



## DATA PROTECTION POLICY

### INTRODUCTORY STATEMENT

The school's Data Protection Policy applies to the **personal data** held by the school's Board of Management (BoM), which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR).

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and special categories of personal data will be protected by the school

Glasnevin Educate Together NS operates a "**Privacy by Design**" method in relation to Data Protection. This means we plan carefully when gathering personal data so that we build in the **data protection principles** as integral elements of all data operations in advance. We audit the personal data we hold in order to:

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

### DATA PROTECTION PRINCIPLES

The school BoM is a *data controller* of *personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the BoM is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

#### 1. Obtain and process Personal Data fairly

Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information

the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students, etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

## 2. Consent

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

## 3. Keep it only for one or more specified and explicit lawful purposes

The BoM will inform individuals of the reasons they collect their data and the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.

## 4. Process it only in ways compatible with the purposes for which it was given initially

Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a 'need to know' basis, and access to it will be strictly controlled.

## 5. Keep Personal Data safe and secure

Only those with a genuine reason for doing so may gain access to the information. **Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are encrypted and password-protected.**

## 6. Keep Personal Data accurate, complete and up-to-date

Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. Records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.

**7. Ensure that it is adequate, relevant and not excessive**

Only the necessary amount of information required to provide an adequate service will be gathered and stored.

**8. Retain it no longer than is necessary for the specified purpose or purposes for which it was given**

As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data relating to a student. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law. See **School Record Retention** table (App3b).

**9. Provide a copy of their personal data to any individual on request**

Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

**SCOPE**

The Data Protection legislation applies to the keeping and processing of *Personal Data*. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated.

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school.

**Definition of Data Protection Terms**

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

*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. GETNS currently uses Aladdin to process student records; we also use School Accounting to process payrolls and VAT records.

*Special categories of Personal Data* refers to *Personal Data* regarding a person's

- racial or ethnic origin
- political opinions or religious or philosophical beliefs
- physical or mental health
- sexual life and sexual orientation
- genetic and biometric data
- criminal convictions or the alleged commission of an offence
- trade union membership

*Personal Data Breach* - a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed. This means any compromise or loss of personal data, no matter how or where it occurs.

## **RATIONALE**

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

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the Principal and Board of Management to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to

ensure that there is consistency and continuity where there are changes of personnel within the school and Board of Management.

## **OTHER LEGAL OBLIGATIONS**

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. **For example:**

Under **Section 9(g) of the Education Act, 1998**, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education.

Under **Section 20 of the Education (Welfare) Act, 2000**, the school must maintain a register of all students attending the School.

Under **Section 20(5) of the Education (Welfare) Act, 2000**, a Principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the Principal of another school to which a student is transferring. GETNS sends, by post, a copy of a child's *Passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled.

Where reports on pupils which have been completed by professionals, apart from GETNS staff, are included in current pupil files, such reports are only passed to the Post-Primary school following express written permission having been sought and received from the parents of the said pupils.

Under **Section 21 of the Education (Welfare) Act, 2000**, the school must record the attendance or non-attendance of students registered at the school on each school day.

Under **Section 28 of the Education (Welfare) Act, 2000**, the School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, Tusla, the National Council for Special Education and other schools). The BoM must be satisfied that it will be used for a 'relevant purpose' (which includes recording a person's educational or training history or monitoring their educational or training progress; or for carrying out research into examinations, participation in education and the general effectiveness of education or training).

Under **Section 14 of the Education for Persons with Special Educational Needs Act, 2004**, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers) such information as the Council may from time to time reasonably request.

The **Freedom of Information Act 1997** provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data",

as with data protection legislation. While most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of Education and Training Boards), if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed by that body if a request is made to that body.

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

Under Children First Act 2015, 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).

