Data Protection Policy

St. Enda's National School **January 2023**

Title

Data Protection Policy of St. Enda's National School, Lisdoonvarna, Co. Clare

Introductory Statement

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.

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 sensitive personal data will be protected by the school.

St. Enda's National School operates a "***Privacy by Design***" method in relation to Data Protection. This means we plan carefully when gathering personal data so that we build in the ***data protection principles*** as integral elements of all data operations in advance. We audit the personal data we hold in order to

1. be able to provide access to individuals to their data
2. ensure it is held securely
3. document our data protection procedures
4. enhance accountability and transparency

Data Protection Principles

The school 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.

- **Consent** Where consent is the basis for provision of personal data, (e.g. data required to join sports team/ after-school activity or any other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. St. Enda's National School will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations

- **Keep it only for one or more specified and explicit lawful purposes**: The School 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 with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) should be encrypted and password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential 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, the school will make all necessary changes to the relevant records. The principal may delegate such updates/amendments to another member of staff. However, 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.

- **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 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. 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.

Scope

Purpose of the Policy: The Data Protection Acts 1988 and 2003 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.

Definition of Data Protection Terms

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

Personal Data means any data relating to an identified or identifiable natural person i.e. a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller (BoM)

Data Controller is the Board of Management of the school

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

Data Processing - performing any operation or set of operations on data, including:

- Obtaining, recording or keeping the data,
- Collecting, organising, storing, altering or adapting the data
- Retrieving, consulting or using the data
- Disclosing the data by transmitting, disseminating or otherwise making it available
- Aligning, combining, blocking, erasing or destroying the data

Data Processor - a person who processes personal information on behalf of a data controller, but **does not include an employee of a data controller** who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data. [Schools should give examples here of the Data Processors they use e.g. Aladdin; Databiz; 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 and 2003.

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.

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

- 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 of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body

- Under Section 26(4) of the Health Act, 1947 a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection

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

Relationship to characteristic spirit of the School (School's mission/vision/aims)

St. Enda's N.S. Lisdoonvarna 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
- 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 resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)
- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

(c) **Location**: In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:**

Manual records (personal file within a *relevant filing system*) will be retained in a locked filing cabinet in the Administration Office. The office will be locked when not occupied. A coded lock provides additional security to the door of the Administration Office.

Automated Records will be retained on hardware that is password protected. Each system (OLCS, Aladdin) will require a username and password to be input. Passwords will be changed at regular intervals. The office will be locked when not occupied. A coded lock provides additional security to the door of the Administration Office.

B. Student records:

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

The following information may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school.

In line with the provisions of Department of Education & Skills Primary Circular 0017/2014 it is MANDATORY that all pupils enrolled in St. Enda's National School have the following information uploaded on the Primary Online Database (POD). These records will include:

Category 1 Information: Sought on Enrolment Application Form.

- Forename of pupil
- Surname of pupil
- Birth Certificate Forename *(if different from above)*
- Birth Certificate Surname *(if different from above)*
- PPSN
- Mother's Maiden Name
- Date of Birth
- Gender
- Address
- County of Residence
- Nationality

Other Category 1 Information:

- Class
- Standard
- Enrolment Date
- Leaving Indicator, Date & Destination
- Pupil Retained Indicator
- Pupil Integrated Indicator
- Indicator for receipt of Learning Support
- Indicator of Pupil SEN assessment
- Pupil Special Class Type
- Pupil SEN Type

- Mother Tongue
- Year of arrival in Ireland
- Pupil Deceased Indicator
- DPIN (Department Pupil Identifier)

Category 2 Information: Sensitive personal data for which Parental Consent will be sought before uploading the following on POD.

- Ethnicity/Cultural Background
- Pupil Religion

Other information which may be requested/retained by the school for pupils enrolled:

- 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 exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.
- Communication from Parents/Guardians
- 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 validate pupil identity on Department of Education and Skills Primary Online Database (POD).
- 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, compile yearbooks, maintain the school website, record school events, and to keep a record of the history of the school.
- 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, 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 held.

(c) **Location**: In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access. Any breach of confidentiality will lead to disciplinary action being initiated by the Board of Management under agreed procedures.

(a) **Security:**

Manual records (personal file within a *relevant filing system*) will be retained in a locked filing cabinet in the Administration Office for current pupils. Relevant files pertaining to pupils with special educational needs will be retained in a locked filing cabinet in the Learning Support Room. Past pupils records will be retained in storage filing boxes shelved in a locked storage room specific for that purpose. The Administration Office will be locked when not occupied

Automated Records will be retained on hardware that is password protected. Each teacher will use a specific user name and password to access the pupil database Aladdin. Teachers will only have access to the details/records of pupils for whom they have direct responsibility. Passwords will be changed periodically by the system administrator.
Deputy Principal, Helen Colfer has special access to information pertaining to attendance in her role as Attendance Officer.
Learning Support Teacher Olivia Cahill has special access to information in relation to testing/pupil psychological reports.
Secretary Lourda Dunne has special access with regard to administrative duties.
Passwords for hardware and software must not be left accessible.

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 a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access. Any breach of confidentiality will lead to disciplinary action being initiated by the Board of Management under agreed procedures.

