



DATA PROTECTION POLICY

INCH NATIONAL SCHOOL

16186G

DATA PROTECTION POLICY OF INCH NATIONAL SCHOOL

INTRODUCTORY STATEMENT

The school's Data Protection Policy applies to the personal data held by the school's Board of Management which is protected by the

Data Protection Acts 1998 to 2018

EU Data Protection Directive 95/46/EC

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

Inch 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. 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. Inch National 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.

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. Portable devices storing personal data (such as laptops) are encrypted and password-protected

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. 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

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 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. See School Record Retention Table- Appendix A

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:

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.

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)

Special Categories of Personal Data: refers 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
- sexual life and sexual orientation
- Genetic and biometric data
- commission or alleged commission of any offence
- criminal convictions

Data Controller is the Board of Management of Inch National 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, e.g.

- school accountant, Carmody, Kelly and associates
- Aladdin Schools software

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 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.

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. **For example:**

- 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 their education
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School
- Under section 20(5) of the Education (Welfare) Act, 2000, 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. Inch National School sends, by post, a copy of a child's *Passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled. Where reports on pupils, which have been completed by professionals, apart from Inch National School staff, are included in current pupil files, such reports are only passed to the Post-Primary school following express written permission having been sought and received from the parents of the said pupils.
- 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
- 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, the National Council for Special Education and other schools) provided the Board of Management 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; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)
- 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 (and its employees, which would include Special Educational Needs Organisers (SENOs) such information as the Council may from time to time reasonably request
- 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 most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of the Education and Training Boards), if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body

- 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

Under *Children First Act, (2015) mandated persons in schools* have responsibilities to report child welfare concerns to TUSLA- Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána)

RELATIONSHIP TO THE CHARACTERISTIC SPIRIT OF THE SCHOOL'S MISSION STATEMENT

Inch National School 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 legislation.

PERSONAL DATA

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

- 1. Staff Records**
- 2. Student Records**
- 3. Board of Management Records**
- 4. Other Records- Creditors**
- 5. Other Records- Charity Tax- back Forms.**

1. 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.
- Name and contact details of next- of- kin in case of emergency.
- 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 complaints and/or grievances including consultations or competency discussions, action/ improvement/ evaluation plans and record of progress. In certain circumstances, a record of grievances may be maintained which is distinct from and separate to individual personnel files.
- 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 Children First Act, 2015

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 AND SECURITY PROCEDURES OF INCH NATIONAL SCHOOL:

- Manual records are kept 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.
- Digital records are kept on password protected PCs with adequate encryption and firewall software. The school has the burglar alarm activated during out- of- school hours.

2. 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 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 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) are managed in line with the accompanying policy on school photography.
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- 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 the Children First Act 2015.

b) PURPOSE: The purposes for keeping student records include:

- to enable each student to develop to his/her 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 e.g. compile yearbooks and newsletters, establish a school website, record school events and keep a record of the history of the school. Such records are taken and used in accordance with the School Photography Policy and the School Website Privacy Statement.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirements for attendance at Primary School,
- 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 second level educational institutions.

c) LOCATION AND SECURITY PROCEDURES OF INCH NATIONAL SCHOOL:

- Manual records are kept 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.
- Digital records are kept on password protected PCs with adequate encryption and firewall software. The school has the burglar alarm activated during out- of- school hours.

3. BOARD OF MANAGEMENT RECORDS:

a) Categories of Board of Management data:

- 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 individuals.

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 AND SECURITY PROCEDURES OF INCH NATIONAL SCHOOL:

- Manual records are kept 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.
- Digital records are kept on password protected PCs with adequate encryption and firewall software. The school has the burglar alarm activated during out- of- school hours.

4. OTHER RECORDS: CREDITORS

Categories of Creditor 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 number
- tax details
- bank details and
- amount paid.

B) PURPOSES: The purposes for keeping creditor records are:

This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

C) LOCATION AND SECURITY PROCEDURES OF INCH NATIONAL SCHOOL:

- Manual records are kept 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.
- Digital records are kept on password protected PCs with adequate encryption and firewall software. The school has the burglar alarm activated during out- of- school hours.

5. OTHER RECORDS: CHARITY TAX-BACK FORMS

A) CATEGORIES OF DATA:

The school may hold the following data in relation to donors who have made charitable donations to the school:

- name
- address
- telephone number
- PPS number
- tax rate
- signature and
- the gross amount of the donation.

