee's Garda Vetting to any other party.

### **Access to Records**

The following will have access where relevant and appropriate to the data listed above where pupils are identified by name:

- Parents/Guardians
- Past students over 18
- Health Service Executive staff
- National Educational Psychological Service (NEPS)
- National Council for Special Education (NCSE)
- Educational Welfare Service TUSLA
- Occupational Therapists or Speech Therapists working with students
- Designated School Personnel
- Department of Education (where necessary)
- First and Second level schools (where relevant)
- St. Clare's Primary School Board of Management

With the exception of child protection-related data which is governed by "Children's First Guidelines and Procedures 2011", data on attendance, (governed by Educational Welfare Services TUSLA) and data regarding achievements in literacy and numeracy, (governed by National Strategy for literacy and numeracy), parental authorisation must be provided by parents in the event of data being transferred to outside agencies. Outside agencies requesting access to records must do so in writing. Parents/Guardians of current students can make such a request in writing. Past students and parents of past students seeking data must do so in writing.

### **Examination results**

St. Clare's Primary School will hold data comprising examination results in respect of its students. These include class, mid-term, annual and continuous assessment results and the results of Standardised Tests

### **Purposes**

The main purpose for which these examination results are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardian about educational attainment levels and recommendations for the future. 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 other schools to which pupils move.

## Links to other Policies

Our policies need to be consistent with one another, within the framework of the overall school plan. Relevant school policies already in place or being developed or reviewed, are examined with reference to this Data Protection Policy and any implications which it has for them shall be addressed. This policy should be read in conjunction with the following policy documents: -

- ✓ Anti-Bullying Policy
- ✓ Attendance Policy
- ✓ Assessment Policy
- ✓ Book Rental Policy
- ✓ Child Safeguarding Policy
- ✓ Clean Desk Policy
- ✓ Confidentiality Policy
- ✓ Code of Behaviour
- ✓ Critical Incident Policy
- ✓ Data Breach Management Policy and Procedure Data
- ✓ Department of Finance Guidance on Protecting the Confidentiality of Personal Data
- ✓ Educational Trips Policy
- ✓ Enrolment Policy
- ✓ ICT Acceptable Usage Policy
- ✓ Library Policy
- ✓ Mobile Phone Policy
- ✓ Pupil Online Database (POD)
- ✓ Record Keeping Policy
- ✓ Safety and Welfare at Work Policy
- ✓ Security Policy
- ✓ Special Educational Needs Policy
- ✓ Substance Use Policy
- ✓ Supervision Policy
- ✓ SPHE Policy

## Processing in line with a data subject's rights

Data in St. Clare's Primary School will be processed in line with the data subject's rights. Data subjects have a right to:

- Know what personal data the school is keeping on them
- Request access to *any data* held about them by a data controller
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended
- Ask to have data erased once it is no longer necessary or irrelevant.

## **Data Processors**

St. Clare's Primary School outsources to Aladdin and School Accounting data processor off-site, and have a written contract in place Written Third party service agreement. St. Clare's Primary School third party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract.

## **Personal Data Breaches**

- All incidents in which personal data has been put at risk will 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 Board of Management will 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 the Board of Management without undue delay.

## **Dealing with a data 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

Request must be responded to within one month. An extension may be required e.g. over holiday periods

No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive

No personal data can be supplied relating to another individual apart from the data subject

## **Providing information over the phone**

An employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. In particular, the employee should:

- Ask that the caller put their request in writing
- Refer the request to the Principal for assistance in difficult situations
- Not feel forced into disclosing personal information

## **Dealing with Data Subject Access Requests (SAR)**

**Section 3 Access Request:** The right to be informed whether the data controller holds data 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.

**11.2 Section 4 Access Request:** Individuals are entitled to a copy of their personal data on written request:

11.2.1 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)

11.2.2 Request must be responded to within 40 days.

11.2.3 Fee may apply but cannot exceed €6.35

11.2.4 Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of St. Clare's 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.

11.2.5 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 St. Clare's refuse to furnish the data to the applicant.

## **Providing Information over the Phone**

In St. Clare's, any employee dealing with telephone enquiries should 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; and
- ✓ Refer the request to the Principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.



## Implementation Roles and Responsibilities

St. Clare's Board of Management is the Data Controller and the Principal will be assigned the role of coordinating the 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. However, all employees who collect and/or control the contents and use of personal data are individually responsible for compliance with the data protection legislation. St. Clare's will provide support, advice and training to all staff concerned to ensure compliance with the legislation.

Within St. Clare's, the following personnel will 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 and Communication

This Data Protection Policy was adopted by the Board of Management at its meeting on 3<sup>rd</sup> May 2019 and came into operation immediately.

The policy will be brought to the attention of all staff. The Data Protection Policy shall be brought to the attention of new members of St. Clare's during their induction training.