(d) **Security:**
Manual records (Board of Management file within a *relevant filing system*) will be retained in a locked filing cabinet in the Administration Office. The office will be locked when not occupied. A coded lock provides additional security to the door of the Administration Office.

Automated Records will be retained on hardware that is password protected. The system (Aladdin) will require a username and password to be input. Passwords will be changed at regular intervals. The office will be locked when not occupied. A coded lock provides additional security to the door of the Administration Office.

D. Other records:

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). 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: In a secure, locked filing cabinet in the Principal's/Secretaries office. Employees are required to maintain the confidentiality of any data to which they have access.

(d) Security:

Manual records (personal file within a *relevant filing system*) will be retained in a locked cabinet in the Administration Office. The administration office will be locked using a coded lock during prolonged absences of the relevant personnel during the working day.

Automated Records will be retained on hardware that is password protected in the Administration Office. The office will be locked when not occupied. A coded lock provides security to the door of the Administration Office.

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**: In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:** Identify the format in which these records are kept e.g. manual record (personal file within a *relevant filing system*), computer record (database) or both. [Describe applicable security measures, e.g. locks, padlocks, password protection, firewall software, adequate levels of encryption etc.]

CCTV images/recordings

(a) **Categories**: CCTV is installed in our school. Cameras are located externally to cover perimeter walls/fencing/yard. These CCTV systems may record images of staff, students and members of the public who visit the premises.

(b) **Purposes**:
Safety and security of staff, students and visitors and to safeguard school property and equipment.

(c) **Location**:
Cameras are located externally. CCTV recording equipment is located in the administration office of school.

(d) **Security**: Access to images/recordings is restricted to the Principal, Michael James Malone and Deputy Principal, Helen Colfer, or, in the event of their absence the person designated to act on their behalf. Hard disk 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 section 8 Data Protection Acts 1988 and 2003.

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 Protection Procedures
- Anti-Bullying Procedures
- Code of Behaviour
- Enrolment Policy
- ICT Acceptable Usage Policy
- Assessment Policy
- Special Educational Needs Policy
- Library Policy
- Book-Rental Policy

- Critical Incident Policy
- Student Council Policy
- Attendance Policy

Processing in line with data subject's rights

Data in this school will be processed in line with the data subject's rights. Data subjects have a right to:

- Know what personal data the school is keeping on them
- Request access to *any data* held about them by a data controller
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended
- Ask to have data erased once it is no longer necessary or irrelevant.

Data Processors

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place (*Written Third party service agreement*). St. Enda's National School's third party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract.

Personal Data Breaches

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours
When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay.
If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

Dealing with a data access requests

Individuals are entitled to a copy of their personal data on written request
The individual is entitled to a copy of their personal data
Request must be responded to within one month. An extension may be required e.g. over holiday periods

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 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:

Name	**Responsibility**
Board of Management:	Data Controller
Principal: Mr. Michael James Malone	Implementation of Policy
Deputy Principal: Ms. Helen Colfer	Implementation of Policy
Teaching personnel:	Awareness of responsibilities & confidentiality.
Special Needs Assistants	Awareness of responsibilities & confidentiality.
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

Ratification & communication

This Policy will be made available to the school community. The Policy was ratified by the Board of Management of St. Enda's National School at a meeting held on the _____/_____/2023.

Monitoring the implementation of the policy

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

An annual report will be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented.

Reviewing and evaluating the policy

The policy should be reviewed and evaluated at certain pre-determined times and as necessary. On-going review and evaluation should 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 parents/guardians, students, school staff and others.
The policy should be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Signed: ……..

For and behalf of board of management

Date: ……

Records Retention Schedule

Retention of Records

The following record retention schedule clarifies the length of time for which personal data will be kept and the reasons why the information is being retained.

In determining appropriate retention periods, the Board of Management have had due regard for statutory obligations imposed on it as data controller.

If the purpose for which information obtained has ceased and the personal information is no longer required, the data will be deleted or disposed of in a secure manner. Data may also be anonymised to remove any personal data. Anonymisation will be irrevocable.

In order to comply with this legal requirement, St. Enda's National School has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

IMPORTANT: The Board of Management of St. Enda's National School is aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/board of management/an officer or employee of the school (which may include a volunteer), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statue of Limitations may be different in every case. In all cases where reference is made to "18 years" being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school is aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations may not begin to run when the student reaches 18 years of age and specific legal advice will be sought by schools on a case-by-case basis. In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school is aware that a claim could arise many years after the incident complained of and the courts/tribunals/employment fora may not consider the complainant to be "out of time" to make their claim.

Clár Leabhar/Rolla

Student Records	Primary	Final disposition	Comments
Registers/Roll books	Indefinitely	N/A	Indefinitely. Archive when class leaves + 2 years
State exam results	N/A	N/A	SEC responsibility to retain, not a requirement for school/ETB to retain.

Pupil Records

Records relating to pupils/students	Primary	**Confidential shredding**	**Comments**
Enrolment Forms	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Student transfer forms (Applies from primary to primary; from one second-level school to another)	If a form is used- Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Disciplinary notes	Never destroy	N/A	Never destroy
Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
End of term/year reports	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of school tours/trips, including permission slips, itinerary reports	Never destroy	N/A	Never destroy
Scholarship applications e.g. Gaeltacht, book rental scheme	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Garda vetting form & outcome - **STUDENTS**	N/A **as primary school pupils will not be undergoing vetting**	Confidential shredding	Record of outcome retained for 12 months. School to retain the reference number and date of disclosure on file, which can be checked with An Garda Siochana in the future.