B) PURPOSES:

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 (CHY2) 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, signature and the gross amount of the donation. This is retained by the School in the case of audit by the Revenue Commissioners.

C) LOCATION AND SECURITY PROCEDURES OF INCH NATIONAL SCHOOL:

- Manual records are kept 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.
- Digital records are kept on password protected PCs with adequate encryption and firewall software. The school has the burglar alarm activated during out- of- school hours.

WHO CAN REQUEST DATA FROM A SCHOOL?

Any Data Subject about whom the school holds personal data has a right to find out, free of charge, if a person (an individual or an organisation) holds information about him/her. The Data Subject also has a right to be given a description of the information and to be told the purpose(s) for holding the information. Applications for the release of data should always be in writing (rather than over the phone) and should state the purpose for which it is required.

Data protection legislation allows exemptions in relation to schools providing, or 'disclosing', information to:

- a. The Gardaí
- b. The Revenue Commissioners
- c. Department of Social Protection (DSP)
- d. Applications on foot of a court order
- e. Tusla (Child and Family Agency).

PROCEDURES FOR DEALING WITH DATA ACCESS REQUESTS:

On making a written access request using the school's data request form (**Appendix C**), individuals (subject to the exceptions outlined) about whom the school keeps personal data, are entitled to:

- a copy of the data which is kept about him/her
- know the purpose/s for processing his/her data
- know the identity of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions
- a copy of any data held in the form of opinions, except where such opinions were given in confidence.

To make an access request, an individual must:

- apply in writing to the Board of Management, stating the type of access request (Section 3 or Section 4 of the Data Protection Act)
- give any details which might be needed to help identify him/her and locate all the information the school may keep about him/her

ARTICLE 13 AND 14 OF THE DATA PROTECTION ACT IN RELATION TO AN 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 1 month of receiving it.

ARTICLE 15 OF THE DATA PROTECTION ACT IN RELATION TO AN 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 1 month. In certain limited circumstances, the one month period may be extended by two months (taking into account the complexity of the request and the number of requests). Where the school extends the period for replying to your request, it will inform you of any extension, and the reason(s) for the delay in responding, within one month of receiving the request.

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 being delivered is only given to staff member who is entitled to that information
- Ask that the caller put their request in writing
- Refer the request to the principal for assistance in difficult situations.
- No employee should feel forced into disclosing personal information.
- Record the time, date, name of caller and content of conversation on the school's communication record form

EMAIL COMMUNICATION REGARDING PUPILS:

Where a parent or an outside agency communicates with the school regarding a pupil and the content is of a personal or sensitive nature, the email shall be printed off and filed correctly. The email shall then be deleted permanently. This is the responsibility of the teacher the communication was intended for.

In relation to child protection concerns, all written communication with TUSLA from the school shall be via post.

EXCEPTIONS TO THE RIGHT OF ACCESS:

Inch National School respects the right of individuals to access personal data about themselves. However, Section 60 of the GDPR Act 2018 outlines numerous situations where individuals do not have a right to see information relating to them. If this scenario arises from a data access request, the Board of Management shall seek legal advice on whether Section 60 of the Act is to be applied or not.

LINKS TO OTHER POLICIES

Our school 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, shall be examined with reference to the data protection policy and any implications, which it has for them, shall be addressed.

The following policies/procedures/guidelines may be among those considered:

- Child Protection Procedures
- Pupil Online Database (POD): Collection of the data for the purposes of complying with the DES pupil online database.
- Anti-Bullying Policy
- Code of Behaviour
- Admissions/Enrolment Policy
- Substance Use Policy
- Acceptable Usage Policy
- Assessment Policy
- SEN Policy
- Critical Incident Policy
- Attendance Policy
- Book Rental Guidelines
- Record Keeping Policy

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- Appendix B**). Inch National School'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. 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.

IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES

The Board of Management is the data controller and the Principal implements the Data Protection Policy, ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities.

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

Name	Responsibility
Board of management:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

RATIFICATION AND COMMUNICATION:

This policy was first ratified by the Board of Management on the 1st of October 2018 and reviewed in December / January of 2022/23. The Secretary recorded the ratification in the Minutes of the meeting. It was communicated to staff and parents and published on the school website. New parents/guardians to the school will be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Policy as part of the Enrolment Pack.



POLICY IMPLEMENTATION:

The implementation of the policy shall be monitored by the Principal, staff and the Board of Management.