Parents/guardians and students will be informed of the Data Protection Policy at the time of enrolment of the student e.g. by referencing that the Data Protection Policy is on the school website as part of the enrolment process. The policy will be available in hard copy from the school office and electronically via the school's website

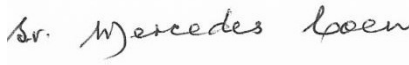
### 15.0 Monitoring the Implementation of the Policy

**15.1** The implementation of the policy shall be monitored by the Principal.

**15.2** An annual report shall be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented.

## 16.0 Reviewing and evaluating the policy

This policy will be reviewed and evaluated every three years. The Board of Management may, however, review this policy earlier than this, if the Data Protection Commissioner, Department of Education or TUSLA introduces new legislation and or if the Board of Management receives recommendations on how the policy might be improved. Any review will be guided by the school's characteristic spirit and commitment to its responsibilities under data protection legislation.

**Signed:**   
**Chairperson Board of Management**

**Dated:** 3<sup>rd</sup> May 2019

**Next scheduled review: May 2022**

## APPENDIX 1

### Data Protection Statement

*(for inclusion on relevant forms when personal information is being requested)*

#### Personal Data on this Form

The Board of Management of St. Clare's Primary School is a data controller under the Data Protection Acts 1988 to 2018. The personal data supplied on this \_\_\_\_\_ form is required for the purposes of:

- student enrolment
- student registration
- allocation of teachers and resources to the school
- determining a student's eligibility for additional learning supports and transportation,
- school administration,
- child welfare (including medical welfare)
- and to fulfil our other legal obligations.

#### St. Clare's Contacting You

Please confirm if you are happy for us to contact you by SMS/text message, and to call you on the telephone numbers provided and to send you emails for all the purposes of:

- open days/science exhibitions/events
- parent teacher meetings
- school concerts/recitals,
- to notify you of a school closure (e.g. where there are adverse weather conditions),
- to notify you of your child's non-attendance or late attendance or any other issues relating to your child's conduct in school,
- to communicate with you in relation to your child's social, emotional and educational progress, and to contact you in the case of an emergency

#### Tick box if "yes" you agree with these uses

- Use your email address to alert you to these issues?
- Use your mobile phone number to send you SMS texts to alert you to these issues?
- Use your mobile phone/landline number to call you to alert you to these issues?

**Please note:** St. Clare's reserves the right to contact you in the case of an emergency relating to your child, regardless of whether you have given your consent.

**While the information provided will generally be treated as private to St. Clare's Primary School,** and will be collected and used in compliance with the Data Protection Acts 1988 to 2018, from time to time it may be necessary for us to transfer your personal data on a private basis to other bodies (including the Department of Education, the Department of Social Protection, An Garda Síochána, the Health Service Executive, TUSLA, social workers or medical practitioners, the National Council for Special Education (NCSE), any Special Education Needs Organiser ((SENO), the National Educational Psychological Service (NEPS), or (where the student is transferring) with another school). We rely on parents/guardians and students to provide us with accurate and complete information and to update us in relation to any change in

the information provided. Should you wish to update or access your or/your child's personal data you should write to the school requesting an Access Request Form.

**Data Protection Policy:** A copy of the full Data Protection Policy is enclosed in this enrolment pack, and you and your child should read it carefully. When you apply for enrolment, you will be asked to sign that you consent to your data/your child's data being collected, processed and used in accordance with this Data Protection Policy during the course of their time as a pupil in the school. Where the student is over 18 years old, they will be asked to sign their consent to this.

**Photographs of Students:** St. Clare's maintains a database of photographs of events held over the years. It has become customary to take photos of students engaged in activities and events in the interest of creating a pictorial as well as historical record of life at St. Clare's. Photographs may be published on our website or in brochures, yearbooks, newsletters, calendars, local and national newspapers and similar school-related productions. In the case of website photographs, student names will not appear on the website as a caption to the picture. If you or your child wish to have his/her photograph removed from the school website, brochure, yearbooks, newsletters, calendar, etc. at any time, you should write to St. Clare's Primary School.

**Consent (*tick one only*)**

1. If you are happy to have your child's photograph taken as part of St. Clare's Primary School, activities and included in all such records tick here
2. If you would prefer not to have your child's photograph taken and included in such records, please tick here
3. If you are happy for your child's photograph to be taken and included, as 1. above, but would prefer not to have images of your child appear on the website, in school brochures, yearbooks, calendar, newsletters etc. please tick here.

Signed: \_\_\_\_\_  
Mother/Guardian

Signed: \_\_\_\_\_  
Father/Guardian

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **APPENDIX 2**

***“Protecting the confidentiality of Personal Data Guidance Note”***  
**(CMOD Department of Finance, Dec. 2008)**

Taken from:

<https://www.dataprotection.ie/documents/guidance/GuidanceFinance.pdf>

## APPENDIX 3

### Records Management Procedures

Note: This is an internal document for internal St. Clare's use only. This Appendix does not have to be circulated to parents

#### 1. Purpose

Good records management is of special significance in the context of St. Clare's Primary School functions, where the maintenance of academic records is a core activity. We aim to implement records management procedures and to ensure preservation of records of permanent value and to establish archival criteria to maintain and assure continued access to appropriate historical records.

