

DATA PROTECTION POLICY

Ratified by Board of Management: September 2016

SECTION A

1. Introduction

St. Kilian's German School has the following security measures in place to ensure that all access to data is appropriate and relevant:

- All computers have a password log-on.
- All computer screens have a password enabled screensaver.
- All personal files are kept in a locked filing cabinet or in a lockable office.
- All student files are kept in a locked filing cabinet or in a lockable office.
- Information on computer screens and manual files are kept out of view of callers to the school.
- No personal details of staff, students or parents/guardians will be left on desks overnight.
- All requests for data must be in writing and include the reason for which the data is being collected.
- No details may be forwarded to any third party without the express permission of the parties concerned.
- Access to data is restricted to authorised staff (Principal, Deputy Principal, Administration Manager)

2. Scope

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

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.

3. Definition of Terms

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.

4. Rationale

- 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/guardians 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. See Section B.3 under Key Measures below.
- Under Section 29 of the Education Act the data controller may supply personal data kept by him or her, or information extracted from such data, to the Board of Management or nominated sub-committee thereof or another prescribed body (Section 29 Appeal Board), where he or she is satisfied that it will be used for a “relevant purpose” only.
- Under Section 14 of the Education of 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. Although 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 to it of medical inspection. e.g. a dental inspection.



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- *Under Children First: National Guidance for the Protection and Welfare of Children (2011)* 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 TüSLA – Child and Family Agency (or in the event of an emergency and the unavailability of TüSLA, to An Garda Síochána).

5. Policy Objectives

- To ensure that the school complies with the Data Protection Acts.
- 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 (see below).
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

SECTION B

The personal data records held by the school may include:

1. Staff Records

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

These may include:

- Name, address and contact details, PPS number
- Original records of application and appointment
- Record of appointments to promotion posts
- Records of salary grade
- Records of teaching registration
- Records of Garda vetting
- Records of staff contracts
- Bank account details
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, subjects etc)
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties.
- Records of any reports the school (or its employees) have made in respect of the staff member of State Departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).
- Details of complaints and/or grievances beyond local resolution 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.



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Manual (personal file within filing system) and computer records (database) are kept of staff. The purpose for keeping staff records are to facilitate the payment of staff, to facilitate pension payments in the future and to keep a record of promotions made.

b. **Purposes:** Staff records are kept for the purpose of:

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

2. Student Records:

These may include:

- Information which may be sought and recorded at enrolment, including:
 - name, address and contact details, PPS number
 - date of birth
 - place of birth
 - 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
 - where English is the student's first language and/or whether the student requires English language support
- Information on previous academic record
- Psychological assessments
- Attendance records
- Academic records – 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 illnesses/injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded).

- Photographs and recorded images of students (including at school events and noting achievements)
See the appendix 3 "Consent Form for Photo and Video"
- Records of any reports the school (or its employees) have made in respect of the legislation and/or child safeguarding guidelines (subject to the DES child Protection Procedures).

Manual and computer records are kept of students. The purpose for keeping student records are 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 enable parent/guardians to be contacted in the case of emergency and for matters in relation to the payment of fees.

3. Parent/Guardian Records

These may include:

- Work contact details
- Home contact details
- Legal status of parents/guardians vis a vis the pupil
- Bank account details

Manual and computer record are kept of parents/guardians. The purpose for keeping records is to enable the school to contact parents/guardians in the case of an emergency etc.

4. 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

Manual and computer records are kept of the Board of Management. The purpose for keeping records is to keep a record of board appointments, documenting decisions made by the board etc.

5. Other Records

CCTV images/recordings

- Categories:** CCTV is installed in some schools, externally i.e. perimeter walls/fencing and internally as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.
- Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.
- Location:** Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in the media room and Administration Manager's office.



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- (d) **Security:** Access to images/recordings is restricted to the relevant personnel e.g. the principal and deputy principal and year heads. 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 Siochana pursuant to section 8 Data Protection Acts 1988 and 2003.

6. 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.

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

(e) **Security:** These records are kept e.g. manual record (personal file within a relevant filing system) computer record (database) which is protected by locks, password protection, firewall software, adequate levels of encryption etc.

7. 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.



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

SECTION C

St Kilian's has arrangements in place to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

1. Obtain and process information fairly.
2. Keep it only for one or more specified, explicit and lawful purposes.
3. Use and disclose it only in ways compatible with these purposes.
4. Keep it safe and secure.
5. Keep it accurate, complete and up-to-date.
6. Ensure that it is adequate, relevant and not excessive.
7. Retain it for no longer than is necessary for the purpose or purposes.
8. Give a copy of his/her personal data to that individual on written request and photo id. (Please see attached Appendix)

The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under rules 1 and 3 above is not defined in the Data Protection Acts. However, guidance material published on the Data Protection Commissioner's website states the following:

Minimum age of consent:

"As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."

- Data Protection Commissioner's website

SECTION D

1. Links to Other Policies

The Child Protection Policy, Guidance Plan, Anti-Bullying Policy, Substance Use Policy and the Code of Behaviour are consistent with the Data Protection Policy.

Link to other policies and to curriculum delivery

Our school policies are consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place or being developed or reviewed, shall be examined with reference to the data protection policy and any implications which it has for them shall be addressed. The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Admissions/Enrolment Policy
- CCTV Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE/CSPE

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:

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

Dealing with a data access request

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

- The individual is entitled to a copy of their personal data (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 Euro 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.

Prevent the processing of their data for direct-marketing purposes.

