

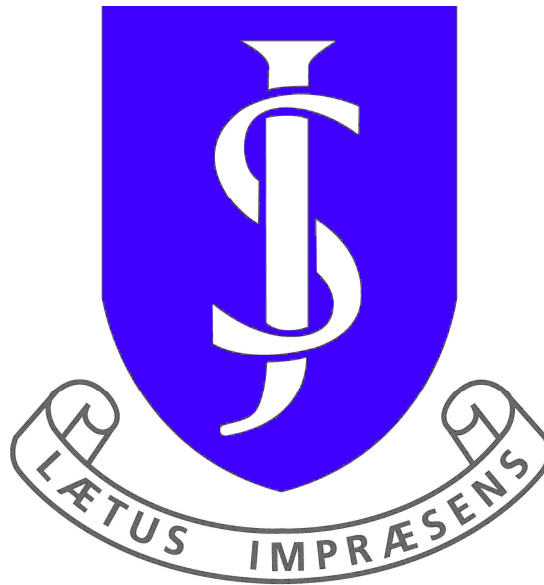


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John Scottus Secondary School

Data Protection Policy

Approved by the Board of Management on 20/6/18.

Introductory Statement:

This Data Protection Policy applies to the personal data held by John Scottus Secondary School (JSS) and is protected by the Data Protection Acts 1988 and 2003 and is updated to be fully GDPR compliant. The policy applies to all JSS staff, the board of management, parents/guardians, students, suppliers and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within JSS) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by JSS.

Executive Summary

JSS 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, JSS is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- **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 JSS 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 individual themselves with full and informed consent and compiled during the course of their employment or contact with the school. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** JSS will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.
- **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.
- **Keep Personal Data safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive personal data is securely stored under lock and key in the case of manual records, and protected by firewalls, software and password protection in the case of electronically stored data.
- **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, JSS will make all necessary changes to the relevant records. The Principal may delegate such updates/amendments to another member of staff.
- **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.
- **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 best practice on the storage of personal data and sensitive personal data relating to a student. In the case of members of staff, the school will comply with both best practice 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.
- **Provide a copy of their personal data to any individual, on request:** Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held. For further information, see "Give a copy of their personal data to that individual on request" set out below.

Scope:

To whom will the policy apply? 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.

Purpose of the policy: The Data Protection Acts and the EU's GDPR apply to the keeping and processing of *personally identifiable 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.

Other Legal Obligations:

Implementation of this policy should take account of the school's other legal obligations and responsibilities. Some of these may impinge directly on 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.
- 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, the National Education Welfare Board (from 1st January 2014 known as TUSLA), the National Council for Special Education, other Schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training).
- 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 schools are not currently subject to freedom of information legislation, if JSS 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 a medical inspection e.g. a dental inspection.
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2011) published by the Department of Children & Youth Affairs, schools, their boards of management and their staff

have responsibilities to report child abuse or neglect to TUSLA - CPA (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Relationship to School Ethos:

John Scottus School offers a vision of education, which gives young people the self-mastery, strength of character and compassion to contribute meaningfully to the world around them. It is an education based on the belief that each child can come to discover and express their innate gifts, that each child can come to contribute something unique and exceptional, that each child has at their heart a limitless potential.

Working together as a school community, the board of management, Principal, staff, parents/guardians and students will strive to provide an environment, which will allow all students to develop to their maximum potential and fulfil their role in society.

A. Details of all personal data collected.

The data under the control of the JSS Board of Management is identified as follows.

(1) 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).
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Whether the student is repeating the Leaving Certificate
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Garda vetting outcome record (where the student is engaged in work experience organised with or through the School/ETB which requires that they be Garda vetted)
- Other records e.g. records of any serious injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded)
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

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

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

- to support the provision of religious instruction
- to enable parents/guardians to be contacted in case of emergency or in the case of school closure, or to inform parents of their child's educational progress, or to inform parents of School events, etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the School's policies.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirements for their course
- to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
- to furnish documentation/ information about the student to the Department of Education and Skills, the National Council for Special Education, the National Education Welfare Board, and other schools, etc. in compliance with law and directions issued by governmental departments
- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years), documentation/information/ references to third-level educational institutions and/or prospective employers
- In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted), the school will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer.

(c) Data Retention Policy: Important student records should be retained for at least a period of 7 years after they turn 18 or leave the school. Less important material will be destroyed sooner. Note school registers and roll books are required to be kept indefinitely within the school, as will certain data for historical purposes.

(2) 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 JSS, trainee teachers and teachers under probation. These staff records may include:

- Name, address and contact details, PPS number
- Original records of application and appointment (including application forms, interview marking schemes and other documents relating to recruitment and selection such as references, Garda vetting outcomes and Medmark assessments)
- Record of appointments 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
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).

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

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resource management, including reviewing performance and addressing performance-related issues

- 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, the National Education Welfare Board, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

(C) Data Retention Policy: Staff records should be retained for at least a period of 7 years after they cease employment.