#### 2. Ownership of Records

All records, irrespective of format, (i.e. both manual and automated data) created or received by any staff in the course of their duties on behalf of St. Clare's Primary School, are the property of St. Clare's Primary School and subject to its overall control. Any employee leaving St. Clare's Primary School or changing positions within St. Clare's Primary School must leave all records intact for their successors and is not permitted to remove or retain records (in electronic or manual format) for any reason.

#### 3. Management of St. Clare's Primary School Records

- 3.1. All records created and received by all staff in the course of their duties on behalf of St. Clare's Primary School must be retained for as long as they are required to meet the legal, administrative, financial and operational requirements of St. Clare's Primary School, after which time they are either destroyed or transferred to St. Clare's Primary School archives.
- 3.2. The final disposition (either destruction or transfer to the archives) of records is carried out according to approved Records Retention Schedules as appended to the St. Clare's Primary School Data Protection Policy.
- 3.3. While the Records Retention Schedule (set out at Appendix 4 of the St. Clare's Primary School Data Protection Policy) prescribes the minimum period that St. Clare's Primary School records must be retained, the Board of Management may, at their discretion, keep the records for a longer period of time if it is deemed necessary and appropriate, and where it is required for a specific purpose (e.g. litigation).
- 3.4. A list of the vital records held within St. Clare's Primary School, shall be prepared and reviewed periodically. For example, Staff meetings, Sub-committee meetings, Board of Management meetings, financial information, legal documentation etc. should be included in this.

#### 4. Employee Duties

- 4.1. All St. Clare's Primary School employees are responsible for making and keeping the records of their work and shall: -
  - 4.1.1. Comply with the "Filing Guidelines" set out at Appendix 1 hereto.

- 4.1.2. Create records needed to do the business of St. Clare's Primary School, record decisions and actions taken, and generally document activities for which they are responsible and take care of records so that information can be found when needed. This means establishing or adhering to good directories and files, and filing materials (in any format) regularly and carefully in a manner that allows them to be safely stored and efficiently retrieved and returned when necessary.
- 4.1.3. Ensure that all records under their control are stored/retained/destroyed or archived in accordance with St. Clare's Primary School's Records Retention Schedule (see **Appendix 4** of the St. Clare's Primary School Data Protection Policy).

## 5. Retention and Disposal

- 5.1. After the records have been retained by St. Clare's Primary School for the requisite time in the Record Retention Schedule, they are either securely destroyed (e.g. by confidential cross-shredding by a third party contractor retained pursuant to a Data Processing Agreement as required by the Data Protection Policy of St. Clare's Primary School), or securely transferred to archival storage.
- 5.2. It is the responsibility of the Principal to ensure that records are scheduled as necessary to be retained in the appropriate storage facility or securely disposed of.
- 5.3. If a file is to be destroyed, then a Destruction Record Form needs to be completed by the employee and countersigned by the Principal who is responsible for records destruction. The Destruction Record Form shall be filed and kept permanently.
- 5.4. A Destruction Register is maintained by St. Clare's Primary School which contains all the completed Destruction Record Forms.

## 6. Life-Cycle of Records within St. Clare's Primary School

- 6.1. Each record has a Life Cycle, which is as follows:
  - Current Records** Are those that are held on site in the administrative offices and are used on a very regular basis.
  - Non-current Records** These are records that are needed for occasional reference. They are held on site in a dedicated storage area in the Fire Proof Safe with easy access.
  - Disposition** Records which should either be archived or securely and confidentially cross-shredded.
- 6.2. **Current Records:**
  - 6.2.1. **Active Records:** Active records are records that are required and referred to constantly for current use, and which need to be retained and maintained in office space and equipment close and readily accessible to users.
  - 6.2.2. **Semi-active Records:** Semi-active records are records that are referred to infrequently and are not required constantly for current use. Semi-active records are removed from office space to Fire Proof Safe until they are no longer needed.
- 6.3. **Non-Current Records**
  - 6.3.1. **Inactive Records:** Inactive records are records which are no longer required to carry out the functions for which they were created. They should be stored until the retention period has lapsed.

6.3.2. Permanently Valuable Records – Archives: Permanently valuable records include those with legal, operational, administrative, historical, scientific, cultural and social significance.

