



*Knockaderry Farranfore National School
Farranfore,
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Co. Kerry.*

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Data Protection (GDPR)

Introduction:

The school's Data Protection Policy applies to the **personal data** held by the school's Board of Management (BoM), which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Protection Regulation (GDPR). This policy replaces the school's original Data Protection and Record Keeping Policy, which has been in place since 2008.

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and special categories of personal data will be protected by the school.

Knockaderry Farranfore National School operates a “**Privacy by Design**” method in relation to Data Protection. This means we plan carefully when gathering personal data so that we build in the **data protection principles** as integral elements of all data operations in advance. 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 school BoM 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. As such, the BoM 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 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 legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

2. Consent

Where consent is the basis for provision of personal data, (e.g. enrolment forms, POD, RSE) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. Knockaderry Farranfore N.S. 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.

3. Keep it only for one or more specified and explicit lawful purposes

The BoM will inform individuals of the reasons they collect their data and 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.

4. 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.

5. 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 computer software and password protection in the case of electronically stored data.
(Aladdin, our Student Management System is GDPR compliant.)

6. Keep Personal Data accurate, complete and up-to-date

Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. Records must not be altered or destroyed without proper authorisation.

7. 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.

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

As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data 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.

9. Provide a copy of their personal data to any individual on request
Individuals have a right to know and have access to a copy of personal data 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 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

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

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:

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 (BoM)

Data Controller is the Board of Management of the school

Data Subject – is an individual who is the subject of personal data

Data Processing – 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

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. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data. The school uses a number of online systems where student and staff data is collected: Aladdin (staff and pupils), CCTV footage (Eleco), Pupil Online Data (POD), On Line Claims System (OLCS), all social networks that the school uses.

Special categories of Personal Data refers to *Personal Data* regarding a person'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
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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

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 to 2018 and the 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. 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.

Relationship to School Ethos:

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

Guidelines:

The Principal assumes the function of data controller and supervises the application of the Data Protection Act within the school. The data under the control of the Principal comes under the following headings.

1. Personal Data:

This data relates to personal details of the students such as name, address, date of birth, gender, ethnic origin, nationality, religious belief, medical details, dietary information, PPS

No, contact details and parents' names. These are kept in the staffroom in a locked filing cabinet.

2. Student Records:

Student records are held by each class teacher and a copy of standardised test results is held in the locked filing cabinet and on line in Aladdin which is password protected.

Student records may contain:

- Personal details of the student
- Medical sensitive data
- School report cards
- Psychological/Clinical/Occupational Therapy/Speech and Language Assessments
- Standardised Test Results
- Attendance Records
- Screening Test such as MIST, NRIT, QUEST
- Teacher – designed tests. Each class teacher designs his/her own test template
- Diagnostic Tests Reports
- Individual Education Plans
- Learning Support/Resource Data such as records of permission/refusal to access LS/RT services in the school,
- Portfolios of student work e.g. Art
- Details of behavioural incidents or accidents.

3. Staff Data

This data relates to personal and professional details of the Staff such as name, address, date of birth, contact details, payroll number, attendance records, qualifications, school records, sick leave, CPD, curriculum vitae, next of kin, school returns, classes taught and seniority.

4. Administrative Data:

- Attendance Reports, Roll Book, Registers
- Accident/Incident Report Book
- Administration of Medicines Indemnity Form
- Policies
- HSE files
- Board of Management files
- Accounts

Access to Records:

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

- Parents/guardians – see Appendix 1 from CPMSA outlining details of access
- Past pupils over 18
- Health Service Executive

- Designated school personnel
- Department of Education & Skills
- First and second-level schools (where relevant).

A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies such as health professionals etc. Outside agencies requesting access to records must do so in writing giving seven days' notice. Parents/Guardians can make such a request either by phone, email or in writing. The right to erasure or rectification is available to change any mistakes or inaccuracies by proper authorisation through the same procedures.

A standardised school report form (NCCA template) is used which is issued by post in June.

Storage:

All records are stored in the school for a minimum of 7 years until the past pupil reaches the age of 21. These records are stored in the staffroom in a locked filing cabinet and in the attic.

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

All completed school roll books are stored in the attic.

All pupils who are currently attending the school have their data stored in the staffroom where it is accessible to the relevant staff. Upon graduating from 6th class, all data relating to the pupil is then stored in the attic until the age of 21.

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

Computerised records, systems are password protected. Records are backed up to memory sticks regularly and stored in the staffroom, in a locked filing cabinet.

CCTV images/recordings

CCTV is installed in Knockaderry Farranfore N.S..

Cameras are installed externally around the school building on external walls. Cameras are installed internally in the foyer covering the main entrance to the school and the universal access exit at the rear of the school. These CCTV systems record images of staff, students and members of the public who visit the premises. The viewing station is in the principal's office and is password protected.

Purposes:

Safety and security of staff, students and visitors and to safeguard school property and equipment. It is not used to investigate incidents of behaviour or interactions between people.

Security:

Access to images/recordings is restricted to the Principal, Deputy Principal and Caretaker of the school. Recordings are retained for 28 days, except if required for the investigation of an

incident. Images/recording may be viewed or made available to An Garda Síochána pursuant to Data Protection Acts legislation.

Processing in line with a data subject's rights

Data in this 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

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place (*Written Third party service agreement*). Knockaderry Farranfore N.S.'s 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 must be reported to the Office of the Data Protection Commissioner within 72 hours

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay

If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

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. Data can only be guaranteed to be recovered during term time. Requests can be made from August 25th to May 31st each year. Any request outside of this time will not be guaranteed their data within one month of the request.

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

Success Criteria:

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

Roles and Responsibilities:

The school staff, under the direction of the Principal will implement and monitor this policy. Individual teachers will design, administer and record all in-class testing. The Principal will ensure records are maintained and stored, particularly the records of students transferring to another school.

Implementation Data:

This new policy is effective from April 16th 2013.

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

Review/Ratification/Communication:

This policy was ratified on April 15th 2013

This policy was reviewed on June 23rd 2020

It will be reviewed every three years and amended if necessary.

References:

- General Data Protection Regulation (GDPR) 2018
- Solas (CPSMA) May-June 2001
- Education Act 1998
- Education Welfare Act 2000
- Data Protection Act 2003
- Freedom of Information Act

Ratification of Policy

The policy will be reviewed in 4 years or when necessary.

This policy was adopted and ratified by the Board of Management on _____

Signed: _____
Chairperson of Board of Management

Signed: _____
Principal

Date: _____

Date: _____