Sensitive Pupil Data

Sensitive Personal Data Students	**Primary**	**Final disposition**	**Comments**
Psychological assessments	Indefinitely	N/A - Never destroy	Never destroy
Special Education Needs' files, reviews, correspondence and Individual Education Plans	Indefinitely	N/A	Never destroy
Accident reports	Indefinitely	N/A	Never destroy
Child protection records	Indefinitely	N/A	Never destroy

Section 29 appeal records	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Enrolment/transfer forms where child is not enrolled or refused enrolment	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of complaints made by parents/ guardians	Depends entirely on the nature of the complaint.	Confidential shredding or N/A, depending on the nature of the records.	Depends entirely on the nature of the complaint. If it is child-safeguarding, a complaint relating to teacher-handling, or an accident, then retain indefinitely. Never destroy. If it is a complaint of a more mundane nature (e.g. misspelling of child's name, parent not being contacted to be informed of parent-teacher meeting) or other minor matter, then student reaching 18 years + 7 years (6 years in which to take a claim, and 1 year for proceedings to be served on school)

Recruitment

Staff Records	Primary	Final disposition	Comments
Recruitment process Note: these suggested retention periods apply to unsuccessful candidates only. They do NOT apply to successful candidates, or candidates who are/were also employees already within your school applying for another post/position. For successful candidates, or candidates who are/were also employees already within your school applying for another post/position, see retention periods set out below.	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Applications & CVs of candidates called for interview	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Database of applications	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.

Selection criteria	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Applications of candidates not shortlisted	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Unsolicited applications for jobs	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Candidates shortlisted but unsuccessful at interview	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Candidates shortlisted and are successful but do not accept offer	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Interview board marking scheme & board notes	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Panel recommendation by interview board	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Correspondence from candidates re feedback	✓	N/A	Depends upon nature of feedback. If feedback is from unsuccessful candidate who is not an employee within the school, keep in line with retention periods in "Staff Records" above. If feedback is from successful candidate or from unsuccessful candidate who is already an employee within the school, keep in line with "Staff personnel while in employment".

Staff Files

Staff personnel files (whilst in employment)	**Primary**	**Final Disposition**	**Comments**
e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training etc.		Confidential shredding. Retain an anonymised sample for archival purposes.	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Application &/CV	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Qualifications	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
References	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview: database of applications (the section which relates to the employee only)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Selection criteria	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview board marking scheme & board notes	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Panel recommendation by interview board	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Recruitment medical	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job specification/ description	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Contract/Conditions of employment	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Probation letters/forms	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

POR applications and correspondence (whether successful or not)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Leave of absence applications		Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job share	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Career Break	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Maternity leave	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Paternity leave	✓	Confidential shredding	Retain for 2 years following retirement/resignation or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater).
Parental leave	✓	Confidential shredding	Must be kept for 8 years - Parental Leave Act 1998 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Force Majeure leave	✓	Confidential shredding	Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Carers leave	✓	Confidential shredding	Must be kept for 8 years - Carer's Leave Act 2001 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years
Working Time Act (attendance hours, holidays, breaks)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school). There is a statutory requirement to retain for 3 years

Allegations/complaints	✓	Doesn't have a time period advised	Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). **Please note** the relevant DES Circular re Disciplinary Procedures in relation to the period of time for which a warning remains "active" on an employee's record.
Grievance and Disciplinary records	✓		Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). **Please note** the relevant DES Circular re Disciplinary Procedures in relation to the period of time for which a warning remains "active" on an employee's record.

Medmark/Occupational Health

Occupational Health Records	Primary	**Confidential Shredding**	**Comments**
Sickness absence records/certificates	✓	Confidential shredding Or do not destroy.	Re sick leave scheme (1 in 4 rule) ref DES C/L 0060/2010 Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Pre-employment medical assessment	✓	Confidential shredding Or do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Occupational health referral	✓	Confidential shredding Or Do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Correspondence re retirement on ill-health grounds	✓	Confidential shredding Or Do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Accident/injury at work reports	✓	Confidential shredding	Retain for 10 years, or the duration of the employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), whichever is the greater (unless sickness absence relates to an accident/

			injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy).
Medical assessments or referrals	✓	Confidential shredding Or Do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless Medmark assessment relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Sick leave records (sick benefit forms)	✓	Confidential shredding	In case of audit/refunds, Current year plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Payroll

Superannuation /Pension /Retirement records	**Primary**	**Final Disposition**	**Comments**
Records of previous service (incl. correspondence with previous employers)	✓	N/A	DES advise that these should be kept indefinitely.
Pension calculation	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Pension increases (notification to Co.)	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Salary claim forms	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)