#### **APPENDIX 1: Filing Guidelines**

- a) Before filing a piece of paper, ask yourself; "Will I need this in the future?" Don't keep a piece of paper just on the chance that you may need it "someday."
- b) Don't always save every draft of a document. For most purposes the final version is sufficient.
- c) Don't file multiple copies of the same document, unless justified.
- d) The originator normally keeps copies of reports and correspondence. Just because a document is sent to you it does not mean that you are obliged to keep it indefinitely. If you need to see it again, ask the originator for another copy.
- e) If, for example, records are scheduled for destruction after three years, don't store them for five years.
- f) Some records may belong under more than one series or category. To handle this, file the records in one category and place a cross-reference note in the other. It is important to be consistent in deciding where to file records. Once information is filed in a given series and category, it should always be filed there.
- g) Label and date all files.
- h) Colour coding the different series is a useful tool, especially for refiling folders.
- i) Create a file guide with a description of the filing system and instructions for the user so new personnel can continue to use the filing system easily. This will also avoid the arbitrary creation of new file folders.
- j) Create cross-listings to help locate items. Create a file database on the PC using the file-folder heading, cross-listing, and location notes.
- k) Spell out acronyms and abbreviations.
- l) Sort records prior to filing.
- m) Use staples rather than paper clips in folders.
- n) Discard envelopes if the return address is available on the document itself. Most phone messages, illegible notes, and routine acknowledgements can also be discarded.
- o) Do not overfill file folders. If they are overfilled, divide them into several folders with the same name and File number (e.g.: xxxxxxxx 2008/2009, File 1).
- p) Do not overstuff file drawers. This can make retrieval of files difficult, as well as creating a dangerous work environment.
- q) Weed files regularly, using the approved Record Retention Schedule.
- r) Consider using "Out Markers" when removing folders for use. This makes refiling much easier and lets others know that a file exists so another is not created, who has the file, and when it was checked out.



## APPENDIX 4

### St. Clare's Primary School Records of Retention Schedule

#### Retention of Records

Schools as data controllers must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, St. Clare's Primary School has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

**IMPORTANT:** In all cases, schools should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/Board of Management/an employee of the school (which may include a volunteer)), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

**WARNING:** In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statute of Limitations may be different in every case. In all cases where reference is made to "18 years" being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school must be aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by schools on a case-by-case basis. In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school should be aware that the claim could arise many years after the incident complained of and the courts/tribunals/employment fora may not consider the complainant to be "out of time" to make their claim.

<b>Student Records</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
<b>Registers/Roll Books</b>	Indefinitely	N/A	Indefinitely. Archive when class leaves +2 years
<b>Enrolment Forms</b>	Student reaching 18 years + 7 Years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
<b>Student transfer</b> (Applies from primary to primary; from primary to post-primary school)	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
<b>Disciplinary notes</b>	Never destroy	N/A	Never destroy
<b>Results of in-school tests</b> i.e. term, end of year, assessments etc.	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
<b>End of term/Mid-Year/ End of year reports</b>	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
<b>Records of school trips/etc.</b> , including permission slips,	Never destroy	N/A	Never destroy
<b>Book rental scheme</b>	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

<b>Student Sensitive Personal Data</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
Psychological assessments	Indefinitely	N/A – never destroy	Never destroy
Special Education Needs' files, reviews, correspondence and Individual Education Plans	Indefinitely	N/A	Never destroy
Accident reports	Indefinitely	N/A – never destroy	Never destroy
Child Protection records	Indefinitely	N/A – never destroy	Never destroy
Section 29 appeal records	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Enrolment/transfer forms where child is not enrolled or refused enrolment	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of complaints made by parents/ guardians	Depends entirely on the nature of the complaint	Confidential shredding or N/A, depending on the nature of the records	Depends entirely on the nature of the complaint. If it is child-safeguarding, a complaint relating to teacher-handling, or an accident, then retain indefinitely. Never destroy. If it is a complaint of a more mundane nature (e.g. misspelling of child's name, parent not being contacted to be informed of parent-teacher meeting) or other minor matter, then student reaching 18 years + 7 years (6 years in which to take a claim, and 1 year for proceedings to be served on school)

<b>Staff Records</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
<b>Applications &amp; CVs of candidates called for interview</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Database of applications</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Selection criteria</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Applications of candidates not shortlisted</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Unsolicited applications for jobs</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Candidates shortlisted but unsuccessful at interview</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Candidates shortlisted and are successful but do not accept offer</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Interview board marking scheme &amp; board notes</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.
<b>Panel recommendation by interview board</b>	18 months from the close of competition	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Workplace Relations Commission "WRC to inform the school that a claim is being taken.

Staff personnel files (whilst in employment)	Duration	Final disposition	Comments
Staff personal files e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training	Retain for duration of employment plus 7 years	Confidential shredding. Retain an anonymised sample for archival purposes	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Application &/CV	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Qualifications	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
References	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview: database of applications (the section which relates to the employee only)	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Selection criteria	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview board marking scheme & board notes	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Panel recommendation by interview board	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Recruitment medical	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job specification/ description	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Contract/Conditions of employment	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Probation letters/forms	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
POR applications and correspondence whether successful or not	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Leave of absence applications	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job share	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Career Break	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Maternity leave	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Paternity leave	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Force Majeure leave	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Carers leave	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Working Time Act (attendance hours, holidays, breaks)	Retain for duration of employment plus 7 years	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Allegations/complaints	Retain for duration of employment plus 7 years	Confidential shredding	Retain in accordance with the Grievance and Disciplinary procedure
Grievance and Disciplinary records	Retain for duration of employment plus 7 years	Confidential shredding	Retain in accordance with the Grievance and Disciplinary procedure

