

# Record Keeping and Data Protection Policy

## *Introductory Statement*

This policy document was composed following a whole-school planning day, which took place on October 17th '06. This was part of the review towards the compilation of a Strategic Three Year Plan under the school's inclusion in the DEIS programme. The policy was considered necessary at the school's staff meeting on Friday 10th November. It was composed by the principal for consideration by the teachers and secretary during the week 13th – 17th November 2006. It was submitted to the Board of Management for ratification at its meeting in December '06. It was updated during September 2012. The policy was reviewed and updated during December 2012 and February 2013.

The principal teacher is the Data Controller.  
Information collected is for the provision and administration of an educational service.

## *Scope*

The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on both school staff and students.

*Data: means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should 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 accessible.*

*Personal data: means data relating to a living individual who is or can be identified 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.*

*Data Controller: A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the principal acting for the board of management in exercising the functions involved.*

The policy applies to all school staff, the board of management, parents / guardians, students and others insofar as the measures under the policy relate to them.

*The purpose of this policy is:*

- ✓ To define the types of record our school requires
- ✓ To define the purposes for which each type of record is required
- ✓ To ensure confidentiality in the use of such records
- ✓ To ensure that the school has effective and manageable procedures in place to allow parents (or former pupils who have reached 18 years of age) access to records relating to the progress of the student in his/her education

### *Rationale*

Teaching is informed by pupil learning needs and the recording of where a pupil is in relation to his/her learning is a cornerstone of good teaching.

Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts)

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 his or her education.

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

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 data controller may supply personal data kept by him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a "relevant purpose" only.

### *Relationship to characteristic spirit of the school*

We aim to provide a well-ordered, caring, happy and secure atmosphere where the intellectual, spiritual, physical, moral and cultural needs of the pupils are identified and addressed. The school adopts a holistic approach to the education and development of each child and to the enhancement of teaching and learning processes. We believe that an effective Record Keeping and Data

Protection Policy will help the school to ensure that there is a high level of openness and cooperation between staff, parents and pupils.

### *Objectives*

1. To ensure that the school complies with the Data Protection Acts.
2. To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts.
3. To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

### *Key Measures*

- A. Details of all personal data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case.
  - B. Details of the arrangements in place to ensure compliance with the eight rules of data protection.
- A.** Details of all personal data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case

The personal data records held by the school may include:

*Staff records:* These may include:

- Name, address and contact details, PPS number
- Original records of application and appointment
- Record of appointments 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.

Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.

*Format:* From the start of the school year 2012/2013 all data is stored electronically on the school's server and original documents are returned to their owner. In the case of Garda Clearance and Child protection documents the originals are stored in a locked safe in the school which is only accessible to principal and deputy principal.

*Purpose for keeping staff records:* to facilitate the payment of staff, to facilitate pension payments in the future, a record of promotions made etc.

*Student records:* These may include:

- Information which may be sought and recorded at enrolment, including:
  - name, address and contact details, PPS number
  - names and addresses of parents/guardians and their contact details
  - religious belief
  - racial, ethnic or national origin
  - membership of the Traveller community, where relevant
  - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record
- Psychological assessments
- Attendance Records
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Records of disciplinary issues and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.

*Format:* From the start of the school year 2012/2013 all data is stored electronically on the school's server and original documents are returned to the parents. A paper copy of contact details for all pupils is also kept in the secretary's office for use in cases where there is a power failure.

*Purpose for keeping student records:* to enable each student to develop 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 parent/guardians to be contacted in the case of emergency etc.

*Board of Management records:* These may include:

- 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 which may include references to particular individuals.

*Format:* Hard copies of all correspondence is maintained and the minutes of all meetings are stored electronically on the school's server.

*Purpose for keeping board of management records may include:* a record of board appointments, documenting decisions made by the board etc.