Board of Management

Board of Management Records	Primary	Final disposition	Comments
Board agenda and minutes	✓	N/A	Indefinitely. These should be stored securely on school property
School closure	✓		On school closure, records should be transferred as per Records Retention in the event of school closure/amalgamation. A decommissioning exercise should take place with respect to archiving and recording data.
Other school based reports/minutes	**Primary**	**Final disposition**	**Comments**
CCTV recordings	✓	Safe/secure deletion.	28 days in the normal course, but longer on a case-by-case basis e.g. where recordings/images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage/vandalism to school property and where the images/recordings are retained to investigate those issues.
Principal's report to Board of Management	✓	N/A	Indefinitely. Administrative log and does not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".
Finance			
Financial Records	**Primary**	**Final disposition**	**Comments**
Audited Accounts	✓	n/a	Indefinitely
Payroll and taxation	✓		Revenue Commissioners require that records be kept for at least six years after the end of the tax year. Records must be made available for inspection by authorised officers of the Revenue Commissioners or of the Dept. of Social Protection. Note: The DES requires of schools that "pay, taxation and related school personnel service records should be retained **indefinitely** within the school. These records can be kept either on a manual or computer system.
Invoices/back-up records/receipts	✓	✓	Retain for 7 years

In School Management

Promotion process	Primary	**Final Disposition**	**Comments**
Posts of Responsibility	✓	N/A	**Retain indefinitely on master file as it relates to pay/pension etc. (See DES guidelines)**
Calculation of service	✓	N/A	Retain indefinitely on master file
Promotions/POR Board master files	✓	N/A	Retain indefinitely on master file
Promotions/POR Boards assessment report files	✓	N/A	Retain original on personnel file in line with retention periods in "Staff Records" retention guidelines above
POR appeal documents	✓	N/A	Retain original on personnel file, and copy of master & appeal file. Retain for duration of employment + 7 years (6 years in which to take a claim, plus 1 year to serve proceedings on school). Copy on master and appeal file.

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St. Enda's National School

Data Access Procedures Policy

The Data Protection Acts, 1988 and 2003 provide for a right of access by an individual data subject to personal information held by St. Enda's National School. The following procedure is provided to ensure compliance with St. Enda's National School's obligations under the Acts and governs the manner in which requests for access to personal data will be managed by the school authorities.

A data subject would be required to familiarize themselves with the procedure and to complete the **Data Access Request Form** which will assist the school in processing the access request where personal information (or in the case of a parent/guardian making an access request on behalf of a student, personal information in relation to their child) as a data subject is processed and retained by the school.
It is important to note that only personal information relating to the individual (or in the case of a parent/guardian making an access request on behalf of a student, only personal information in relation to his/her/their child) will be supplied. No information will be supplied that relates to another individual.

Important note to students making access requests:

Where a student (aged under 18 years) makes an access request, the school may inform the student that:
(a) Where they make an access request, their parents will be informed that they have done so and
(b) A complete copy of the access request materials being furnished to the data subject by the school will also be furnished to the student's parent/guardian.

This is provided for in the school's Data Protection Policy. The right of access under the Data Protection Acts is the right of the data subject. However, there may be some data held by the school which may be of a sensitive nature and the school will have regard to the following guidance issued by the Office of the Data Protection Commissioner in relation to releasing such data:

- A student **aged eighteen years or older** (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student **aged eighteen years or older** has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student.
- A student aged from **twelve up to and including seventeen** can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:

- If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
- If the information is of a sensitive nature, it would be prudent to seek parental/guardian consent before releasing the data to the student
- If the information would be likely to be harmful to the individual concerned, parental/guardian consent should be sought before releasing the data to the student.
- In the case of students **under the age of twelve**, an access request may be made by their parent or guardian on the student's behalf. However, the school must note that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation should be addressed to the child at his/her address which is registered with the school as being his/her home address**. It should not be addressed or sent to the parent who made the request.**

For further information, see "Important Note to Parents Making Access Requests on Behalf of their Child" below.

Important note to parents making access requests on behalf of their child

Where a parent/guardian makes an access request on behalf of their child (a student aged under 18 years), the right of access is a right of the data subject (i.e. it is the student's right). In such a case, the access materials will be sent to the child, not to the parent who requested them. This means that the access request documentation will be sent to the address at which the child is registered on the school's records and will be addressed to the child. The documentation will not be sent to or addressed to the parent/guardian who made the request.

Where a parent/guardian is unhappy with this arrangement, the parent/guardian is invited to make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court (on application by a guardian) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent/guardian, a copy of the order should be given to the school by the parent/guardian and the school can release the data on foot of the court order.

Individuals making an access request

On making an access request, any individual (subject to the restrictions in Notes A and B below) about whom a school keeps *Personal Data*, is entitled to:

- a copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts apply, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
- know the purpose/s for processing his/her data
- know the identity (or the categories) of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the "decision" as to whether a loan should be made to an individual based on his/her credit rating) know the logic involved in automated decisions.

Data access requirements

To make an access request, you as a data subject must:

1. Apply in writing requesting access to your data under section 4 Data Protection Acts or, alternatively, request an Access Request Form which will greatly assist the school in processing your access request more quickly.
   All correspondence should be addressed to:

   The Chairperson,
   Board of Management,
   St. Enda's National School,
   Lisdoonvarna,
   Co. Clare.