<b>Occupational Health Records</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
Sickness absence records/certificates	Retain for duration of employment plus 7 years*	Confidential shredding  Or do not destroy	Re sick leave scheme ref DES circular 0053/2015 Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Pre-employment medical assessment	Retain for duration of employment plus 7 years*	Confidential shredding  Or do not destroy	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Occupational health referral	Retain for duration of employment plus 7 years	Confidential shredding  Or do not destroy	Re sick leave scheme ref DES circular 53/2015 Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Correspondence re retirement on ill-health grounds	Retain for duration of employment plus 7 years	Confidential shredding  Or do not destroy	Re sick leave scheme: ref DES circular 0053/2015. Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy
Accident/injury at work reports	Retain for duration of employment plus 7 years	Confidential shredding	Retain for 10 years, or the duration of the employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), whichever is the greater (unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy).



Medical assessments or referrals	Retain for duration of employment plus 7 years	Confidential shredding  Or do not destroy	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless Medmark assessment relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Sick leave records (sick benefit forms)	Retain for duration of employment plus 7 years	Confidential shredding  Or do not destroy	In case of audit/refunds, Current year plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

<b>Pension/Retirement Records</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
Records of previous service (incl. correspondence with previous employers)		N/A	DES advise that these should be kept indefinitely.
Pension calculation	Retain for duration of employment plus 7 years	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Pension increases	Retain for duration of employment plus 7 years	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Salary claim forms	Retain for duration of employment plus 7 years	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)

<b>Government returns</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
Any returns which identify individual staff/pupils	Submitted online to DES.	N/A	Depends upon the nature of the return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DE guidelines. If it relates to information on students, e.g. October Returns, Annual Census etc., keep in line with "Student Records" guidelines above.

<b>Board of Management Records</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
Board agenda and minutes	Indefinitely	N/A	Indefinitely. These should be stored securely on school property
School closure	On school closure, records should be transferred (see comments)		On school closure, records should be transferred as per <a href="#">Records Retention in the event of school closure/amalgamation</a> . A decommissioning exercise should take place with respect to archiving and recording data.

Other school based reports/minutes	Duration	Final disposition	Comments
CCTV recordings	28 days (see comments for more information)	Safe/secure deletion	28 days in the normal course, but longer on a case-by-case basis e.g. where recordings/images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage/vandalism to school property and where the images/recordings are retained to investigate those issues.
Principal's monthly report including staff absences	Indefinitely	N/A	Indefinitely. Administrative log and does not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".
Teacher's Cuntas Miosúil/ Half Year Plans etc.	2 years (see comments)	Confidential shredding	Retain for 2 years + the current year.

<b>Financial Records</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
Audited Accounts	Indefinitely	N/A	Indefinitely
Payroll and taxation	Indefinitely		Revenue Commissioners require that records be kept for at least six years after the end of the tax year. Records must be made available for inspection by authorised officers of the Revenue Commissioners or of the Dept. of Social Protection. The DE requires of schools that “pay, taxation and related school personnel service records should be retained <b>indefinitely</b> within the school. These records can be kept either on a manual or computer system
Invoices/back-up records/receipts	Indefinitely		Retain for 7 years

<b>Promotion Process</b>	<b>Duration</b>	<b>Final disposition</b>	<b>Comments</b>
Post of Responsibility	Indefinitely	N/A	Retain indefinitely on master file as it relates to pay/pension etc. (see DES guidelines)
Calculation of service	Indefinitely	N/A	Retain indefinitely on master file
Promotions/POR Board master files	Indefinitely	N/A	Retain indefinitely on master file
Promotions/POR Boards assessment report files	Indefinitely	N/A	Retain original on personnel file in line with retention periods in “Staff Records” retention guidelines above
POR appeal documents	Duration of employments + 7 years	N/A	Retain original on personnel file, and copy of master & appeal file. Retain for duration of employment + 7 years (6 years in which to take a claim, plus 1 year to serve proceedings on school). Copy on master and appeal file.
Correspondence from candidates re feedback	See comments for more information	See comments for more information	Depends upon nature of feedback. If feedback is from unsuccessful candidate who is not an employee within the school, keep in line with retention periods in “Staff Records” above. If feedback is from successful candidate or from unsuccessful candidate who is already an employee within the school, keep in line with “Staff personnel while in employment” above.

**APPENDIX 5**

**Personal Data Rectification/Erasure Form**

Request to have Personal Data rectified or erased.

Data Protection Act 1988 and Data Protection (Amendment) Act 2003

**Important: Proof of identity (e.g. official/State photographic identity document such as drivers licence, passport) must accompany this form.**

Full Name	
Address	
Contact number *	Email addresses *

\* St. Clare’s Primary School 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"/>
Age: Year group/class:	Name of Student:	Insert Year of leaving:		Insert From/To:      Years

I, ..... [insert name] wish to have the data detailed below which St. Clare’s Primary School holds about me/my child rectified/ erased (delete as appropriate). I am making this access request under Section 6 of the Data Protection Acts.

