

**Nagle-Rice Primary School,
Milltown,
Co. Kerry.**

Roll Number: 20229U



Data Protection Policy

Data Protection Policy of Nagle-Rice Primary School

Introductory Statement

This policy has been formulated in consultation with the Staff, Parents and Board of Management of Nagle-Rice Primary School in November 2022 in order to comply with the EU General Data Protection Regulation (GDPR) and the Data Protection acts 1988 up to 2018.

Individuals have a number of rights in relation to their personal data. This policy describes how we at Nagle-Rice Primary School collect and process personal data, in accordance with GDPR, data protection legislation and the school's legal obligations as an employer and Board of Management.

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.

Nagle-Rice Primary 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 Board of Management 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 school, if applicable. 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. (See: Appendix 1)

2. Consent

Where consent is the basis for provision of personal data, (e.g. data required to join sports teams/ 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. Nagle-Rice 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. (See: Appendix 2)

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 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. (See: School Record Retention Table – Appendix 3)

9. Provide a copy of their personal data to any individual on request – Subject Access Request (SAR)

Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose(s) for which it is held (See: Appendix 4)

Scope

The Data Protection Acts 1988 to 2018 and GDPR 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.

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 for the purpose of this policy is the Board of Management of Nagle-Rice Primary 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. Aladdin; school accounting / wages processors)

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

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. Nagle-Rice Primary 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 Nagle-Rice Primary 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). The BOM must be 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) 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 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 by that body 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*, the Child Protection Procedures for Primary and Post-Primary schools 2017, *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)

Other legal and statutory obligations include the Teaching Councils Acts 2001-2015 and Safety Health and Welfare at Work Legislation. Further information about the lawful processing of data is contained in Article 6 of GDPR.

Relationship to characteristic spirit of the School:

Mission Statement;

“The Mission Statement of the school is to commit to developing the full potential of each individual pupil in a happy, secure environment and seeks to be a warm and welcoming place, respectful and accommodating of diversity in race, culture, religion, gender and ability”

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.

Objectives of this Policy:

1. To ensure that the school complies with the Data Protection Acts.

2. 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 (see Appendix 6)
3. To ensure that the data protection rights of students, staff and other members of the community are safeguarded.

Personal Data

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

1. Staff records:

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 being probated. These staff records may include:

- Name, title, date of birth, address and contact details, PPS number, telephone number, email address, bank account, teacher number.
- Name and contact details of next-of-kin in case of emergency.
- Original records of application and appointment to promotion posts including copies of Garda vetting information: Teaching Council registration information, copy of CV, cover letter as part of application process.
- Details of approved absences (career breaks, parental leave, study leave, etc.) including all information on the Online Claim System (OLCS)
- 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 Children First Act 2015
- Photographs and recorded images of staff (including at school events)
- CCTV footage and other personal data obtained through electronic means.

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
- For compliance with legislation relevant to the school.

Location and Security Procedures of Nagle-Rice Primary School

- Manual records are kept in a secure, locked filing cabinet in the Principal's office. These records are only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on Aladdin and/or on password-protected computer with adequate encryption and firewall software locked in the office. The school has the burglar alarm activated during out-of-school hours.

2. Student records:

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;

- o Whether English is the student's first language and/or whether the student requires English language support;
- o Any relevant special conditions (e.g. special educational needs, health issues) which may apply;
- o Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student);
- o Psychological, psychiatric and/or medical assessments;
- o Attendance records;
- o Photographs and recorded images of students (including at school events and noting achievements) are managed in line with the AUP & Facebook/Instagram Policy.
- o Academic record – subjects studied, class assignments, examination results as recorded on official school reports;
- o Records of significant achievements;
- o Whether the student is exempt from studying Irish;
- o Records of disciplinary issues/investigations and/or sanctions imposed;
- o Other records e.g. records of any serious injuries / accidents, (Note: it is advisable to inform parents that a particular incident is being recorded);
- o Records of any reports the school (or its employees) have made in respect of the student to State Departments and/or other agencies under Children First Act 2015.