2. You will be provided with a form which will assist the school in locating all relevant information that is held subject to the exceptions and prohibitions outlined in **Appendix A.** The school reserves the **right to request official proof of identity** (e.g. photographic identification such as a passport or driver's licence) where there is any doubt on the issue of identification.

3. On receipt of the access request form, a co-ordinator will be appointed to check the validity of your access request and to check that sufficient information to locate the data requested has been supplied (particularly if CCTV footage/images are to be searched).

   In St. Enda's National School the co-ordinator is:

   The Chairperson of the Board of Management

   It may be necessary for the co-ordinator to contact you in the event that further details are required with a view to processing your access request.

4. The co-ordinator will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.

5. The co-ordinator will ensure that all relevant manual files (held within a "relevant filing system") and computers are checked for the data in respect of which the access request is made.

6. The co-ordinator will ensure that the information is supplied promptly and within the advised timeframes in items 7, 8 and 9 as appropriate.

7. **Where a request is made under Section 3 of the Data Protection Acts,** the following information will be supplied:
   (i) what the school holds by way of personal information about you (or in the case of a request under section 3 made by a parent/guardian of a student aged under 18 years, then the personal information held about that student) and

   (ii) a **description** of the data together with details of the purposes for which his/her data is being kept will be provided. Actual copies of your personal files (or the personal files relating to the student) will not be supplied. No personal data can be supplied relating to another individual. **A response to your request will be provided within 21 days of receipt of the access request form and no fee will apply.**

8. **Where a request is made under Section 4 of the Data Protection Acts,** the following information will be supplied within **40 days and an administration fee of €6.35 will apply.**

- The individual is entitled to a copy of all personal data, i.e.:A copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts applies, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
- Be advised of the purpose/s for processing his/her data
- Be advised of the identity (or the categories) of those to whom the data is disclosed
- Be advised of the source of the data, unless it is contrary to public interest
- where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the "decision" as to whether a loan should be made to an individual based on his/her credit rating), know the logic involved in automated decisions.

9. Where a request is made with respect to **examination results** an increased time limit of **60 days** from the date of the first publication of the results or from the date of the access request, whichever is the later will apply.

10. Before supplying the information requested to you as data subject (or where the access request is made on behalf of a student aged under 18 years, information relating to the student), the co-ordinator will check each item of data to establish:
    - If any of the exemptions or restrictions set out under the Data Protection Acts apply, which would result in that item of data not being released, or
    - where the data is "health data", whether the obligation to consult with the data subject's medical practitioner applies, or
    - where the data is "social work data", whether the prohibition on release applies.

11. If data relating to a third party is involved, it will not be disclosed without the consent of that third party or alternatively the data will be anonymised in order to conceal the identity of the third party. Where it is not possible to anonymise the data to ensure that the third party is not identified, then that item of data may not be released.

12. **Where a school may be unsure as to what information to disclose, the school reserves the right to seek legal advice.**

13. The co-ordinator will ensure that the information is provided in an intelligible form.

14. Number the documents supplied.

15. A response will be "signed-off" by **The Chairperson of the Board.**

16. The school will respond to your access request within the advised timeframes contingent on the type of request made.

17. The school reserves the right to supply personal information to an individual in an electronic format e.g. on tape, USB, CD etc.

18. Where a subsequent or similar access request is made after the first request has been complied with, the school has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.

19. Where you as an individual data subject may seek to rectify incorrect information maintained by the school, please notify the school and a form will be supplied to you for this purpose. You should however note that the right to rectify or delete personal data is not absolute. You have the right to make a complaint to the Data Protection Commissioner about a refusal. Where the school declines to rectify or delete the personal data as you have instructed, the

school may propose to supplement your personal record, pursuant to section 6(1)(b) Data Protection Acts.

20. In circumstances where your access request is refused, *St. Enda's National School* will write to you explaining the reasons for the refusal and the administration fee, if provided, will be returned. In such circumstances, you have the right to make a complaint to the Office of the Data Protection Commissioner www.dataprotection.ie. Similarly, the administration access fee will be refunded to you if the school has to rectify, supplement or erase your personal data.

21. **Where requests are made for CCTV footage,** an application must be made in writing and the timeframe for response is within 40 days. All necessary information such as the date, time and location of the recording should be given to the school to assist the school in dealing with your request. Where the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data. In providing a copy of personal data, the school may provide the materials in the form of a still/series of still pictures, a tape, disk, USB, with relevant images. Other people's images will be obscured before the data is released. If other people's images cannot be obscured, then the images/recordings may not be released.

There are a number of exceptions to the general rule of right of access, including those specified in Notes A and B in **Appendix A.**

This procedure is regularly reviewed in line with St. Enda's National School's commitment to its responsibilities under Data Protection Legislation.

Appendix A

Note A: Access requests by students

- A student aged **eighteen years or older** (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student aged **eighteen years or older** has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student.
- A student aged from **twelve up to and including seventeen** can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:

    1. If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access.
    2. If the information is of a sensitive nature, it would be prudent to seek parental/guardian consent in writing before releasing the data to the student. Where the parent/guardian does not give their consent to releasing the data to the student, legal advice should be sought
    3. If the information would be likely to be harmful to the individual concerned, parental/guardian consent should be sought before releasing the data to the student.

