

# **CBS Primary School Dundalk**

## **General Data Protection Regulation Policy**

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

**The General Data Protection Regulation (GDPR) Policy applies to The Board of Management , all school staff, (Voluntary, temporary and contract staff ) parents/guardians, students and others. 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.**

## **Statement of Commitment**

**In order to undertake our statutory obligations effectively, the school needs to collect, use and retain information, much of which is personal, sensitive or confidential.**

**Such information may be about:**

- **Pupils**
- **Staff**
- **Parents and guardians**
- **Job applicants**
- **Creditors**
- **Volunteers**

**We regard the lawful and correct treatment of personal data by the school as very important to operate successfully.**

**To this end, the school will ensure compliance, in all its functions, with the Data Protection Act (DPA) 1998, the General Data Protection Regulation (GDPR) and the new Data Protection Act 2018, and with other relevant legislation.**

## **Data Protection Principles**

**The Board of Management is a data controller relating to its past, present and future staff, students ,parents and 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 and GDPR which can be summarised as follows:**

- **Obtain and process Personal Data fairly**
- **Consent (where consent is the basis for provision of personal data the consent must be freely given)**
- **Keep data only for one or more specified and explicit lawful purposes**
- **Process data in ways compatible with the purposes for which it was given initially**
- **Keep personal data safe and secure**
- **Keep personal data accurate ,relevant and not excessive**
- **Retain data for no longer than is necessary for the specified purpose or purposes for which it was given**
  
- **Provide a copy of personal data to any individual on request**

## **Rights of the Individual**

**An individual has the following rights:**

- **The right to be informed; via privacy notices.**
- **The right of access**
- **The right of rectification; inaccurate or incomplete data must be rectified within one month.**
- **The right to erasure; individuals have a right to have their personal data erased and to prevent processing unless there is a legal obligation to do so**
- **The right to restrict processing; individuals have the right to suppress processing.**
- **The right to data portability**
- **The right to object; individuals can object to their personal data being used for profiling, direct marketing or research purposes.**
- **Rights in relation to automated decision making and profiling.**

**The school will ensure that these rights will be exercised.**

# **Compliance with the Data Protection Principles and Data Protection Legislation**

**In order to comply with these principles and meet all data protection obligations as stipulated in data protection legislation, the school will:**

- **Raise awareness of data protection across the school.**
- **Offer data protection training to all employees and Board of Management**
- **Create a data protection policy for the school that is updated annually.**
- **Complete a personal data processing audit, which lists the following:**

**Name of the personal data set.**

**Purpose for processing this personal data set.**

**Who the data set is shared with.**

**How long do we keep the personal data set (retention).**

**The technical and organisational security measures to protect the personal data set.**

**The legal basis for processing .**

**If consent is the legal basis for processing, details of the evidence of this consent.**

- **Review the school's consent forms so they meet the higher standards of GDPR, create an audit trail showing evidence of consent.**
- **Appoint a data protection officer who will monitor compliance with the GDPR and other data protection laws.**
- **Create a privacy notice that will let individuals know who we are, why we are processing their data and if we share their data.**
- **Create a system to allow data subjects to exercise their rights.**
- **Use Privacy Impact Assessments to assess the privacy aspects of any projects or systems processing personal data.**
- **Investigate all information security breaches, and if reportable, report to the Information Commissioners Office within 72 hours.**
- **Undertake data quality checks to ensure personal data is accurate and up to date.**
- **Demonstrate our compliance in an accountable manner through audits, spot checks, accreditations and performance checks.**
- **Support the encryption of personal data.**

## **Legal Obligations**

**The school has a legal obligation to comply with the Data Protection Acts 1988 to 2018 and GDPR**

**Implementation of this policy takes into account the school's other obligations and responsibilities and compliance with legislation such as:**

- **Education Act 1998**
- **Education Act 2000**
- **Education for persons with Special Education Needs Act 2014**
- **Freedom of Information Act 1997**
- **Health Act 1947**
- **Children First Act 2015**

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

- **Names ,addresses and contact details of staff**

- **Name and 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 etc )**
- **Teaching Council Registration**
- **Vetting Records**
- **Attendance Records**
- **Details of work record (qualifications ,classes taught etc )**
- **Details of any accidents/injuries sustained on school property**
- **Records of any reports the school have made in respect of the staff member to State departments and other agencies under Children Act 2015**

### **Purposes**

- **To facilitate the management and administration of school business**
- **To facilitate the payment of staff ,and calculate benefits/entitlements**
- **To facilitate pension payments in the future**
- **To record promotions and changes in responsibilities**
- **To enable the school to comply with requirements set down by the Department of Education, Tusla, the HSE and any other governmental ,statutory or regulatory departments and agencies.**
- **To comply with responsibilities under the Safety, Health and Welfare at Work Act 2005**
- **To comply with legislation relevant to the school**

## **Student Records**

### **Categories of student data which include:**

- **Names, addresses and contact details ,pps number**
- **Date and place of birth**
- **Names and addresses of parents/guardians and their contact details**
- **Religious belief**
- **Racial or ethnic origin**
- **Membership of the Traveller community**
- **Any relevant special conditions (eg special educational needs, health issues ) which may apply.**
- **Information on previous academic record from any previous school attended by a student**