(3) Board of Management:

(a) Categories of Board of Management data: These may include:

- Name, address and contact details of each member of the board of management (including former members of the board of management)
- Records in relation to appointments to the board
- Minutes of board of management meetings and correspondence to the board this may include references to particular individuals.

(b) Purpose for keeping Board of Management data/information include:

- 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) Data Retention Policy: Board of Management records should be retained for at least a period of 7 years and may be indefinitely by the school, for historical purposes.

(4) Charity tax-back forms

The school may process data in relation to donors who have made charitable donations to the School

(a) Categories of data:

- 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) Data Retention Policy: Charity tax-back forms should be retained for at least a period of 7 years.

(5) Other records:

The school may hold other records relating to parents/guardians and potential parents/guardians or other persons involved with the school.

(a) Categories of other records: These may include:

- name
- telephone number
- address
- e-mail address

(b) Purpose for keeping parents/guardians or other persons involved with the school data/information include:

- To keep parent community informed of school related activities
- Marketing activities
- Parent Association committee

(c) Data Retention Policy: Other Records should be retained for at least a period of 7 years and may be retained indefinitely by the school, for historical purposes.

(6) Suppliers/Creditors:

The school may hold some or all of the following information about Suppliers/Creditors (some of whom may be self-employed individuals):

(a) Categories of Supplier/Creditor records:

- Name
- Address
- Contact details
- PPS number
- Tax details
- Bank details
- Amount paid

(b) Purpose for keeping creditors data/information includes: 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) Data Retention Policy: Creditors Records should be retained for at least a period of 7 years and may be retained indefinitely by the school, for historical purposes.

(7) October Returns

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

(b) **Purposes:** The school asks parents/guardians and students to complete October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the school. The main purpose of the October Returns is for the DES to determine whether the student qualifies for English language support and/or additional resources and support to meet their particular educational needs. The October Returns are

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

(c) Data Retention Policy: October Returns should be retained for at least a period of 7 years and may be retained indefinitely by the school, for historical purposes.

(7) CCTV images/recordings:

(a) Categories: C.C.T.V. is or may be installed, externally i.e. Front door, avenue and car park and internally within the school i.e. corridors. These C.C.T.V. systems may record images of school community (to include: teachers, Board of Management, students, parents/guardians of students, employee of school and other persons providing services within the school) and members of the public who visit the school premises.

- **Location:** Cameras are located externally and internally, the CCTV recording equipment is located in the school building.
- **Security:** Access to images/recordings is restricted to Senior Management of the school (e.g. the principal & deputy principal).

(b) Purpose: Safety and security of school community (to include: teachers, Board of Management, students, parents/guardians of students, employee of school and other persons providing services within the school) and members of the public who visit the school premises and to safeguard school property and equipment.

(c) Data Retention Policy: Tapes, DVDs, hard disk recordings are retained for 28 days, except if required for the investigation of an incident (to include criminal, civil or disciplinary matter). Images/recordings may be viewed or made available in accordance with section 8 Data Protection Acts 1988 and 2003.

Security of personal data:

In general all manual data and electronic data – is held in a secure location, where only persons who are authorised to use the data will have access. Appropriate technical and organisational measures will be taken to ensure the security of personal data, according to whether personal data is in manual or electronic form; for example manual data will be kept in a secure filing cabinet within a locked office. Electronic data will be kept password protected on PCs, and cloud based storage protected by up to date security and enhanced data protection and controlled password protected access to information, relevant to each staff member's role/duties.

School staffs are required to maintain the confidentiality of all personal data to which they have access. Where personal data has been released accidentally or otherwise not in accordance with the Data Protection Acts, the breach shall be reported to the Data Controller.

Links to other policies and to curriculum delivery

JSS's 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:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Admissions Policy
- Substance Use Policy
- I.C.T. Acceptable Usage Policy

- S.P.H.E. and RSE Policy

Providing information over the phone

In general JSS policy is not to disclose any personal data held by the school over the phone when dealing with telephone enquiries. However, where a telephone enquiry is from a recognised legitimate person, the call taker at the school will, having been authorised by the Data Controller, provide the personal data. Where personal data is provided over the phone, the call taker will make a record of the time, date and to whom the request was made and what personal data was processed.

Processing in line with data subject's rights

Data in JSS will be processed in line with the data subjects' rights. Data subjects have a right to:

- (a) Request access to any data held about them by a data controller
- (b) Prevent the processing of their data for direct-marketing purposes
- (c) Ask to have inaccurate data amended
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Dealing with a data access request

GDPR Article 15 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 and without infringing on the privacy of others)
- Request must be responded to within one month
- 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.

Roles and responsibilities

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

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

- | • 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 & Communication:

When the Data Protection Policy has been ratified by the Board of Management, it becomes the school's agreed Data Protection Policy. It will then be circulated within the school community, via the school website, <http://www.johnscottus.ie>.

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 Policy as part of the Enrolment Pack, by either enclosing it or incorporating it as an appendix to the enrolment form.

Reviewing & evaluating the policy:

The policy will be reviewed and evaluated at certain pre-determined times and as necessary. 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 the NEWB), legislation and feedback from the school community. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Appendix 1

Glossary

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

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

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

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

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