## **OTHERS WHO MAY HAVE ACCESS TO DATA**

While information gathered is treated privately, and is collected and used in compliance with the Data Protection Acts, where relevant and appropriate the following may have access:

1. HSE, Tusla, NCSE and other bodies (see above and Data Protection Statement for more information)
2. Parents/Guardians
3. Past pupils over 18
4. Designated School Personnel (SET teachers; SEN coordinator)
5. Department of Education
6. Primary and Second level schools

## **RELATIONSHIP TO CHARACTERISTIC SPIRIT OF THE SCHOOL:**

Glasnevin Educate Together NS seeks to:

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

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

## **PERSONAL DATA**

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

1. **Staff records:**

a) *Categories of staff data:*

As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:

- Name, address and contact details, PPS number.
- Name and contact details of next-of-kin in case of emergency.
- Original records of application and appointment to promotion posts.
- Details of approved absences (career breaks, parental leave, study leave, etc.)
- Details of work record (qualifications, classes taught, subjects, etc.)
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties.
- Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under Children First Act 2015.

b) *Purposes:*

Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant).
- to facilitate pension payments in the future.
- human resources management.
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities, etc.
- to enable the school to comply with its obligations as an employer, including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare at Work Act 2005).
- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies.
- and for compliance with legislation relevant to the school.

c) *Location and Security procedures of GETNS*

- a. Manual records are kept in a secure, locked filing cabinet in a locked administration office and some in a locked filing cabinet in a locked storeroom, only accessible to personnel who are authorised to use the data. Employees

are required to maintain the confidentiality of any data to which they have access.

- b. Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office. The school has the burglar alarm activated during out-of-school hours.

## 2. Student records:

### a) *Categories of student data:*

These may include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school.

These records may include:

- name, address and contact details, PPS number
- date and place of birth
- names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
- whether English is the student's first language and/or whether the student requires English language support
- any relevant special conditions (e.g. special educational needs, health issues, etc.) which may apply
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Indemnity forms for administration of medicine
- Psychological, psychiatric and/or medical assessments
- SEN records, e.g. IEPs
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements) are managed in line with the accompanying policy on school photography.
- Academic record - subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents, etc. (Note: it is advisable to inform parents that a particular incident is being recorded).
- Records of any reports the school (or its employees) have made in respect of the student to State Departments and/or other agencies under Children First Act 2015.

### b) *Purposes: The purposes for keeping student records include:*

- to enable each student to develop to his/her full potential



- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events, etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, e.g. compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the '*School Photography Policy*' and '*School Website Privacy Statement*'.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirement for attendance at Primary School.
- to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
- to furnish documentation/information about the student to the Department of Education and Skills, the National Council for Special Education, TUSLA, and other schools, etc. in compliance with law and directions issued by government departments
- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/references to second-level educational institutions.

c) *(Location and Security procedures as above):*

### 3. **Board of Management records:**

a) *Categories of Board of Management data:*

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

b) *Purposes:*

To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of Board appointments and decisions.

c) *(Location and Security procedures as above):*

#### **4. Other Records: Creditors**

a) *Categories of Board of Management data:*

The school may hold some or all of the following information about creditors (some of whom are self-employed individuals):

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid

b) *Purposes: The purposes for keeping creditor records are:*

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

c) *(Location and Security procedures as above):*

#### **5. Other Records: Charity Tax-back Forms**

a) *Categories of Board of Management data:*

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

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

b) *Purposes: The purposes for keeping creditor records are:*

Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the 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 event of audit by the Revenue Commissioners.

c) *(Location and Security procedures as above):*

## **CCTV IMAGES/RECORDINGS-**

CCTV is installed in GETNS

Cameras are installed externally, at the three access points to the school building

These CCTV systems may record images of staff, students and members of the public who visit the premises.

### **Purposes:**

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

### **Security:**

Access to images/recordings is restricted to the Principal and Deputy Principal of the school. Recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to Data Protection Acts legislation.

## **EXAMINATION RESULTS**

The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual and continuous assessment results and the results of Standardised Tests.

### **Purposes:**

The main purpose for which these examination results are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardian about educational attainment levels and recommendations for the future. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and other schools to which pupils move.