- In the case of students **under the age of twelve**, an access request may be made by their parent or guardian on the student's behalf. The consent of the child need not be obtained. However, the school must note that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation should be addressed to the child at his/her address which is registered with the school as being his/her home address. **It should not be addressed or sent to the parent who made the request**. For further information, see "Important Note to Parents Making Access Requests on Behalf of their Child" below.

- In any of the circumstances outlined above, if the data contains health data and disclosure would be likely to cause serious harm to the physical or mental health of the individual concerned, the school is obliged to withhold the data until they have consulted with the data subject's medical practitioner and (in the case of a student under 18 or a student with special educational needs whose disability or medical condition would impair his or her ability to understand the information), parental/guardian consent should also be sought.

- In some cases (i.e. where the information is "**health data**"), it is advised that the data be supplied by the medical practitioner.

- In any of the circumstances outlined above, if the data contains **social work data** and disclosure would be likely to cause serious harm to the physical or mental health of the individual, the school is not permitted to release the data to the individual.

Note B: Exceptions to note:

Data protection regulations prohibit the supply of:

1. **Health data** to a patient in response to a request for access if that would be likely to cause serious harm to his or her physical or mental health. This is to protect the individual from hearing anything about himself or herself which would be likely to cause serious harm to their physical or mental health or emotional well-being. In the case of health data, the information can only be released after the school has consulted with the appropriate health professional (usually the data subject's GP).

2. *Personal Data* obtained in the course of carrying on social work **("social work data")** (personal data kept for or obtained in the course of carrying out social work by a Government department, local authority, the HSE etc) is also restricted in some circumstances if that would be likely to cause serious harm to the health or emotional condition of the data subject concerned. In the case of social work data, the information cannot be supplied at all if the school believes it would be likely to cause serious harm to the physical or mental health or emotional condition of the data subject. If the social work data includes information supplied to the school by an individual (other than one of the school's/ETB's employees or agents) while carrying out social work, the school is not permitted to supply that information to the data subject without first consulting that individual who supplied the information.

The Data Protection Acts state that the following data is exempt from a data access request:

1. Section 5 of the Data Protection Act provides that the right of access does not apply in a number of cases in order to strike a balance between the rights of the individual, on the one hand, and some important needs of civil society on the other hand. Examples would include the need for state agencies (like An Garda Síochána) to **investigate crime** effectively and the need to protect the international relations of the State.

2. **Estimates of liability**: where the personal data consists of or is kept for the purpose of estimating the amount of the liability of the school on foot of a claim for damages or compensation and where releasing the estimate would be likely to prejudice the interests of the school in relation to the claim, the data may be withheld.

3. **Legally privileged information**: the general rule is that all documentation prepared in contemplation of litigation is legally privileged. So correspondence between the school and their solicitors in relation to a case against the school should not be disclosed to the claimant pursuant to a data access request.

4. Section 4 states that the right of access does not include a right to see **personal data about another individual**, without that other person's consent. This is necessary to protect the privacy rights of the other person. If it is reasonable for the school to conclude that redacting or omitting the particulars identifying the third party would both conceal the identity of the third party and enable the data to be disclosed (subject to the redactions), then the data could be disclosed with such redactions. However, if it is not possible to redact or omit the particulars which identify a third party, then the affected data should not be released to the applicant.

5. Section 4 also states that where personal data consists of **expressions of opinion** about the data subject made by another person, the data subject has a right to receive that expression of opinion **except** where that expression of opinion was given in confidence, and on the clear understanding that it would be treated as confidential.

6. The obligation to comply with an access request does not apply where it is impossible for the school to provide the data or where it involves a disproportionate effort.

Where a school refuses to hand over some or all of the personal data they hold in relation to a data subject (on the basis of any of the exemptions or prohibitions set out above), the school must advise the data subject of this in writing, setting out reasons for the refusal and notifying the data subject that he or she has the right to complain to the Office of the Data Protection Commissioner about the refusal.

St. Enda's National School

LISDOONVARNA, CO. CLARE.
ROLL NO.: 19700J
TEL: 065-7074231 FAX: 065-7074231
WEBSITE: www.lisdoonvarnans.ie
EMAIL: lisdoonvarnans@gmail.com
PRINCIPAL: Mr. Brian Carty

Data Access Request Form

Date issued to data subject: __/__/____

Access Request Form: Request for a copy of Personal Data under the Data Protection Act 1988 and Data Protection (Amendment) Act 2003

Important: Proof of Identity must accompany this Access Request Form (eg. 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 box which applies to you:

Parent/Guardian of student ☐	Former Student ☐	Current Staff ☐	Former Staff ☐
Name of Student:	Insert Year of leaving:		Insert Years From/To:

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 St. Enda's National School holds about me/my child. I am making this access request under Data Protection Acts 2013 to 2018

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

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

Chairperson of Board of Management

St. Enda's National School

Lisdoonvarna

Co. Clare

St. Enda's National School
Lisdoonvarna, Co. Clare.
Roll No.: 19700J
Tel: 065-7074231 Fax: 065-7074231
Website: www.lisdoonvarnans.ie
Email: lisdoonvarnans@gmail.com
Principal: Mr. Brian Carty

Personal Data Security Breach Code of Practice Form

Personal Data Security Breach Code of Practice

Date:

Purpose of Code of Practice

This Code of Practice applies to *The Board of Management of St. Enda's National School* as *data controller[1]*. This Code of Practice will be:

1. available on the school website
2. circulated to all appropriate *data processors* and incorporated as part of the service-level agreement/data processing agreement between the school/ETB and the contracted company and
3. shall be advised to staff at induction and at periodic staff meeting(s) or training organised by the school/ETB.