Purposes: *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, publish on the school website or social media accounts (Facebook/Instagram), record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with, the Acceptable Usage Policy, the School Facebook/Instagram Policy and School Website Privacy Statement.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirement 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.

(Location and Security Procedures as above)

3. Board of Management Records:

Categories of Board of Management data:

- Name, address, email, 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.
- Photographs and recorded images of members of the Board of Management.

Purposes:

The Board of Management of Nagle-Rice Primary School, process personal data to comply with legal obligations and to enable the BOM to operate, in accordance with the Education Act 1998 and other applicable legislation. In addition, this enables the maintenance of records of Board of Management appointments and decisions.

(Location and Security procedures as above)

4. Other Records: Creditors

Categories of Board of Management 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

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.

(Location and Security procedures as above):

5. Other Records: Charity Tax-back Forms

Categories of Board of Management 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.

Purposes:

The purposes for keeping creditor records are:

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 name of the donor, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the event of audit by the Revenue Commissioners.

(Location and Security procedures as above)

CCTV images/Recordings:

CCTV is installed in Nagle-Rice Primary School.

- 12 cameras are installed in Nagle-Rice Primary School. 11 cameras are located externally – outside the main building entrance facing the roundabout and facing the main gate entrance onto the main Milltown – Killarney road. The other cameras cover the court area, the new extension and the back playground as detailed in the CCTV policy.
- 1 camera is installed internally – inside the front door of the main building, this camera records the foyer/reception area.

These CCTV systems may record images of staff, students and members of the public who visit the premises. The viewing station is in the main school administration office inside the front door.

Purposes:

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

Security:

Access to images/recordings is restricted to the Principal of Nagle-Rice Primary School but others, designated as appropriate by the Principal, may at times be allowed to view recordings. Access to images/recordings is by secure log-in protocols. 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 Data Protection Acts legislation.

Examination Results

The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual and continuous assessment results, Diagnostic Test 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 guardians 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 a pupil will move to.

Location and Security procedures

- Examination results are stored securely in a locked storage room upstairs. These results are only accessible to teaching personnel. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on Aladdin and/or a password-protected computer with adequate encryption and firewall software locked in the office. The school has the burglar alarm activated during out-of-school hours.

Sharing of Data with other schools

Applicants enrolling in Nagle-Rice Primary School should be aware that section 66(6) of the Education (Admission to Schools) Act 2018 allows for the sharing of certain information between schools in order to facilitate the efficient admission of students.

Purposes:

Section 66(6) allows a school to provide a patron or another board of management with a list of the students in relation to whom—

- (i) an application for admission to the school has been received,
- (ii) an offer of admission to the school has been made, or
- (iii) an offer of admission to the school has been accepted.

The list may include any or all of the following:

- (i) the date on which an application for admission was received by the school;
- (ii) the date on which an offer of admission was made by the school;
- (iii) the date on which an offer of admission was accepted by an applicant;
- (iv) a student's personal details including his or her name, address, date of birth and personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005).

Pupil Online Data (POD)

Pupil Information is required for the Department of Education and Skills Primary Online Database.

The Department has consulted with the Data Protection Commissioner in relation to the collection of individual pupil information for the Primary Online Database. Both religion and ethnic and cultural background are considered sensitive personal data categories under Data Protection legislation.

Therefore, it is necessary for each pupil's parent/ Guardian to identify their child's religion and ethnic background, and to consent for this information to be transferred to the Department of Education and Skills. All other information held on POD was deemed by the Data Protection Commissioner as non-sensitive personal data.