### **Location and Security procedures**

As above

## **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
- Attendance Policy

## **PROCESSING IN LINE WITH A DATA SUBJECT'S RIGHTS**

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

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

### **Data Processors**

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place; GETNS'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 request**

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

The individual is entitled to a copy of their personal data

Request must be responded to within one month. An extension may be required 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**

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

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

<b>Name</b>	<b>Responsibility</b>
Board of Management:	Data Controller
Principal:	Implementation of Policy

## **RATIFICATION & COMMUNICATION**

Ratified at the BoM meeting on \_\_\_\_\_

and signed by Chairperson \_\_\_\_\_

Secretary recorded the ratification in the Minutes of the meeting

## **MONITORING THE IMPLEMENTATION OF THE POLICY**

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

## REVIEWING AND EVALUATING THE POLICY

The policy will be reviewed and evaluated after 2 years. On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or TUSLA), legislation and feedback from parents/guardians, students, school staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning

Signed: .....

*For and behalf of Board of Management*

Date: Ratified .....



## Appendix 1

### Personal Data Security Breach Code of Practice

#### Purpose of Code of Practice

This Code of Practice applies to GETNS as *data controller*. 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 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.

#### Obligations under Data Protection

The school 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 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.
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 the Data Protection Commissioner within 72 hours. Failure to do so will constitute an offence in itself ("withholding information") pursuant to section 19 Criminal Justice Act, 2011. The penalties for withholding information include a fine, unless you can identify no risk to the rights or freedom of individuals.
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.

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 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[1].

Where all three criteria are not satisfied, 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 (see further details below). Where no notification is made to the Office of the Data Protection Commissioner, the school 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 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[2]. At the direction of the principal, the team shall:
  - 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 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.

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[1] '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.

[2] 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 Síochána), 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."



- 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 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 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.



## Appendix 2

### 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, and has the right to seek clarity on your request.

Please tick the box which applies to you:

Student <input type="checkbox"/>	Parent/guardian of student <input type="checkbox"/>	Former Student <input type="checkbox"/>	Current Staff <input type="checkbox"/>	Former Staff <input type="checkbox"/>
Age: Year group/class:	Name of Student:	Insert Year of leaving:		Insert Years From/To:

I, ..... wish to have the data detailed below which GETNS 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:

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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 GETNS in certain cases. You have the right to complain this refusal to the Office of the Data Protection Commissioner: see [www.dataprotection.ie](http://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:** the school should satisfy itself as to the identity of the individual, and make a note in the school records that identity has been provided but the school should not retain a copy of the doc.

Please address and return this form to: **Chairperson of the Board of Management to the appropriate address of school.**

## APPENDIX 3 A

### Records Retention

Schools as *data controllers* must be clear about 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, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, GETNS 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:** In all cases, schools should be 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 Statute 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 must be 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 should 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 should be aware that the 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.

## APPENDIX 3 B

Records relating to pupils/students	Primary	Confidential shredding	Comments
<b>Registers/Roll books</b>	Indefinitely	N/A	Archive when class leaves + 2 years
<b>Enrolment Forms</b>	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)
<b>Student transfer forms</b> (Applies from primary to primary)	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

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)
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Staff Records	Primary	Final disposition	Comments
<b>Recruitment process</b> Nb. 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.

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	✓	ETB one 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). <b>Please note</b> 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). <b>Please note</b> 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.
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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	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

		destroy.	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)

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. 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)

Government returns	Primary	Final disposition	Comments
Any returns which identify individual staff/pupils,		N/A	<b>Depends upon the nature of the return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DES guidelines. If it relates to information on students, e.g. October Returns, Annual Census etc., keep in line with "Student Records" guidelines above.</b>

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 <a href="#">Records Retention in the event of school closure/amalgamation</a> . 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 monthly report including staff absences	✓	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".
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 <b>indefinitely</b> within the school. These records can be kept either on a manual or computer system.
Invoices/back-up records/receipts	✓	✓	Retain for 7 years

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.
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" above.