2. Implementation Arrangements, Roles and Responsibilities

The principal is responsible for the implementation of the policy and for ensuring that staff that handle or have access to personal data are familiarised with their data protection responsibilities.

School administrative staff are provided with a copy of the policy and other relevant information.

Teaching staff are provided with a broad outline of the policy, including a summary of the eight rules of data protection.

3. Ratification & Communication

This policy has been ratified by the Board of Management and is the school's agreed data protection policy. Staff members are familiar with the policy and it has been circulated within the school community. Staff members will be made aware of any changes in the way the school records information on students, staff and others in the school community. Parents/guardians and students are informed of the data protection policy from the time of enrolment of the student by means of the Statement of Data Protection.

4. Implementation, Monitoring and Review of the Policy

This policy will apply from the 2016-2017 school year and will be monitored by school management. The policy will be subject to regular review.

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 their manager or the principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

Appendix 1- Data Protection Statement

(for inclusion on relevant forms when personal information is being requested)

The information collected on this form will be held by St Kilian's Deutsche Schule 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 etc.

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: _____

Signed Student: _____

Appendix 2 – Compliance with the Eight Rules of Data Protection

1. Obtain and process information fairly

- Procedures are in place 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 (as stated above, the sample statement in Appendix 1 could be included on relevant forms where personal information is being requested).
- Personal information is 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 is 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

- Persons whose data is collected know the reason why it is collected and kept and the purpose for which the data is collected.
- 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

- Data is used only in ways consistent with the purpose/s for which it was obtained and is only disclosed in ways consistent with that purpose.
- There is a procedure in place, which is in accordance with the Data Protection Acts facilitates the transfer of to another school when a student transfers. (Student Transfer Form/ Section 20 of the Education Welfare Act – See appendix)
- In accordance with legislation (Education Welfare Act 2000, Child Protection Guidelines) personal data will be disclosed to third parties like the Department of Education and Skills, TüSLA, Gardaí, in legal proceedings and HSE personnel.
- There is a procedure in place, which is in accordance with the Data Protection Acts facilitate the transfer of personal data abroad.

Exceptions to disclosure rule:

- Data can be disclosed when required by law



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- Data can generally be disclosed to an individual himself/herself or with his/her consent.

4. Keep it safe and secure

Security Storage

Security measures are to be 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 Administration Manager, Principal, Deputy Principal have access to what information is based on this “need to know” policy.
- Computer systems are password protected.
- Information on computer screens and manual files are kept out of view of callers to the school/office.
- Back-up procedures are in operation for computer held data, including off-site back-up.
- All reasonable measures are taken to ensure that staff are made aware of security measures and comply with them.
- All waste papers, printouts etc. are disposed of carefully.
- All steps are taken to ensure that no unauthorised person can access data from computers which are no longer in use or subject to change of use.
- There is a designated person responsible for security.
- There are periodic reviews of the measures and practices in place.
- Premises are secure when unoccupied.
- There is a contract in place with a data processor which imposes an equivalent security obligation on the data processor.
- Encrypted USB stick provided for the purpose.

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

- Clerical and computer procedures are adequate to ensure high levels of data accuracy.
- Appropriate procedures are in place, including periodic review and audit, to ensure that each data item is kept up-to-date.

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

- Information held is adequate in relation to the purpose/s for which it is kept.
- Information held is relevant in relation to the purpose/s for which it is kept.
- The information that is held is 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

- Unless where litigation arises (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property), personal data is held for a period of 6 years after the departure of a student or staff member.
- School registers and roll books are required to be kept indefinitely within the school.
- Pay, taxation and related school personnel service records should be retained indefinitely within the school.

8. Give a copy of his/her personal data to that individual on written request and photo identification

An individual on whom the school keeps personal 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
- provide photo identification
- give any details which might be needed to help identify him/her and locate all the information you may keep about him/her

Handling access requests

- There is a named person (principal) responsible for handling access requests.
- There is a procedure in place to provide applicants with access to personal data about themselves in accordance with the Data Protection Acts as detailed above.
- On production of a written request and photo identification access will be granted to personal data.
- There is a procedure in place to record the outcome of any legal proceedings which may limit the right of one or both parents to access information about their child.

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.

- A clear co-ordinated procedure is in place to ensure that all relevant manual files and computers are checked for the data in respect of which the access request is made.
- There is a procedure in place to rectify or erase any inaccurate information as identified by the individual on whom the data is kept, within 40 days of the request being made.
- Information is supplied promptly and in a form which is clear to the ordinary person.

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:
 - if the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
 - consent is sought through the Guidance Service if the record is of a sensitive nature
 - parental/guardian consent is sought if the 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

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 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.

Important:

I the undersigned accept that information available to me in the course of my work at St Kilians Deutsche Schule is protected by the school's Data Protection Poicy. By signing this policy I agree to the code of confidentiality governing my work in the school and to comply fully with the rules outlined in Appendix 2 above.

Signed: _____ Date: _____

Signed: _____ Date: _____

Data Protection Statement

The information collected on this form will be held by St Kilian's school 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: _____

Signed Student: _____

Appendix 3

CONSENT FORM FOR MARKETING/PROMOTIONAL ACTIVITIES

Please tick
appropriate box

I give permission for my child to be photographed and videoed occasionally during his/her time here at St. Kilian's. Photographs may be used on the St. Kilian's website and on our online media, and in other school publications; videos may be used on the website and for promotional purposes.

☐


I DO NOT give permission for my child to appear in any photographs or videos on any St. