

# St. Columba's College Stranorlar



## Data Protection Policy 2018

Revised in line with EU GDPR 2016/679

May 2018



# Data Protection Policy

## Introductory Statement

St. Columba's College is a Mercy Catholic Voluntary Secondary School within the CEIST Trust and is committed to 'The pursuit of excellence in a caring environment'.

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

The policy is also governed by the EU General Data Protection Regulation 2016/679 ("GDPR")

The **General Data Protection Regulation (GDPR)** (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union. It addresses the export of personal data outside the EU. The GDPR aims primarily to give control to citizens and residents over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU.

It was adopted on 27 April 2016. It becomes enforceable on 25 May 2018

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.

## Data Protection Principles

The school is a **data controller** of **personal data** relating to its past, present and future staff, students, parents/guardians and other members of the school community, some of which falls into the "Special Categories". As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised in the following eight rules:

- **Obtaining and processing *Personal Data* fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or

contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

- **Keeping it only for one or more specified and explicit lawful purposes:** The School will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.
- **Processing 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.
- **Keeping *Personal Data* safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) should be encrypted and password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data.
- **Keeping Personal Data accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. The principal may delegate such updates/amendments to another member of staff. However, records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.
- **Ensuring 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.
- **Retaining it no longer than is necessary for the specified purpose or purposes for which it was given:** As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a student. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law.

- **Providing 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.

**As stated in EU GDPR 2016/679, St Columba's College will demonstrate compliance with the general regulations.**

## **Scope**

**Purpose of the Policy:** The Data Protection Acts 1988 and 2003 apply to the keeping and processing of *Personal Data*, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated.

This policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school.

## **Definition of Data Protection Terms**

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

**Data** means information in a form that can be processed. It includes both *automated data* (e.g. electronic data) and *manual data*. *Automated data* means any information on computer, or information recorded with the intention that it be *processed* by computer. *Manual data* means information that is kept/recorded as part of a *relevant filing system* or with the intention that it form part of a relevant filing system.

**Relevant filing system** means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily, quickly and easily accessible.

**Personal Data** means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller i.e. the school.

**Special Categories of Data** refer to *Personal Data* regarding a person's

- racial or ethnic origin, political opinions or religious or philosophical beliefs
- membership of a trade union
- physical or mental health or condition or sexual life
- commission or alleged commission of any offence or

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

The **Data Controller** for the purpose of this policy is the board of management of St Columba's College.

## **Rationale**

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts, 1988 and 2003.

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased.

The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the principal and board of management to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and board of management.

## **Other Legal Obligations**

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

## **Relationship to characteristic spirit and mission of the school**

St Columba's College seeks to

- enable each student to develop their full potential
- provide a safe and secure environment for learning
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

## Personal Data

The *Personal Data* records held by the school **may** include:

### A. **Staff records:**

(a) **Categories of staff data:** As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:

- Name, address and contact details, PPS number
- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, subjects etc.)
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).

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

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

(c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:** Data may be kept as a manual record (personal file within a *relevant filing system*), computer record (database) or both. Comprehensive

security measures are in place to protect both manual and computer records.

**B. Student records:**

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

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
  - name, address and contact details, PPS number
  - date and place of birth
  - names and addresses of parents/guardians and their contact details (including any special arrangements about guardianship, custody or access)
  - religious belief
  - racial or ethnic origin
  - membership of the Traveller community, where relevant
  - whether they (or their parents) are medical card holders
  - whether English is the student's first language and/or whether the student requires English language support
  - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements). See the template "Guidance on Taking and Using Images of Children in Schools"
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is repeating the Leaving Certificate
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Garda vetting outcome record (where the student is engaged in work experience organised with or through the school/ETB which requires that they be Garda vetted)
- Other records e.g. records of any serious injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded).
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

(b) **Purposes:** The purposes for keeping student records are:

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports

- to support the provision of religious instruction
  - to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events etc.
  - to meet the educational, social, physical and emotional requirements of the student
  - photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's "Guidance for Taking and Using Images of Pupils in Schools" (see template)
  - to ensure that the student meets the school's admission criteria
  - to ensure that students meet the minimum age requirements for their course,
  - to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
  - to furnish documentation/ information about the student to the Department of Education and Skills, the National Council for Special Education, TUSLA, and other Schools etc. in compliance with law and directions issued by government departments
  - to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to third-level educational institutions and/or prospective employers
  - In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the School will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer.
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** Data may be kept as a manual record (personal file within a *relevant filing system*), computer record (database) or both. Comprehensive security measures are in place to protect both manual and computer records.

