



## ST FINTAN'S HIGH SCHOOL

### Data Protection Policy

#### 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 the Board of Management, Principal, all school staff, 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.

#### Data Protection Principles

The school is a *data controller* of *personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- **Obtain and process *Personal Data* fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** The School will inform individuals 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:

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

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

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

**Sensitive Personal Data** refers to *Personal Data* regarding a person's

- racial or ethnic origin, political opinions or religious or philosophical beliefs
- membership of a trade union
- physical or mental health or condition or sexual life
- commission or alleged commission of any offence or

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

**Data Controller** for the purpose of this policy is the Board of Management, St Fintan's High School.

## 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: National Guidance for the Protection and Welfare of Children* 2017 published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

### Relationship to characteristic spirit of the School

St Fintan's High School seeks to

- value all students
- promote and encourage positive attitudes to the optimum development of pupils
- assist students in their pursuit of excellence through hard work
- prepare students for assuming a responsible role 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 complaints and/or grievances, including consultations or competency discussions, action/improvement/evaluation plans and record of progress
  - Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
  - Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).

- (b) **Purposes:** Staff records are kept for the purposes of:
- the management and administration of school business (now and in the future)
  - to facilitate the payment of staff, and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
  - to facilitate pension payments in the future
  - human resources management including reviewing performance and addressing performance-related issues
  - recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
  - to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)
  - to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, 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:** Information is held as a manual record, computer record or both. Manual records are kept in a secure, locked location 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:** Paper records are kept in a secure location in a locked office. Computer records are kept on password protected PCs and cloud-based storage is protected by an industry standard firewall, up-to-date security measures and controlled password protected access relevant to each staff member and nominated administrator's role/duties.

## **B. Student records:**

- (a) **Categories of student data:** These may include:
- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
    - name, address and contact details, PPS number
    - date and place of birth
    - names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
    - religious belief
    - racial or ethnic origin
    - membership of the Traveller community, where relevant
    - whether they (or their parents) are medical card holders
    - whether English is the student's first language and/or whether the student requires English language support
    - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
  - Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
  - Psychological, psychiatric and/or medical assessments
  - SEN Department records which may include formal and informal tests, IEPs etc
  - Attendance records
  - Photographs and recorded images of students (including at school events and noting achievements).
  - Entrance exams and other relevant standardised tests
  - Academic record – subjects studied, class assignments, examination results as recorded on official School reports
  - Records of significant achievements

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

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

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction
- to enable parents/guardians to be contacted in 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, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's "Guidance for Taking and Using Images of Pupils in Schools"
- 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/ references to third-level educational institutions and/or prospective employers
- In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the School will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer.

**(c) Location:** Information is held as a manual record, computer record or both. Manual records are kept in a secure location 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:** Paper records are kept in a secure location in a locked office. Computer records are kept on password protected PCs and cloud-based storage is protected by an industry standard firewall, up-to-date security measures and controlled password protected access relevant to each staff member and nominated administrator's role/duties.

**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:** Information is held as a manual record, computer record or both. Manual records are kept in a secure location 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:** Paper records are kept in a secure location in a locked office. Computer records are kept on password protected PCs and cloud-based storage is protected by an industry standard firewall, up-to-date security measures and controlled password protected access to information relevant to each staff member and nominated administrator's role/duties.

**D. Other records:**

**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:** Information is held as a manual record, computer record or both. Manual records are kept in a secure location 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:** Paper records are kept in a secure location in a locked office. Computer records are kept on password protected PCs and cloud-based storage is protected by an industry standard firewall, up-to-date security measures and controlled password protected access to information relevant to each staff member and nominated administrator's role/duties.

**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:** Information is held as a manual record, computer record or both. Manual records are kept in a secure location 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:** Paper records are kept in a secure location in a locked office. Computer records are kept on password protected PCs and cloud-based storage is protected by an industry standard firewall, up-to-date security measures and controlled password protected access to information relevant to each staff member and nominated administrator's role/duties.

#### **CCTV images/recordings**

- (a) **Categories:** CCTV is installed in the school. 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 and internally as detailed in the CCTV Policy. Recording equipment is located in the Deputy Principal's office.
- (d) **Security:** Access to images/recordings is restricted to the principal and deputy principals. Tapes, DVDs, 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.

#### **Examination results**

- (a) **Categories:** The school will hold data comprising examination results in respect of its students. These include class, Christmas, summer, continuous assessment and mock-examinations results.
- (b) **Purposes:** The main purpose for which these examination results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.
- (c) **Location:** Information is held as a manual record, computer record or both. Manual records are kept in a secure location 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:** Paper records are kept in a secure location in a locked office. Computer records are kept on password protected PCs and cloud-based storage is protected by an industry standard firewall, up-to-date security measures and controlled password protected access to information relevant to each staff member and nominated administrator's role/duties.

