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## DATA PROTECTION POLICY

### Introduction

The school's Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003 and under the General Data Protection Regulations 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) in so far 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 the school will endeavour to protect the personal data and sensitive personal data of others.

### Data Protection Principles

The school is a *data controller of personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised 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 the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** The School will inform individuals that of the data protection policy. 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.
- **Keep *Personal Data* safe and secure:** Only those with a genuine reason for doing so should gain access to the information. Sensitive personal data will be stored generally in filing cabinet in the school, on staff laptops/computers protected by passwords and anti-virus and /or in the school office and on Aladdin (Aladdin data protection section attached.)
- **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. Changes/Amendments to personal data is permissible with the prior permission of the Principal.
- **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.



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- **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 and Sensitive Personal Data relating to a student. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees.
  - **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.
  - **Purpose of the Policy:** The Data Protection Acts 1988 and 2003 & under GDPR 2018 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.

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.

## Definitions

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.

**Data Controller** for the purpose of this policy is the board of management of Kilmaley N.S.



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## Rationale

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts, 1988 and 2003 & GDPR 2018.

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

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

## 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
- 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, 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 a school has furnished information to a body covered by the Freedom



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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: 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 - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

In keeping with the mission statement of Kilmaley N.S. seeks to

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

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

## Personal Data

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

### A. Staff records:

- (a) **Categories of staff data:** As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:
- Name, address and contact details, PPS number
  - Original records of application and appointment to promotion posts
  - Details of approved absences (career breaks, parental leave, study leave etc.)
  - Details of work record (qualifications, classes taught, subjects etc.)
  - Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
  - Garda Vetting
  - O.H.S records
  - Medical Certificates(sealed)
  - 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).
  - Other relevant school based staff data
- (b) **Purposes:** Staff records are kept for the purposes of:
- the management and administration of school business (now and in the future)



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- facilitate the payment of staff,
  - 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
  - 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:** Data will be stored as documented within the Data & Asset Inventory and Employees are required to maintain the confidentiality of any data to which they have access.

□ **Security:** data will be stored in filing cabinet in the school office, on staff laptops/ computers protected by passwords and anti- virus and /or in the school office, and on Aladdin (Aladdin data protection section attached.)

#### **B. Student records:**

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

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include: name, address and contact details, PPS number, date and place of birth
  - names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
  - religious belief ○ racial or ethnic origin
  - membership of the Traveller community, where relevant
  - 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 records, School reports
- Records of significant achievements
- Where a child repeats a class
- 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.

(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/ resources/ supports or financial supports etc.
- to support the provision of religious instruction



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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, record school events, and to keep a record of the history of the school. Etc.
  - to ensure that the student meets the school's admission criteria
  - to ensure that students meet the minimum age requirement for enrolment.
  - to ensure that any student seeking an exemption from Irish meets the criteria
  - to furnish documentation/ information about the student to the Department of Education and Skills, the National Council for Special Education, TUSLA, and other Schools etc. in compliance with law and directions issued by government departments
  - to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to third-level / second level educational institutions and/or prospective employers
- **C)Location:** Data will be stored as documented within the Data & Asset Inventory and Employees are required to maintain the confidentiality of any data to which they have access.

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

- (a) **Categories of board of management data:** These may include:
- Name, address and contact details of each member of the board of management (including former members of the Board of Management)
  - Records in relation to appointments to the Board
  - Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.
- (b) **Purposes:** To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of board appointments and decisions.
- (c) **Location:** In school office only personnel with prior permission of principal should access alter amend data. Data will be stored as documented within the Data & Asset Inventory and Employees are required to maintain the confidentiality of any data to which they have access.

#### **D. Other records:**

Kilmaley National School will have data pertaining to school business.

*For example:*

The school will hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), and/or computer record (database). Data will be stored as documented within the Data & Asset Inventory and Employees are required to maintain the confidentiality of any data to which they have access. Some examples of the type of other records which the school will hold are set out below (this list is not exhaustive):

#### **Creditors**

- (a) **Categories of 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:** 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:** Data will be stored as documented within the Data & Asset Inventory and Employees are required to maintain the confidentiality of any data to which they have access.