- **Psychological ,psychiatric and medical assessments**
- **Attendance records**
- **Photographs and recorded images of students at school events**
- **Academic record**
- **Records of significant achievements**
- **Subject exemptions**
- **Records of disciplinary issues/investigations and sanctions imposed**
- **Records of accidents and serious injuries**
- **Records of any reports the school have made in respect of the student to State Departments or other agencies under Children First Act 2015**

## **Purposes**

- **To enable each child to develop his/her full potential**
- **To comply with legislative and administrative requirements**
- **To ensure that eligible students can benefit from additional teaching supports**
- **To support the provision of religious instruction**
- **To enable parents/guardians to be contacted in the event of an emergency**
- **To inform parents of their child's educational progress**
- **To meet the educational ,social, physical and emotional needs of the student**
- **To ensure that students meet the minimum age requirement for attendance at Primary School**
- **To provide documentation about the student to the Department of Education, Tusla and other schools etc in compliance with law**

## **Board of Management records**

- **Name, address and contact details of each member of the Board of Management**
- **Records in relation to appointments to the board**
- **Minutes of Board of Management meetings and correspondence to the Board**

## **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**

## **Other Records**

**Creditors: names ,addresses, contact details, PPS numbers, Tax details, Bank details.**

## **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 accounts and complying with audits and investigations by the Revenue Commissioners**

## **Administrative Data**

- **Attendance Reports, Roll Book, Registers**
- **Accident report Book**
- **Policies**
- **HSE files**

## **Location and Security Procedures**

- **Manual records are kept in secure ,locked filing cabinets in the main administrative office, Principal's office and store room 5A.**
- **Manual records are only accessible to personnel who are authorised to use the data.**
- **Employees are required to maintain the confidentiality of any data to which they have access.**
- **A pupil profile and selection of records are held by each teacher in a secure location in his/her classroom and passed on to the next teacher as the child moves on to the next class.**
- **Digital records are stored on password protected computers**
- **The school has the burglar alarm activated during out of school hours**

# **CCTV images/recordings**

**CCTV is installed in the school. Cameras are installed externally.**

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

## **Purposes**

**To ensure the safety of the staff, students and visitors and to safeguard school property and equipment**

## **Security**

**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.**

## **Links to other policies and to curriculum delivery**

**The following policies shall be considered in relation to Data Protection:**

- **Child Protection Procedures**
- **Anti-Bullying procedures**
- **Code of Behaviour**
- **Enrolment Policy**
- **ICT Acceptable Usage Policy**
- **Assessment Policy**
- **SEN Policy**
- **Attendance Policy**

## **Sharing of Information to a third party:**

**CBS may transfer ,receive and share information to a range of third parties such as the following:**

- **The Department of Education and Skills**



- **TUSLA/the child and family agency**
- **The National Council for Special Education**
- **National Educational Psychological Service (NEPS )**
- **Department of Social Protection and other state benefit providers**
- **An Garda Síochána**

## **Third Party Service Providers:**

**CBS may share personal information with third party service providers that perform services and functions at our direction and on our behalf such as Databiz ,school photographers, IT service Providers, School Accountant and any other advisors and providers of security and administrative services for the school.**

## **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 ) Our school 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.**

## **School Record Retention Table:**

### **Pupil Related:**

**School Register/Roll Books-keep indefinitely**

**Enrolment forms-hold until pupil is 25 years**

**Disciplinary notes-never destroy**

**Test results/Standardised-never destroy**

**Psychological Assessments -never destroy**

**SEN files/IEPS-never destroy**

**Accident Reports-never destroy**

**Child Protection Reports/Records-never destroy**

**S.29 Appeals-Hold until pupil is 25 years**

## **Interview Board**

**Marking Scheme-18mths from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken**

## **Staff Records**

**Contract of employment-retention for duration of employment plus 7 years**

**Teaching Council Registration-duration of employment plus 7 years**

**Vetting Records-Duration of employment plus 7 years**

**Accident/Injury at work reports-6 years to make a claim against the school plus 1 year for the proceedings to be served on school**

## **BOM Records**

**BOM Agenda and minutes-indefinitely**

**CCTV Recordings-28 days /Criminal Investigation-as long as is required**

**Payroll and Taxation-indefinitely**

**Invoices/receipts/Audited Accounts-Hold for a period of 7 years**

## **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**

**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.**

**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.**

## **Dealing with a data access request**

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

**Requests must be responded to within one month**

**No fee may be charged**

**No personal data can be supplied relating to another individual apart from the data subject**

## **Implementation arrangements ,roles and responsibilities**

**The BOM is the data controller and the principal implements the Data Protection Policy, ensuring that all 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>
<b>Board of Management</b>	<b>Data Controller</b>
<b>Principal</b>	<b>Implementation of Policy</b>
<b>Teachers/Staff</b>	<b>Implementation of policy</b>

## **Ratification and Communication**

**Ratified at the BOM meeting on the----- and signed by the chairperson**

### **Monitoring and implementation of the policy**

**The implementation of the policy shall be monitored by the principal ,staff and the BOM**

### **Reviewing and evaluating the policy**

**The policy will be reviewed and evaluated taking cognisance of changing information or guidelines and legislation.**

**Signature**

-----**(Chairperson )**

**Date:-----**

**For and behalf of Board of Management**