### **C. Board of management records:**

- (a) **Categories of board of management data:** These may include:
- Name, address and contact details of each member of the board of management (including former members of the board of management)
  - Records in relation to appointments to the Board

- Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.
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- (b) **Purposes:** To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of board appointments and decisions.
- (c) **Location:** In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** Identify the format in which these records are kept e.g. manual record (personal file within a *relevant filing system*), computer record (database) or both. [Describe applicable security measures, e.g. locks, padlocks, password protection, firewall software, adequate levels of encryption etc.]

**D. Other records:**

The school may hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), and/or computer record (database). Two examples of the type of other records which the school will hold are set out below (this list is not exhaustive):

**CCTV images/recordings**

**See also: St Columba's College, Stranorlar CCTV and Security Policy 2018**

- (a) **Categories:** CCTV is installed in the school, externally i.e. perimeter walls/fencing and internally as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.
- (b) **Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment. It may also be viewed where incidents occur on the school premises where injuries are sustained due to accidents or as a result of inappropriate behaviour.
- (c) **Location:** Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in the Deputy Principal's Office.
- (d) **Security:** Access to images/recordings is restricted to the Deputy Principal. Tapes, DVDs, hard disk recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts 1988 and 2003.

**Examination results**

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

**Location:** In a secure, locked filing cabinet in a secure room that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

- (c) **Security:** Locked filing cabinets for paper copies, and password protected secure server for electronic data.

### **October Returns**

- (a) **Categories:** At the beginning of each academic year (and for 1st year or transferring students, on enrolment) parents/guardians and students are asked to provide the school with certain information so that the School can make returns to the Department of Education and Skills ("DES") referred to as "October Returns". These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians and students on the basis of explicit and informed consent. The October Return contains individualised data (such as an individual student's PPS number) which acts as an "identifier" for the DES to validate the data that belongs to a recognised student. The DES also transfers some of this data to other government departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy-making and research purposes. However, the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has a data protection policy which can be viewed on its website ([www.education.ie](http://www.education.ie)). The DES has also published a "Fair Processing Notice" to explain how the personal data of students and contained in October Returns is processed. This can also be found on [www.education.ie](http://www.education.ie) (search for Circular Letter 0047/2010 in the "Circulars" section).
- (b) **Purposes:** The school asks parents/guardians and students to complete October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the school. The main purpose of the October Returns is for the DES to determine whether the student qualifies for English language support and/or additional resources and support to meet their particular educational needs. The October Returns are submitted to the DES

electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as the school's aim is to ensure that each student is assisted in every way to ensure that s/he meets his/her full potential.

- (c) **Location:** In a secure, locked filing cabinet in a secure room that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** Locked filing cabinets for paper copies, and password protected secure server for electronic data.

### **Links to other policies and to curriculum delivery**

Other school policies that may be relevant to this Data Protection Policy

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

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

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

St Columba's College recognises the rights of data subjects, as stated in EU GDPR 2016/679, as follows:

- (a) Right to complain to a supervisory authority.
- (b) Right of access.
- (c) Right to rectification.
- (d) Right to be forgotten.
- (e) Right to restrict processing.
- (f) Right to data portability.
- (g) Right to object, and automated decision making including profiling.

## **Dealing with a data access requests**

### **Section 3 access request**

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

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

### **Section 4 access request**

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

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 40 days
- Fee may apply but cannot exceed €6.35
- Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.
- No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

### **Providing information over the phone**

In our school, any employee dealing with telephone enquiries 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
- Refer the request to the principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

## Implementation arrangements, roles and responsibilities

In St Columba's College the board of management is the data controller and the principal will be assigned the role of co-ordinating implementation of this Data Protection Policy and for ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities.

The following personnel have responsibility for implementing the Data Protection Policy:

<b>Name</b>	<b>Responsibility</b>
Board of management:	Data Controller
Principal Mr Tom Rowan	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
ICT Contractor:	Security, encryption, confidentiality

## Dealing with a data breach

What is a data breach?