#### **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:** Data will be stored as documented within the Data & Asset Inventory and Employees are required to maintain the confidentiality of any data to which they have access.

#### **Standardised test results:**

- (a) **Categories:** The school will hold data comprising standardised tests results in respect of its students.
- (b) **Purposes:** The main purpose for which these results and other records are held is to monitor a student's progress. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.

- **Location:** Data will be stored as documented within the Data & Asset Inventory and Employees are required to maintain the confidentiality of any data to which they have access.



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**Aladdin data protection** See Appendix 1 for relevant section on data protection from the Aladdin programme. This forms part of this data protection policy of Kilmaley N.S.

### **School 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 may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Admissions/Enrolment Policy
- Acceptable Usage Policy
- SPHE/CSPE etc.
- CCTV Policy

### **Processing of Information**

Data in this school 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.

### **Data Access Request**

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

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

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





and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

In our school, any employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. In particular, the employee should:

- Check the identity of the caller to ensure that information is only given to a person who is entitled to that information
- Suggest that the caller put their request in writing if the employee is not sure about the identity of the caller and in circumstances where the identity of the caller cannot be verified
- Refer the request to the principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

## Roles & Responsibilities

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

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

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

## Ratification & Communication

This Data Protection Policy has been ratified by the Board of management, of Kilmaley N.S. Staff and school personnel will have access to this policy.

Parents/guardians and students should be informed of the Data Protection Policy from the time of enrolment at the enrolment meeting.

## Review

This policy will be subject to periodic review



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## **Appendix 1**

### **Use of the Aladdin system**

One of the IT service companies that we use includes Cloud ware Limited (T/A Aladdin Schools) (“Aladdin”). Aladdin processes personal data on behalf of the school in order to provide an online management information system.

The schools liaison person for any queries relevant to use of the Aladdin system is Mr. Leonard Mc Namara (Principal)

Anyone provided with a username and password and who is authorised to use the Aladdin system by the school should adhere to and be aware of the following:

- users may be allocated different access rights to the Aladdin system. The access rights are solely determined by the school. If you have any concern over the access rights that you have please contact the Aladdin school liaison;
- a log is taken of some actions undertaken by the user when using the Aladdin system and made available to the school;
- a unique username and password is provided to each user. Users should keep their username and password confidential and not disclose it to anybody or allow any person to access the system using their username and password;
- the Aladdin system should only be used for the purposes of managing internal school administration activities and for no other purpose. The Aladdin system should not be accessed in the event of suspension or termination of the users position at the school. The school is responsible for ensuring that access to the Aladdin system for terminated or suspended users is disabled;
- each user should ensure they are familiar with the Aladdin system before use. All queries should be referred to the Aladdin liaison person mentioned above;
- the user should notify the Aladdin liaison person in the event of any misuse or loss of their username and password;
- the user should only login to the Aladdin system when in a secure and non-public environment, e.g. the school or home of the user;
- the user should sign out of the Aladdin system or lock their device when leaving the device unattended;
- the Aladdin system should not be used to deal with emergency situations and it should not be relied upon during such times;
- users are responsible for ensuring that all communications sent to parents or guardians using the Aladdin system are accurate and are sent to parents/guardians for whom the school has appropriate and up to date consent and contact details;
- before each communication, users should consult with the appropriate school’s database to determine which parents or guardians have consented to being contacted;
- the Aladdin system should not be accessed through an unsecure network or internet connection. If



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doubt, the user should wait until in a secure environment before accessing the Aladdin system;

- information available through the Aladdin system should only be printed or saved to an electronic device where absolutely necessary. Any hardcopy or electronic files originating from the Aladdin system should be treated in accordance with the relevant provisions of this policy; and
- users may be able to access the websites of other third party service providers when accessing the Aladdin system. When the user accesses a third party website from the Aladdin system they are leaving the Aladdin system and appropriate due diligence should be undertaken before sharing any personal data with that third party. The Aladdin liaison person should be contacted if the user is in any doubt.

For further information about Aladdin please go to: <https://www.aladdin.ie/>