## October Returns

- (a) **Categories:** At the beginning of each academic year (and for 1st year or transferring students, on enrolment) parents/guardians and students are asked to provide the school with certain information so that the School can make returns to the Department of Education and Skills (“DES”) referred to as “October Returns”. These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians and students on the basis of explicit and informed consent. The October Return contains individualised data (such as an individual student’s PPS number) which acts as an “identifier” for the DES to validate the data that belongs to a recognised student. The DES also transfers some of this data to other government departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy-making and research purposes. However the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has a data protection policy which can be viewed on its website ([www.education.ie](http://www.education.ie)). The DES has also published a “Fair Processing Notice” to explain how the personal data of students contained in October Returns is processed. This can also be found on [www.education.ie](http://www.education.ie) (search for Circular Letter 0047/2010 in the “Circulars” section).
- (b) **Purposes:** The school asks parents/guardians and students to complete October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the school. The main purpose of the October Returns is for the DES to determine whether the student qualifies for English language support and/or additional resources and support to meet their particular educational needs. The October Returns are submitted to the DES electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as the school’s aim is to ensure that each student is assisted in every way to ensure that s/he meets his/her full potential.
- (c) **Location:** Information is held as a manual record, computer record or both. Manual records are kept in a secure location 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.
- (e) **Security:** Paper records are kept in a secure location in a locked office. Computer records are kept on password protected PCs and cloud-based storage is protected by an industry standard firewall, up-to-date security measures and controlled password protected access to information relevant to each staff member and nominated administrator’s role/duties.

<b>Links to other policies and to curriculum delivery</b>
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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.

This policy should be read in conjunction with the following documents:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Mobile Phone Policy
- Admissions/Enrolment Policy
- CCTV Policy
- Guidance on taking and using images of children in school - see Data Protection Statement
- SPHE/CSPE etc.

## **Processing in line with data subject's rights**

Data in this school will be processed in line with the data subjects' rights.

Data subjects have a right to:

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

## **Dealing with a data access requests**

### Section 3 access request

Under Section 3 of the Data Protection Acts, an individual has the right to be informed whether the school holds data/information about them and to be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing and the data controller will accede to the request within 21 days.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.

### Section 4 access request

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

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

## **Providing information over the phone**

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

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

## **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:

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

## **Ratification & Communication**

This policy was ratified by the Board of Management on 21<sup>st</sup> August 2018. It will be published on the school's website where it can be accessed by all staff, students and their parents and members of the public. The policy will be brought to the attention of all school staff. All staff must be familiar with the Data Protection Policy and be ready to put it into practice in accordance with the specified implementation arrangements. The Data Protection Policy shall be brought to the attention of new members of the school staff during their induction training. St Fintan's High School's students and their parents/guardians shall be informed of the Data Protection from the time of enrolment of the student, e.g., by including the Data Protection Policy as part of the enrolment pack either as an enclosure or as an appendix to the enrolment form.

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

The implementation of the policy shall be monitored by the principal and a sub-committee of the Board of Management.

At least one annual report shall 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**

This policy will be reviewed by the school management authority every two years or as deemed necessary taking 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.

This policy was adopted by the Board of Management on 21 August 2018.



## St Fintan's High School

### Privacy Notice to students (and their parents/guardians)

By enrolling in and attending St Fintan's High School you acknowledge that your personal data (including special category personal data) shall be processed by St Fintan's High School.

This Privacy Notice gives you some helpful information about who we are, what personal data we collect about you, why, who we share it with and why, how long we keep it, and your rights.

#### 1. Who we are:

We are St Fintan's High School, Sutton.

Our address and contact details are: St Fintan's High School, Sutton, Dublin 13

We provide secondary level education.

#### 2. The information we collect about you

When you are a student with St Fintan's High School, we collect and use your personal data.

The personal data we collect can include information about your identity and contact details; images/photo (including CCTV); family details; admission/enrolment details; previous schools; academic progress; PPS number; special educational needs; nationality; language; religion; medical data; information about behaviour and attendance; information about health, safety and welfare; financial information (re fees, grants, scholarships etc); and other personal data.

If you are under 18 years when you enrol, we collect the name, address, contact details and other information about your parents/guardians. If you are under 18 years, your parent/guardian is consulted and asked to give consent for certain things like taking your photograph, going on school trips etc.

#### 3. How we use your information and the legal basis

We use your personal data for purposes including:

*your application for enrolment;*

*to provide you with appropriate education and support;*

*to monitor your academic progress;*

*to care for your health and well-being;*

*to care for our staff and students;*

*to process grant applications and fees/expenses;*

*to coordinate, evaluate, fund and organise educational programmes;*

*to comply with our legal obligations as an education body;*

*to comply with our monitoring and reporting obligations to Government bodies, to process appeals, resolve disputes, and defend litigation etc.*

#### **4. Who we share your information with**

We share your personal data with third parties, including other Government bodies.

These includes the State Examinations Commission, the Department of Education and Skills, NCSE, TUSLA, An Garda Síochána, HSE, the Department of Social Protection, the Revenue Commissioners and other educational institutions where a school transfer is taking place, etc.