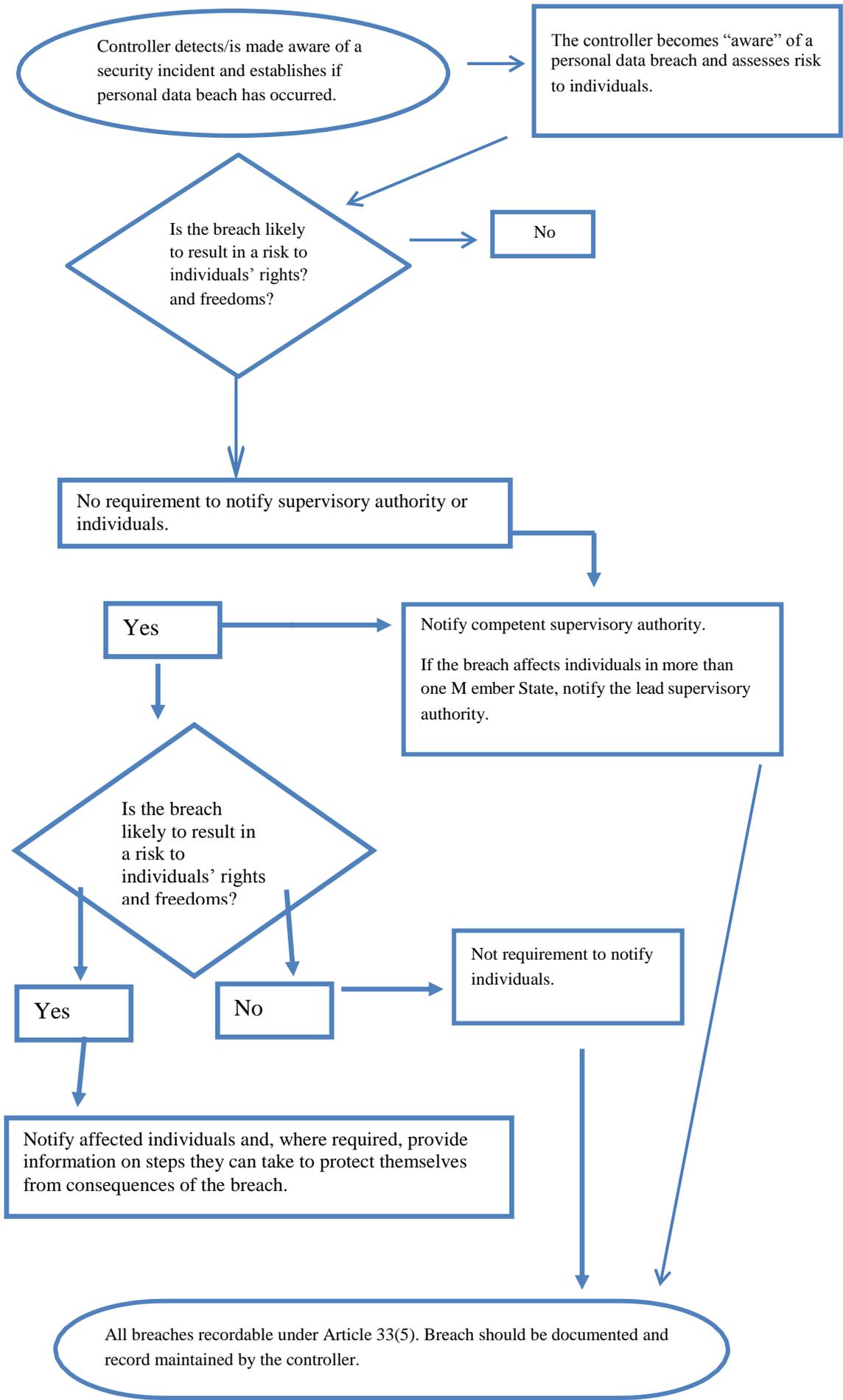
**'Personal Data Breach'** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

St Columba's College will take all necessary steps to ensure custom, regulation and practice will not allow a data breach to occur.

In the event of a data breach, the school authorities will, on discovery of such event, immediately inform:

1. The Data Commissioner
2. Any other impacted authority (Eg. TUSLA, An Garda Síochána)
3. The data subject or subjects.

The Procedure to be followed in the event of a data breach is outline in the flowchart below.



## **Monitoring the implementation of the policy**

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

An annual report will be issued to the board of management to confirm that the actions/measures set down under the policy are being implemented, and that the college is compliant with EU GDPR 2016/679.

## **Reviewing and evaluating the policy**

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

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

Chairperson, Board of Management

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

Principal