Details of the information you believe to be inaccurate and rectification required OR Reason why you wish to have data erased:

--

You must attach relevant documents as proof of correct information e.g. where a date of birth is incorrect, please provide us with a copy of the official State Birth Certificate. Please note that your right to request rectification/deletion is not absolute, and may be declined by St. Clare's Primary School in certain cases. You have the right to complain this refusal to the Office of the Data Protection Commissioner: [www.dataprotection.ie](http://www.dataprotection.ie)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

---

**Checklist: Have you:**

- 1) Completed the Access Request Form in full?
- 2) Included document/s as proof of correct information?
- 3) Signed and dated the Request Form?
- 4) Included a photocopy of official/State photographic identity document (drivers licence, Passport etc.) \*.

**\*Note:** St. Clare's Primary School should satisfy itself as to the identity of the individual, and make a note in St. Clare's Primary School records that identity has been provided, but St. Clare's Primary School should not retain a copy of the identity document.

**Please address and return this form to:**

**The Chairperson,  
Board of Management  
St. Clare's Primary School,  
Harold's Cross Road,  
Dublin 6W  
D6W WC86**

## APPENDIX 6

### Data Access Procedures Policy

The Data Protection Acts, 1988 and 2003 provide for a right of access by an individual data subject to personal information held by St. Clare's Primary School. The following procedure is provided to ensure compliance with the school's obligations under the Acts and governs the manner in which requests for access to personal data will be managed by St. Clare's Primary School.

A data subject would be required to familiarise themselves with the procedure and to complete the [Data Access Request Form](#) which will assist the school in processing the access request where personal information (or in the case of a parent/guardian making an access request on behalf of a student, personal information in relation to their child) as a data subject is processed and retained by St. Clare's Primary School.

It is important to note that only personal information relating to the individual (or in the case of a parent/guardian making an access request on behalf of a student, only personal information in relation to his/her/their child) will be supplied. No information will be supplied that relates to another individual.

#### Important note to students making access requests

Where a student (aged under 18 years) makes an access request, the school may inform the student that:

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

This is provided for in the school's Data Protection Policy. The right of access under the Data Protection Acts is the right of the data subject. However, there may be some data held by the school which may be of a sensitive nature and the school will have regard to the following guidance issued by the Office of the Data Protection Commissioner in relation to releasing such data:

- A student aged **eighteen years or older** (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student aged **eighteen years or older** has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student.
- A student aged from **twelve up to and including seventeen** can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:

- If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
  - If the information is of a sensitive nature, it would be prudent to seek parental/guardian consent before releasing the data to the student
  - If the information would be likely to be harmful to the individual concerned, parental/guardian consent should be sought before releasing the data to the student.
- In the case of students **under the age of twelve**, an access request may be made by their parent or guardian on the student's behalf. However, the school must note that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation should be addressed to the child at his/her address which is registered with the school as being his/her home address. **It should not be addressed or sent to the parent who made the request.** For further information, see "Important Note to Parents Making Access Requests on Behalf of their Child" below.

### **Important note to parents making access requests on behalf of their child**

Where a parent/guardian makes an access request on behalf of their child (a student aged under 18 years), the right of access is a right of the data subject (i.e. it is the student's right). In such a case, the access materials will be sent to the child, not to the parent who requested them. This means that the access request documentation will be sent to the address at which the child is registered on the school's records and will be addressed to the child. The documentation will not be sent to or addressed to the parent/guardian who made the request. Where a parent/guardian is unhappy with this arrangement, the parent/guardian is invited to make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court (on application by a guardian) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent/guardian, a copy of the order should be given to the school by the parent/guardian and the school can release the data on foot of the court order.

### **Individuals making an access request**

On making an access request, any individual (subject to the restrictions in Notes A and B below) about whom a school keeps *Personal Data*, is entitled to:

- a copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts apply, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner);
- know the purpose/s for processing his/her data;
- know the identity (or the categories) of those to whom the data is disclosed;
- know the source of the data, unless it is contrary to public interest; and
- where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the "decision" as to whether a loan should be made to an individual based on his/her credit rating) know the logic involved in automated decisions.



## Data access requirements

To make an access request, you as a data subject must:

1. Apply in writing requesting access to your data under section 4 Data Protection Acts or, alternatively, request an Access Request Form which will greatly assist the school in processing your access request more quickly.

In the case of primary schools, correspondence should be addressed to the Chairperson of the Board of Management

2. You will be provided with a form which will assist the school in locating all relevant information that is held subject to the exceptions and prohibitions outlined in **Appendix A**. The school reserves the **right to request official proof of identity** (e.g. photographic identification such as a passport or driver's licence) where there is any doubt on the issue of identification.
3. On receipt of the access request form, a coordinator will be appointed to check the validity of your access request and to check that sufficient information to locate the data requested has been supplied (particularly if CCTV footage/images are to be searched).