Obligations under Data Protection

The school/ETB as data controller and appropriate data processors so contracted, are subject to the provisions of the Data Protection Acts, 1988 and 2003 and exercise due care and attention in collecting, processing and storing personal data and sensitive personal data provided by data subjects for defined use.

The school has prepared a **Data Protection Policy** and monitors the implementation of this policy at regular intervals. The school retains records (both electronic and manual) concerning personal data in line with its **Data Protection Policy** and seeks to prioritise the safety of personal data and particularly sensitive personal data, so that any risk of unauthorized disclosure, loss or alteration of personal data is avoided.

Protocol for action in the event of breach

In circumstances where an incident gives rise to a risk of unauthorised disclosure, loss, destruction or alteration of personal data, in manual or electronic form, the school/ETB will follow the following protocol**:**

1. The school will seek to contain the matter and mitigate any further exposure of the personal data held. Depending on the nature of the threat to the personal data, this may involve a quarantine of some or all PCs, networks etc. and requesting that staff do not access PCs, networks etc. Similarly, it may involve a quarantine of manual records storage area/s and other areas as may be appropriate. By way of a preliminary step, an audit of the records held or backup server/s should be undertaken to ascertain the nature of what personal data may potentially have been exposed.

[1] Unless otherwise indicated, terms used in this Code – such as "personal data", "sensitive personal data", "data controller", "data processor" – have the same meaning as in the Data Protection Acts, 1988 and 2003.

2. Where data has been "damaged" (as defined in the Criminal Justice Act 1991, e.g. as a result of hacking), the matter must be reported to An Garda Síochána. Failure to do so will constitute a criminal offence in itself ("withholding information") pursuant to section 19 Criminal Justice Act, 2011. The penalties for withholding information include a fine of up to €5,000 or 12 months' imprisonment on summary conviction.

3. Where the data concerned is protected by technological measures such as to make it unintelligible to any person who is not authorised to access it, the school/ETB may conclude that there is no risk to the data and therefore no need to inform data subjects or contact the Office of the Data Protection Commissioner. Such a conclusion would only be justified where the technological measures (such as encryption) were of a high standard.

4. Depending on the nature of the personal data at risk and particularly where sensitive personal data may be at risk, the assistance of An Garda Síochána should be immediately sought. This is separate from the statutory obligation to report criminal damage to data arising under section 19 Criminal Justice Act 2011 as discussed at (2) above.

5. Contact should be immediately made with the data processor responsible for IT support in the school/ETB.

6. In addition and where appropriate, contact may be made with other bodies such as the HSE, financial institutions etc.

7. Reporting of incidents to the Office of Data Protection Commissioner: All incidents in which personal data (and sensitive personal data) has been put at risk shall be reported to the Office of the Data Protection Commissioner as soon as the school/ETB becomes aware of the incident (or within 2 working days thereafter), save in the following circumstances:

    - When the full extent and consequences of the incident have been reported without delay directly to the affected data subject(s) **and**
    - The suspected breach affects no more than 100 data subjects **and**
    - It does not include sensitive personal data or personal data of a financial nature[2].

   Where all three criteria are not satisfied, the school/ ETB shall report the incident to the Office of the Data Protection Commissioner within two working days of becoming aware of the incident, outlining the circumstances surrounding the incident (see further details below). Where no notification is made to the Office of the Data Protection Commissioner, the school/ETB shall keep a summary record of the incident which has given rise to a risk of unauthorised disclosure, loss, destruction or alteration of personal data. The record shall comprise a brief description of the nature of the incident and an explanation why the school/ETB did not consider it necessary to inform the Office of the Data Protection Commissioner. Such records shall be provided to the Office of the Data Protection Commissioner upon request.
8. The school shall gather a small team of persons together to assess the potential exposure/loss. This team will assist the principal of the school (and the school's DP Compliance Officer) with the practical matters associated with this protocol.

9. The team will, under the direction of the principal, give immediate consideration to informing those affected[3]. At the direction of the principal the team shall:

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[2] 'personal data of a financial nature' means an individual's last name, or any other information from which an individual's last name can reasonably be identified, in combination with that individual's account number, credit or debit card number.

[3] Except where law enforcement agencies have requested a delay for investigative purposes. Even in such circumstances consideration should be given to informing affected data subjects as soon as the progress of the investigation allows. Where <Name of School/ETB> receives such a direction from law enforcement agencies, they should make careful notes of the advice they receive (including the date and the time of the conversation and the name and rank of the person to whom they spoke). Where possible, <Name of School/ETB> should ask for the directions to be given to them in writing on letter-headed notepaper from the law enforcement agency (eg. An Garda Siochána), or where this is not possible, <Name of School/ETB> should write to the relevant law enforcement agency to the effect that "we note your instructions given to us by your officer [insert officer's name] on XX day of XX at XXpm that we were to delay for a period of XXX/until further notified by you that we are permitted to inform those affected by the data breach."