Online/Distance Learning

For the purpose of online distance learning, Nagle-Rice Primary School, will only use learning platforms that comply with GDPR and the Data Protection Acts 1988 up to 2018 (e.g. Office365 & Seesaw). Microsoft & Seesaw will act as the data processors for Nagle-Rice Primary school's data. Parental consent must be received prior to using Seesaw. Live recording and screen photographs are strictly prohibited. Only school emails assigned to staff and pupils will be used (.....@naglericens.com) for online distance learning. Data should not be stored on unencrypted or unsecured devices. School staff who hold copies of

personal data on their personal computers or mobile device should ensure that those devices are secure. Staff, parents and students will be reminded of Child Safeguarding Statement & Risk Assessment Policy, Acceptable Use Policy and Code of Behaviour when using online distance learning. The school IT administrator will archive files using an SDS on an agreed date at the end of the school year. These files will be archived for as long as required by the DES.

Links to other policies and to curriculum delivery

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 may be among those considered:

- Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education and Skills' pupil online database.
- Child Safeguarding Statement & Risk Assessment Policy
- Anti-Bullying Policy
- Code of Behaviour & Addendum Policy
- Anti-Cyberbullying Policy
- Facebook/Instagram Policy
- Admissions Policy
- ICT Acceptable Usage Policy
- Assessment Policy
- Special Educational Needs Policy
- Critical Incident Policy
- Attendance Policy
- CCTV Policy
- Health & Safety Policy
- Wellbeing 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

- The right of access: Accessing one's own data can be done via a Subject Access Request (SAR). This means that a data subject can request a copy of all his/her data (or their own child) free of charge and this must be provided within 30 calendar days
- The right to restrict 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 (See: Appendix 5)
- The right to data portability; a data subject can apply to have all his/her data held with one data controller copied and passed to a new data controller
- The right to object to certain processing; a data subject can object to the processing of his/her data based on his/her particular situation or state of mind.

Data Processors

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place. This contract is referred to as a **Written Third Party Service Agreement (Appendix 7)**. Nagle-Rice Primary 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 by law. This is a legal requirement.

Contact information: The Data Protection Commission
 21 Fitzwilliam Square South
 Dublin 2
 D02 RD28

Email: breaches@dataprotection.ie

Tel: +353 (0761) 104 800

LoCall: 1890 25 22 31

Fax: +35357 8684757

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, the Board of Management without undue delay.

Dealing with a Data Access Request / Subject Access Request (SAR)

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

To make an Access Request, you as a data subject must apply in writing requesting access to your data Article 15 of the GDPR, alternatively, request an Access Request Form from the school (See: Appendix 4) which will greatly assist the school in processing your request more quickly. The data controller will accede to the request within 30 calendar days. An extension may be required e.g. over holidays. In cases where a request creates an excessive amount of work for the school an extension may be applied but the individual making the request will be informed of such an extension in writing, within the month by the school, outlining the schools reasons.

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

Implementation arrangements, Roles and Responsibilities

In Nagle-Rice Primary School the BOM is the data controller and the Principal will be assigned the role of co-ordinating the implementation of the Data Protection Policy, and for ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities.

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

Name	Responsibility
Board of Management	Data Controller
Principal	Implementation of Policy
Teaching personnel	Awareness of Responsibilities
Administrative personnel	Security, confidentiality
IT personnel	Security, encryption, confidentiality

(When commissioned by BOM as needed)

Ratification & Communication

This policy was ratified by the Board of Management on 23rd November 2022. It has become the school's agreed Data Protection Policy. GDPR implications were discussed at a staff meeting and a draft of this policy was circulated within the school community. The entire staff are familiar with the Data Protection Policy and ready to put it into practice in accordance with the specified implementation arrangements. All concerned have been made aware of any changes implied in recording information on students, staff and others in the school community. Parents/guardians and students will be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Statement as part of the Enrolment Pack

Monitoring the implementation of the policy

Monitoring the policy can be accomplished through regular meetings between the Principal, Staff and the Board of Management of Nagle-Rice Primary School in order to examine aspects of the school Plan.

Reviewing and Evaluating the Policy

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.