The level of sharing and the nature of what is shared depend on various factors. The Government bodies to which we transfer your personal data will use your personal data for their own purposes (including: to verify other information they already hold about you, etc) and they may aggregate it with other information they already hold about you and your family. We also share your personal data with other third parties including our insurance company and other service providers (including IT providers, security providers, legal advisors etc), We are legally required to provide certain records relating to the progress of a student (under 18 years) in his/her education to the student's parents/guardians, including results of examinations.

#### **5. We do not transfer your personal data to a third country or international organisation unless permission has been granted by you.**

#### **6. We do not engage in automated decision making/profiling.**

#### **7. How long we hold your data?**

Some personal data is only kept for a short period (e.g., We will destroy it at the end of an academic year because it is no longer needed). Some data we retain for a longer period (e.g., retained after you leave or otherwise finish your studies at St Fintan's High School) to provide historical records and data analysis of school exam results etc.

#### **8. You have the following statutory rights that can be exercised at any time:**

- (a) Right to complain to supervisory authority.
- (b) Right of access.
- (c) Right to rectification.
- (d) Right to be forgotten.
- (e) Right to restrict processing.
- (f) Right to data portability.
- (g) Right to object and automated decision making/profiling.

#### **9. Contact**

If you would like to discuss anything in this privacy notice, please contact the Principal at email: [principal@stfintanshs.ie](mailto:principal@stfintanshs.ie) in this school.

## ST FINTAN'S HIGH SCHOOL



### Data Protection Statement

#### **Personal Data on this Form:**

St Fintan's High School is a data controller under the Data Protection Acts, 1988 and 2003. The personal data supplied on the enclosed forms, is required for the purposes of:

- student enrolment
- student registration
- allocation of teachers and resources to the school
- determining a student's eligibility for additional learning supports and transportation
- examinations
- school administration
- child welfare (including medical welfare)
- and to fulfil our other legal obligations.

#### **School Contacting You**

While most information will be shared with you via the school app, we may also need to contact you by text, phone or email (using the details provided by you). Please confirm if you are happy for us to contact you in this way for all the purposes of:

- sports days
- parent teacher meetings
- school concerts/events
- to notify you of school closure (e.g. where there are adverse weather conditions)
- to notify you of your child's non-attendance or late attendance or any other issues relating to your child's conduct in school
- to communicate with you in relation to your child's social, emotional and educational progress and to contact you in the case of an emergency.

#### **Tick box if "yes" you agree with these uses**

- Use your email address to alert you to these issues?
- Send app notifications to alert you to these issues
- Use your mobile phone number to send you SMS texts to alert you to these issues?
- Use your mobile phone/landline number to call you to alert you to these issues?

Please note: St Fintan's High School reserves the right to contact you in case of an emergency relating to your child, regardless of whether you have given your consent.

**While the information provided will generally be treated as private to St Fintan's High School**, and will be collected and used in compliance with the Data Protection Acts 1988 and 2003, from time to time it may be necessary for us to transfer your personal data on a private basis to other bodies (including the Department of Education & Skills, the Department of Social Protection, An Garda Síochána, the Health Service Executive, Tusla (CFA), social workers or medical practitioners, the National Educational Welfare Board, the National

Council for Special Education, any Special Education Needs Organiser, the National Educational Psychological Service, or (where the student is transferring) to another school). We rely on parents/guardians and students to provide us with accurate and complete information and to update us in relation to any change in the information provided. Should you wish to update or access your/your child's personal data, you should write to the school

**Photographs/Videos of Students:** The school maintains a database of photographs/videos of school events held over years. It has become customary to take photos/videos of students engaged in activities and events in the interest of creating a pictorial as well as historical record of life at the school. Photographs/videos may be published on our school website or in brochures, yearbooks, newsletters, local and national newspapers and similar school-related productions. In the case of website photographs/videos, student names will not appear on the website as a caption to the picture without your explicit consent. If you or your child wishes to have his photograph/video removed from the school website, brochure, yearbooks, newsletters etc. at any time, you should write to the school principal.

**Consent (*tick one only*)**

1. **If you are happy to have your child's photograph/video taken as part of school activities and included in all such records as outlined above, please tick here**
2. **If you would prefer not to have your child's photograph/video taken and included in all such records as outlined above, please tick here**
3. **If you are happy for your child's photograph/video to be taken as part of school records but would prefer not to have images of your child appear on the school website, in school brochures, yearbooks, newsletters etc., please tick here.**

**Signed:** \_\_\_\_\_  
**Parent/Guardian/Student (where over 18)**

**Date:** \_\_\_\_\_

## ST FINTAN'S HIGH SCHOOL



### Data Access Procedures Policy

*Date: 21 August 2018*

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

A data subject would be required to familiarise 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 St Fintan's High 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.

### **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.

Correspondence should be addressed to the school principal.

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 the case of St Fintan's High School, the co-ordinator is the principal

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 (e.g. codes explained) or will provide an explanation.
14. Number the documents supplied.
15. Have the response “signed-off” by the principal.
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 Fintan's High 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](http://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 the school's commitment to its responsibilities under data protection.**

## 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
  - 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 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
  - 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 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:

- **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).
- *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 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.