- Contact the individuals concerned (whether by phone/email etc.) to advise that an unauthorised disclosure/loss/destruction or alteration of the individual's personal data has occurred.
- Where possible and as soon as is feasible, the *data subjects* (i.e. individuals whom the data is about) should be advised of
  - the nature of the data that has been potentially exposed/compromised;
  - the level of sensitivity of this data and
  - an outline of the steps the school/ETB intends to take by way of containment or remediation.
- Individuals should be advised as to whether the school intends to contact other organisations and/or the Office of the Data Protection Commissioner.
- Where individuals express a particular concern with respect to the threat to their personal data, this should be advised back to the principal who may, advise the relevant authority e.g. Gardaí, HSE etc.
- Where the data breach has caused the data to be "damaged" (e.g. as a result of hacking), the principal shall contact An Garda Síochána and make a report pursuant to section 19 Criminal Justice Act 2011.
- The principal of the school shall notify the insurance company which the school is insured and advise them that there has been a personal data security breach.

10. Contracted companies operating as data processors: Where an organisation contracted and operating as a *data processor* on behalf of the school becomes aware of a risk to personal/sensitive personal data, the organisation will report this directly to the school as a matter of urgent priority. In such circumstances, the principal of the school should be contacted directly. This requirement should be clearly set out in the data processing agreement/contract in the appropriate data protection section in the agreement.

10. A full review should be undertaken using the template Compliance Checklist and having regard to information ascertained deriving from the experience of the data protection breach. Staff should be apprised of any changes to the Personal Data Security Breach Code of Practice and of upgraded security measures. Staff should receive refresher training where necessary.

Further advice: What may happen arising from a report to the Office of Data Protection Commissioner?

- Where any doubt may arise as to the adequacy of technological risk-mitigation measures (including encryption), the school shall report the incident to the Office of the Data Protection Commissioner within **two working days** of becoming aware of the incident, outlining the circumstances surrounding the incident. This initial contact will be by e-mail, telephone or fax and shall **not** involve the communication of personal data.
- The Office of the Data Protection Commissioner will advise the school of whether there is a need for the school to compile a detailed report and/or for the Office of the Data Protection Commissioner to carry out a subsequent investigation, based on the nature of the incident and the presence or otherwise of appropriate physical or technological security measures to protect the data.
- Should the Office of the Data Protection Commissioner request the school to provide a detailed written report into the incident, the Office of the Data Protection Commissioner will specify a timeframe for the delivery of the report into the incident and the information required. Such a report should reflect careful consideration of the following elements:

  - the amount and nature of the personal data that has been compromised
  - the action being taken to secure and/or recover the personal data that has been compromised
  - the action being taken to inform those affected by the incident or reasons for the decision not to do so
  - the action being taken to limit damage or distress to those affected by the incident
  - a chronology of the events leading up to the loss of control of the personal data; and
  - the measures being taken to prevent repetition of the incident.

Depending on the nature of the incident, the Office of the Data Protection Commissioner may investigate the circumstances surrounding the personal data security breach. Investigations may include on-site examination of systems and procedures and could lead to a

recommendation to inform data subjects about a security breach incident where the school/ETB has not already done so. If necessary, the Commissioner may use his enforcement powers to compel appropriate action to protect the interests of data subjects.

St. Enda's National School

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PRINCIPAL: Mr. Brian Carty

Personal Data Rectification/Erasure Request Form

Request to have Personal Data rectified or erased.
Data Protection Act 1988 and Data Protection (Amendment) Act 2003
Important: Proof of identity (eg. official/State photographic identity document such as drivers licence, passport) must accompany this form.

Full Name	
Address	
Contact number *	Email addresses *

* The school may need to contact you to discuss your access request

Please tick the box which applies to you:

Student ☐	Parent/guardian of student ☐	Former Student ☐	Current Staff ☐	Former Staff ☐
Age: Year group/class:	Name of Student:	Insert Year of leaving:		Insert Years From/To:

I, ……..[insert name] wish to have the data detailed below which *St. Enda's National School* holds about me/my child rectified / erased (*delete as appropriate*). I am making this access request under **Section 6** of the Data Protection Acts.

Details of the information you believe to be inaccurate and rectification required OR reason why you wish to have data erased:

You must attach relevant documents as proof of correct information e.g. where a date of birth is incorrect, please provide us with a copy of the official State Birth Certificate. Please note that your right to request rectification/deletion is not absolute and may be declined by St. Enda's National School in certain cases. You have the right to complain this refusal to the Office of the Data Protection Commissioner: see www.dataprotection.ie .

Signed …… Date ……

Checklist: Have you:

1) Completed the Access Request Form in full? ☐
2) Included document/s as proof of correct information? ☐
3) Signed and dated the Request Form? ☐
4) Included a photocopy of official/State photographic identity document (driver's licence, passport, etc.)*****. ☐

***Note to school/ETB**: the school/ETB should satisfy itself as to the identity of the individual, and make a note in the school/ETB records that identity has been provided but the school/ETB should not retain a copy of the identity document.

Please address and return this form to:
Chairperson of the Board of Management,
St. Enda's National School,
Lisdoonvarna,
Co. Clare.