**B.** Details of arrangements in place to ensure compliance with the eight rules of data protection

**1.** *Obtain and process information fairly:*

- To ensure that staff members, parents/guardians and students are made fully aware when they provide personal information of the identity of the persons who are collecting it, the purpose in collecting the data, the persons or categories of persons to whom the data may be disclosed and any other information which is necessary so that processing may be fair (A Statement in Appendix 1 will be included on relevant forms where personal information is being requested).
- Personal information will be processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, parents/guardians or students, where required.
- Sensitive personal information will be processed fairly in accordance with the Data Protection Acts, with explicit consent being obtained from staff members, parents/guardians or students, where required.

**2.** *Keep it only for one or more specified, explicit and lawful purposes:*

- All persons whose data is collected will be informed of the reason/s why it is collected and kept when the data is being collected.
- The purpose for which the data is collected and kept will be a lawful one.
- The school management is aware of the different sets of data which are kept and the specific purpose of each.

**3.** *Use and disclose it only in ways compatible with these purposes:*

- The data is used only in ways consistent with the purpose/s for which it was obtained
- The data is disclosed only in ways consistent with that purpose
- In accordance with the Data Protection Acts and to facilitate the transfer of information to another school when a student transfers, our school will write (by registered post) to the new school giving copies of all relevant documents.  
 Note: Under Section 20 of the Education (Welfare) Act, 2000, each school principal must maintain a register with the names of all children attending that school. When a child is transferring from the school, the principal must notify the principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate. Under Section 28 of the Act, schools may supply personal data, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:
  - The Minister for Education and Skills (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
  - The National Council for Special Education (NCSE)
  - The National Educational Welfare Board (NEWB)
  - Each school recognised in accordance with section 10 of the Education Act, 1998
  - Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.
- The names and addresses and contact numbers of families may be given to the HSE in order to facilitate the immunisation programme. Information on Child Protection will follow the guidelines outlined in the reporting of concerns in the "Children First: National Guidance for the Protection and Welfare of Children 2011".
- In accordance with the Data Protection Acts when the school is asked to facilitate the transfer of personal data abroad consent will be obtained (in writing) by the data subject. Exceptions to disclosure rule:
  - Data can be disclosed when required by law
  - Data can generally be disclosed to an individual himself/herself or with his/her consent (see 8).

#### **4. *Keep it safe and secure:***

Appropriate security measures are taken against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction.

- Access to the information (including authority to add/amend/delete records) is restricted to authorised staff on a “need to know” basis.
- The secretary and teachers have access to information on children based on this “need to know” policy.
- The school’s computer systems is password protected and information on pupils can only be accessed by logging on to the system using the teacher’s ID and password.
- Back-up procedures are in operation for computer held data with back-ups done every evening and an additional back-up done each weekend. Monthly back-ups are stored off site.
- All reasonable measures are taken to ensure that staff are made aware of the security measures, and to comply with them.
- All waste papers, printouts etc. are disposed of using a shredder.
- The principal and deputy principal (IT Co-ordinator) are the designated persons responsible for security.
- The premises are secure when unoccupied and the school’s alarm system is monitored 24 hours a day.
- There is a contract in place with Edvance/Aladdin which stores information on staff and pupils online. This is accessible only through passwords.
- A maintenance contract for the school’s computer system is in place with Deycom Computers Ltd, Carlow.

#### **5. *Keep it accurate, complete and up-to-date:***

- Clerical and computer procedures are adequate to ensure high levels of data accuracy.
- Periodic reviews and audits are in place to ensure that each data item is kept up-to-date.

#### **6. *Ensure that it is adequate, relevant and not excessive:***

- The information held is adequate, relevant and not excessive in relation to the purpose/s for which it is kept.

#### **7. *Retain it for no longer than is necessary for the purpose or purposes:***

- Personal data is only kept for as long as it is necessary. Garda Clearance documents are returned to persons as soon as they leave the school.

- Pupil records will be stored on computer for a period of six years after the student has completed the Senior Cycle and/or reached the age of 18.
- School registers and roll books will be kept indefinitely within the school.
- Electronic storage of data will be kept
- Pay, taxation and related school personnel service records will be retained indefinitely within the school.
- Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property), the relevant records will be retained until the possibility of litigation ceases.