Michael McCarthy Ratified on 23rd November 2022

Chairperson of Board of Management

Nagle-Rice Primary School

Appendix 1

Fair Processing

Fair Processing of personal data

Section 2A of the Acts details a number of conditions, at least one of which must be met, in order to demonstrate that personal data is being processed fairly. These conditions include that the data subject has consented to the processing, or that the processing is necessary for at least one of the following reasons:

1. The performance of a contract to which the data subject is party, or
2. In order to take steps at the request of the data subject prior to entering into a contract, or
3. In order to comply with a legal obligation (other than that imposed by contract), or
4. To prevent injury or other damage to the health of the data subject, or
5. To prevent serious loss or damage to the property of the data subject, or
6. To protect the vital interests of the data subject where the seeking of the consent of the data subject is likely to result in those interests being damaged, or
7. For the administration of justice, or
8. For the performance of a function conferred on by or under an enactment or,
9. For the performance of a function of the Government or a Minister of the Government, or
10. For the performance of any other function of a public nature performed in the public interest by a person, or
11. For the purpose of the legitimate interests pursued by a data controller except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject

Fair processing of sensitive personal data

If processing sensitive data, you must satisfy the requirements for processing personal data set out above along with at least one of the following conditions (set out in section 2B of the Acts):

1. The data subject has given explicit consent, or
2. The processing is necessary in order to exercise or perform a right or obligation which is conferred or imposed by law on the data controller in connection with employment, or
3. The processing is necessary to prevent injury or other damage to the health of the data subject or another person, or serious loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or of another person in a case where consent cannot be given, or the data controller cannot reasonably be expected to obtain such consent, or
4. The processing is necessary to prevent injury to, or damage to the health of, another person, or serious loss in respect of or damage to, the property of another person, in a case where such consent has been unreasonably withheld, or
5. The processing is carried out by a not-for-profit organisation in respect of its members or other persons in regular contact with the organisation, or
6. The information being processed has been made public as a result of steps deliberately taken by the data subject, or
7. The processing is necessary for the administration of justice, or
8. The processing is necessary for the performance of a function conferred on a person by or under an enactment, or

9. The processing is necessary for the performance of a function of the Government or a Minister of the Government, or
10. The processing is necessary for the purpose of obtaining legal advice, or in connection with legal proceedings, or is necessary for the purposes of establishing, exercising or defending legal rights, or
11. The processing is necessary for medical purposes, or
12. The processing is necessary in order to obtain information for use, subject to, and in accordance with, the Statistics Act, 1993, or
13. The processing is necessary for the purpose of assessment of or payment of a tax liability, or
14. The processing is necessary in relation to the administration of a Social Welfare scheme

Nagle-Rice Primary School

Appendix 2

Consent

Where consent is the basis for provision of personal data (e.g. data required to join sports team/ after-school activity/or optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. Each 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

To ensure that the school's practices are open and transparent and to obtain data fairly the data subject must, at the time the personal data is being collected, be made aware of:

1. the name of the data controller (i.e. School BoM)
2. the purpose/rationale for collecting the data and any secondary uses of their personal data which might not be obvious to them
3. the persons or categories of persons to whom the data may be disclosed e.g.
 - o DES
 - o other third parties operating in the education and welfare sphere e.g. NCSE, TUSLA, NEPS, SESS, the HSE, TUSLA, An Garda Síochána
 - o Other third parties with whom the School contracts, such as cloud-based school administration software companies, accountants, insurance companies, lawyers, etc.
4. whether replies to questions asked are obligatory and the consequences of not providing replies to those questions
5. the existence of the right to access their personal data
6. right to rectify their data if inaccurate or processed unfairly
7. any other information which is relevant so that processing may be fair and to ensure that the data subject has all the information that is necessary to facilitate their awareness of how their data will be processed

Where you use application forms or standard documentation in school for enrolment or other purposes, you should explain your purposes/uses etc. clearly on such forms or documentation

No age limit is associated with consent. However, it is important that the data subject appreciates the nature and effect of such consent. Therefore, different ages might be set for different types of consent. Where a person is unlikely to be able to appreciate the nature or effect of consent, by reason of physical or mental incapacity or age, then a parent, grandparent, uncle, aunt, brother, sister or guardian may give consent on behalf of the data subject. These are the only circumstances in which a third party may give consent on behalf of a data subject

Fair Obtaining: Test Yourself

When people are giving you information, you should be able to answer YES to the following questions:-

1. Do they know what information you will keep about them?
2. Do they know the purpose for which you keep and use it?
3. Do they know the people or bodies to whom you disclose or pass it?