In the case of primary schools, the coordinator is the Chairperson of the Board of Management.

It may be necessary for the coordinator to contact you in the event that further details are required with a view to processing your access request.

4. The coordinator will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.
5. The coordinator will ensure that all relevant manual files (held within a "relevant filing system") and computers are checked for the data in respect of which the access request is made.
6. The coordinator will ensure that the information is supplied promptly and within the advised timeframes in items 7, 8 and 9 as appropriate.
7. **Where a request is made under Section 3 of the Data Protection Acts**, the following information will be supplied: (i) what the school holds by way of personal information about you ((or in the case of a request under section 3 made by a parent/guardian of a student aged under 18 years, then the personal information held about that student) and (ii) a **description** of the data together with details of the purposes for which his/her data is being kept will be provided. Actual copies of your personal files (or the personal files relating to the student) will not be supplied. No personal data can be supplied relating to another individual. A response to your request will be provided within 21 days of receipt of the access request form and no fee will apply.

8. **Where a request is made under Section 4 of the Data Protection Acts**, the following information will be supplied within **40 days and an administration fee of €6.35 will apply**. The individual is entitled to a copy of all personal data, i.e.:
- A copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts applies, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
  - Be advised of the purpose/s for processing his/her data
  - Be advised of the identity (or the categories) of those to whom the data is disclosed
  - Be advised of the source of the data, unless it is contrary to public interest
  - Where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the “decision” as to whether a loan should be made to an individual based on his/her credit rating), know the logic involved in automated decisions.
9. Where a request is made with respect to **examination results** an increased time limit of **60 days** from the date of the first publication of the results or from the date of the access request, whichever is the later will apply.
10. Before supplying the information requested to you as data subject (or where the access request is made on behalf of a student aged under 18 years, information relating to the student), the coordinator will check each item of data to establish:
- If any of the exemptions or restrictions set out under the Data Protection Acts apply, which would result in that item of data not being released, or
  - where the data is “health data”, whether the obligation to consult with the data subject’s medical practitioner applies, or
  - where the data is “social work data”, whether the prohibition on release applies.
11. If data relating to a third party is involved, it will not be disclosed without the consent of that third party or alternatively the data will be anonymised in order to conceal the identity of the third party. Where it is not possible to anonymise the data to ensure that the third party is not identified, then that item of data may not be released.
12. **Where a school may be unsure as to what information to disclose, the school reserves the right to seek legal advice.**
13. The coordinator will ensure that the information is provided in an intelligible form (e.g. codes explained) or will provide an explanation.
14. Number the documents supplied.
15. **Have the response “signed-off” by an appropriate person.** In the case of primary schools this is the chairperson of the Board of Management
16. The school will respond to your access request within the advised timeframes contingent on the type of request made.

17. The school reserves the right to supply personal information to an individual in an electronic format e.g. on tape, USB, CD etc.
18. Where a subsequent or similar access request is made after the first request has been complied with, the school has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.
19. Where you as an individual data subject may seek to rectify incorrect information maintained by the school please notify the school and a form will be supplied to you for this purpose. You should however note that the right to rectify or delete personal data is not absolute. You have the right to make a complaint to the Data Protection Commissioner about a refusal. Where the school declines to rectify or delete the personal data as you have instructed, the school may propose to supplement your personal record, pursuant to section 6(1) (b) Data Protection Acts.
20. In circumstances where your access request is refused, St. Clare's Primary School will write to you explaining the reasons for the refusal and the administration fee, if provided, will be returned. In such circumstances, you have the right to make a complaint to the Office of the Data Protection Commissioner [www.dataprotection.ie](http://www.dataprotection.ie). Similarly, the administration access fee will be refunded to you if the school has to rectify, supplement or erase your personal data.
21. **Where requests are made for CCTV footage**, an application must be made in writing and the timeframe for response is within 40 days. All necessary information such as the date, time and location of the recording should be given to the school to assist the school in dealing with your request. Where the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data. In providing a copy of personal data, the school may provide the materials in the form of a still/series of still pictures, a tape, disk, USB, with relevant images. Other people's images will be obscured before the data is released. If other people's images cannot be obscured, then the images/recordings may not be released.

There are a number of exceptions to the general rule of right of access, including those specified in Notes A and B in **Appendix A**.

**This procedure is regularly reviewed in line with the school's commitment to its responsibilities under data protection.**

## Appendix A

### Note A: Access requests by students

- A student aged **eighteen years or older** (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student aged **eighteen years or older** has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student.
- A student aged from **twelve up to and including seventeen** can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that
  - If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
  - If the information is of a sensitive nature, it would be prudent to seek parental/guardian consent in writing before releasing the data to the student. Where the parent/guardian does not give their consent to releasing the data to the student, legal advice should be sought
  - If the information would be likely to be harmful to the individual concerned, parental/guardian consent should be sought before releasing the data to the student.
- In the case of students **under the age of twelve**, an access request may be made by their parent or guardian on the student's behalf. The consent of the child need not be obtained. However, the school must note that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation should be addressed to the child at his/her address which is registered with the school as being his/her home address. **It should not be addressed or sent to the parent who made the request.** For further information, see "Important Note to Parents Making Access Requests on Behalf of their Child" below.
- In any of the circumstances outlined above, if the data contains health data and disclosure would be likely to cause serious harm to the physical or mental health of the individual concerned, the school is obliged to withhold the data until they have consulted with the data subject's medical practitioner and (in the case of a student under 18 or a student with special educational needs whose disability or medical condition would impair his or her ability to understand the information), parental/guardian consent should also be sought.
- In some cases, (i.e. where the information is "**health data**"), it is advised that the data be supplied by the medical practitioner.