**8. Give a copy of his/her personal data to that individual on request**

On making an access request any individual (subject to the restrictions in Notes A and B below) about whom you keep personal data, is entitled to:

- a copy of the data which is kept about him/her
- know the purpose/s for processing his/her data
- know the identity of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions
- a copy of any data held in the form of opinions, except where such opinions were given in confidence.

To make an access request, an individual must:

- apply in writing
- give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
- pay an access fee of €6.35.

There are a number of exceptions to the general rule of Right of Access, including those specified in Notes A and B which follow.

*Handling access requests:*

- The principal is responsible for handling access requests.
- In order to access personal data a birth certificate or current passport is required
- The outcome of any legal proceedings which may limit the right of one or both parents to access information about their child is stored in the pupil's file in school records.  
Note: If spouses are separated and one of them has obtained an order for custody but both of them remain guardians, then

both of them are entitled to be involved in important decisions which affect the child.

- Any inaccurate information as identified by the individual on whom the data is kept will be corrected within 40 days of the request being made. A copy of the corrected information will be given to the individual at no additional cost.
- Information will be supplied promptly and within 40 days of receiving the request or, in respect of examinations data, within 60 days of receiving the request or 60 days of first publication of the results (whichever is the later).
- The information will be provided in a form which is clear to the ordinary person
- The individual will be informed within 40 days of the request if no information is held on them

*Note A: Access requests by students*

- Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts.
- Students under 18 years of age can be given access to their personal information, 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 will readily be given access
  - if the record is of a sensitive nature, the school will seek parental/guardian consent
  - if a student has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent will be sought.

*Note B: Exceptions to note:*

- The school wishes to point out that data protection regulations prohibit the supply of:
  - health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such data is to be communicated only by, or after

consultation with, an appropriate "health professional", normally the patient's own doctor

- personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. The regulations apply to social work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

#### *Links to related school policies*

- Child Protection Policy
- Policy on the Prevention & Resolution of Bullying
- Substance Use Policy
- Code of Behaviour.

#### *Implementation Arrangements, Roles and Responsibilities*

The principal is assigned the role of co-ordinating implementation of the policy and for ensuring that staff who handle or have access to personal data are familiarised with their data protection responsibilities.

The school secretary has a key role in implementing the policy and will be provided with a copy of the policy and other relevant information. Teaching staff will be provided with the complete policy.

#### *Roles and Responsibility*

- Class teacher – completion/marking/scoring as appropriate and storage in cooperation with the school's secretary of:
  - ✓ standardised tests
  - ✓ Attendance & Reasons for Absence Record Sheets
  - ✓ Screening Tests
  - ✓ Withdrawal of pupil from school Record Sheet
  - ✓ Permission Forms
- Support Teacher - storage of results of diagnostic tests in co-operation with the school's secretary
- Secretary – storage of files received from teachers and principal
- Principal – overall responsibility and responsibility for storage and transfer of files when pupils transfer out of the school.
- ICT Co-Coordinator – responsibility for liaison with teachers to ensure that in-service training needs are met regarding familiarity with database software, use of Edvance and school's Intranet.

- Board of Management – responsibility to notify parents of their entitlements and the procedures they should follow. Responsibility for the provision of adequate storage facilities and for appropriate security.

#### *Ratification & Communication*

When the finalised policy has been ratified by the Board of Management it will be circulated within the school community and published on the school's website.

Parents/guardians and students will be informed of the data protection policy from the time of enrolment of the student e.g. by means of a statement of the key elements of the policy.

#### *Implementation Date*

This policy will be implemented when approved by the Board of Management.

#### *Monitoring the implementation of the Policy*

A review of this policy and its implementation will be carried out yearly. 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 the NEWB), 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.

## *Appendix 1*

### Record Keeping and Data Protection Statement for inclusion on relevant forms when personal information is being requested

The information collected on this form will be held by Our Lady of Lourdes National School, Hospital Hill, Bunclody in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is for administration and to facilitate the school in meeting the student's educational needs.

Disclosure of any of this information to statutory bodies such as the Department of Education and Skills or its agencies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians or students aged 18 or over if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of students and students aged 18 or over have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

Signed Parent/Guardian: \_\_\_\_\_