In general, the fair obtaining principle requires that every individual about whom information is collected for holding will be aware of what is happening.



Nagle-Rice Primary School

Appendix 3

School Record Retention Table

Pupil Related

Retention Periods

School Register/Roll Books

Indefinitely

Admission Application 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

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

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	

Indefinitely

Accident/Injury at work Reports

28 days normally. In the event of criminal investigation – as long as is necessary

Revenue require a 6-year period after the end of the tax year

Retain for 7 Years

BOM Records

BOM Agenda and Minutes

CCTV Recordings

Payroll & Taxation

Invoices/receipts

Audited Accounts

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.

Data that becomes obsolete will be shredded. The school may employ the services of a private company in the destruction of such data.

Nagle-Rice Primary School

Appendix 4

Personal Data Access Request Form

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

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

Full Name:

Maiden Name (if name used during your school duration)

Address:

Contact number *

Email addresses *

* We may need to contact you to discuss your access request

Please tick the circle which applies to you:

Parent/
Guardian of current Pupil

Former Pupil

Current Staff
Member

Former Staff
Member:

Name of Pupil:

Date of Birth of Pupil:

Insert Year of leaving:

Insert Years From/To:

Data Access Request:

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

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

Any other information relevant to your access request (e.g. if requesting images/recordings made by CCTV, please state the date, time and location of the images/recordings as otherwise it may be very difficult or impossible for the school to locate the data)

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

Signature of Applicant

Date:

Please return this form to the relevant address:

To: The Chairperson Board of Management, Nagle-Rice Primary School, Killarney Road, Milltown, Co. Kerry.

Nagle-Rice Primary School

Appendix 5

Your rights as a data subject

1. Right to have your data processed in accordance with the Data Protection. To have your personal information obtained and processed fairly, kept securely and not unlawfully disclosed to others.

2. Right to be informed

To know the identity of the data controller and the purpose for obtaining your Personal information.

3. Right of access

To get a copy of your personal information

4. Right of rectification or erasure

To have your personal information corrected or deleted if inaccurate

5. Right to block certain uses

To prevent your personal information being used for certain purposes

6. Right to have your name removed from a direct marketing list

To stop unwanted mail

7. Right to object

To stop some specific uses of your personal information

8. Employment rights

Not to be forced into accessing personal information for a prospective employer

9. Freedom from automated decision making

To have a human input in the making of important decisions relating to you

10. Rights under Data Protection and Privacy in Telecommunications Regulations

To prevent your phone directory entry details from being used for direct marketing Purposes

Nagle-Rice Primary School

Appendix 6

The 8 Rules of Data Protection

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

Appendix 7

Written Third Party Service Agreement

Nagle-Rice Primary School

Written third party service agreement

In accordance with the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (GDPR), the Board of Management of Nagle-Rice Primary 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 Board of Management of Nagle-Rice Primary 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 Nagle-Rice Primary 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) of Nagle-Rice Primary School 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 on 066-9767625, where there are any data security breaches in the data processor's company in order to facilitate the school Board of Management, 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 Nagle-Rice Primary School attached hereto (include digital link or hard copy)
8. On termination of the contract between the data processor and the Board of Management of Nagle-Rice Primary 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, that is the Board of Management of Nagle-Rice Primary School 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
11. *(This agreement should be signed by the Data Processor and the BoM of the school and copies retained by both)*

_____ Data Processor

_____ Chairperson Board of Management

Date: _____