Policy Review and Evaluation:

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

Signed: _____

For and on behalf of the Board of Management

Date: Ratified _____

APPENDIX A
INCH NATIONAL SCHOOL

Data Retention Periods for schools

Pupil Related	Retention Periods
School Register/Roll Books	Indefinitely
Enrolment Forms	Hold until Pupil is 25 Years
Disciplinary notes	Never Destroy
Test Results – Standardised	Hold until pupil is 25 Years
Psychological Assessments etc.	Never Destroy
SEN Files/IEPS	Never Destroy
Accident Reports	Never Destroy
Child Protection Reports/Records	Never Destroy
S.29 Appeals	Never Destroy
Interview Records	Retention Periods
Interview Board	18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken
Marking Scheme	
Board of Management notes (for unsuccessful candidates)	
Staff Records	Retention Periods
Contract of Employment	Retention for duration of employment + 7 years (6 years to make a claim against the school plus 1 year for proceedings to be served on school)
Teaching Council Registration	
Vetting Records	
Accident/Injury at work Reports	
BoM Records	Retention Periods
BOM Agenda and Minutes	Indefinitely
CC TV Recordings	28 days normally. In the event of criminal investigation – as long as is necessary

Payroll & Taxation	Revenue require a 6-year period after the end of the tax year
Invoices/receipts	Retain for 7 Years
Audited Accounts	Indefinitely

Why, in certain circumstances, does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age?

The reasoning is that a pupil reaches the age of majority at 18 years and that there should be a 6-year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The Statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time barred.

Appendix B

Inch National School

Written Third Party Service Agreement

In accordance with the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (GDPR), the BoM of Inch National School requires this written third party service agreement to be in place with all our data processors

The GDPR requires that the BoM shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of GDPR and thus ensure the protection of the rights of the data subject

The BoM of Inch National School as data controller imposes the following minimum obligations on you as data processor:

1. To act only on the documented instructions of the data controller i.e. the BoM of Inch National School with regard to the subject-matter, the types of personal data processed, the documented purposes of the processing and the duration of the processing
2. To comply with the obligations imposed on data controllers by the Data Protection Acts 1988 to 2018 and the GDPR in order to ensure that appropriate steps are taken to ensure the confidentiality of the personal data being processed and to guard against the accidental destruction, damage or loss of personal data
3. To provide sufficient guarantees in respect of technical security measures and organisational measures governing the processing of the school's data
4. To provide an indemnity to the school Board of Management (BoM) for any breaches of the above legal conditions
5. To commit to the provision of assistance where appropriate to enable the school Board to comply with a data subject access request
6. To immediately contact the school principal, Conor McKenna where there are any data security breaches in the data processor's company in order to facilitate the school BoM, as data controller, to take the required action in accordance with the GDPR regarding the data breach
7. To comply with the requirements of the Data Protection Policy of Inch National School attached hereto.
8. On termination of the contract between the data processor and the BoM of Inch National School, all personal data held by the data processor must be returned to the Board as data controller or in the alternative, it must be entirely deleted from the data processor's systems and files



9. To make available to the controller (BoM) all information necessary to demonstrate compliance with the obligations of the GDPR and to allow for and contribute to audits, including inspections, conducted by the controller or another auditor mandated by the controller
10. If the processor believes that any instruction it receives from the controller is in breach of the GDPR, the processor shall immediately inform the controller

(This agreement should be signed by the Data Processor and the BoM of the school and copies retained by both)

Inch National School, Ennis, Co. Clare
reception@inchns.com

Appendix C

Data Access Request Form

Inch National School

Request for a copy of Personal Data under the Data Protection Acts 1988 to 2018

Important: Proof of Identity must accompany this Access Request Form (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 that applies to you:

Parent/ Guardian of current Pupil <input type="checkbox"/>	Former Pupil <input type="checkbox"/>	Current Staff Member <input type="checkbox"/>	Former Staff Member: <input type="checkbox"/>
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Name of Pupil:		Date of Birth of Pupil:	
Insert Year of leaving:		Insert Years From/To:	

DATA ACCESS REQUEST:

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

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

Any other information relevant to your access request



This **Access Request** must be accompanied with a copy of photographic identification e.g., passport or drivers licence. I declare that all the details I have given in this form are true and complete to the best of my knowledge.

Signature of Applicant Date:

Please return this form to the relevant address:

To the Chairperson of Board of Management, Inch National School, Ennis, Co. Clare