- In any of the circumstances outlined above, if the data contains **social work data** and disclosure would be likely to cause serious harm to the physical or mental health of the individual, the school is not permitted to release the data to the individual.

**Note B: Exceptions to note:**

Data protection regulations **prohibit** the supply of:

- **Health data** to a patient in response to a request for access if that would be likely to cause serious harm to his or her physical or mental health. This is to protect the individual from hearing anything about him or herself which would be likely to cause serious harm to their physical or mental health or emotional well-being. In the case of health data, the information can only be released after the school has consulted with the appropriate health professional (usually the data subject's GP).
- *Personal Data* obtained in the course of carrying on social work ("**social work data**") (personal data kept for or obtained in the course of carrying out social work by a Government department, local authority, the HSE etc.) is also restricted in some circumstances if that would be likely to cause serious harm to the health or emotional condition of the data subject concerned. In the case of social work data, the information cannot be supplied at all if the school believes it would be likely to cause serious harm to the physical or mental health or emotional condition of the data subject. If the social work data includes information supplied to the school by an individual (other than one of the school's employees or agents) while carrying out social work, the school is not permitted to supply that information to the data subject without first consulting that individual who supplied the information.

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

1. Section 5 of the Data Protection Act provides that the right of access does not apply in a number of cases in order to strike a balance between the rights of the individual, on the one hand, and some important needs of civil society on the other hand. Examples would include the need for state agencies (like An Garda Síochána) to **investigate crime** effectively and the need to protect the international relations of the State.
2. **Estimates of liability:** where the personal data consists of or is kept for the purpose of estimating the amount of the liability of the school on foot of a claim for damages or compensation and where releasing the estimate would be likely to prejudice the interests of the school in relation to the claim, the data may be withheld.
3. **Legally privileged information:** the general rule is that all documentation prepared in contemplation of litigation is legally privileged. So correspondence between the school and their solicitors in relation to a case against the school should not be disclosed to the claimant pursuant to a data access request.

4. Section 4 states that the right of access does not include a right to see **personal data about another individual**, without that other person's consent. This is necessary to protect the privacy rights of the other person. If it is reasonable for the school to conclude that redacting or omitting the particulars identifying the third party would both conceal the identity of the third party and enable the data to be disclosed (subject to the redactions), then the data could be disclosed with such redactions. However, if it is not possible to redact or omit the particulars which identify a third party, then the affected data should not be released to the applicant.
5. Section 4 also states that where personal data consists of **expressions of opinion** about the data subject made by another person, the data subject has a right to receive that expression of opinion **except** where that expression of opinion was given in confidence, and on the clear understanding that it would be treated as confidential.
6. The obligation to comply with an access request does not apply where it is impossible for the school to provide the data or where it involves a disproportionate effort. Where a school refuses to hand over some or all of the personal data they hold in relation to a data subject (on the basis of any of the exemptions or prohibitions set out above), the school must advise the data subject of this in writing, setting out reasons for the refusal and notifying the data subject that he or she has the right to complain to the Office of the Data Protection Commissioner about the refusal. For further information, see [What if a school refuses an access request?](#)

## Appendix 7

### Data Access Request Form

Access Request Form: Request for a copy of Personal Data under the Data Protection Acts

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

Full Name	
Maiden Name <i>(if name used during your school duration)</i>	
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"/>
Age: Year group/class:	Name of Student:	Insert Year of leaving:		Insert Years From/To:

### Section 3 Data Access Request:

I, .....(insert name) wish to be informed whether or not St. Clare's Primary School holds personal data about me/my child 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.

OR

**Section 4 Data Access Request:**

I, \_\_\_\_\_ (*insert name*) wish to make an access request for a copy of any personal data that St. Clare's Primary School holds about me/my child. I am making this access request under Section 4 of the Data Protection Acts.

Any other information relevant to your access request (otherwise it may be very difficult or impossible for the St. Clare's Primary School to locate the data).

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

---

**Checklist: Have you:**

- (a) Completed the Access Request Form in full?
- (b) Signed and dated the Access Request Form?
- (c) Included a photocopy of official/State photographic identity document (driver's licence, passport etc.) \*.

**Please return this form to:**

**The Chairperson,  
Board of Management,  
St. Clare's Primary School,  
Harold's Cross Road,  
Dublin 6W**



**D6W WC86**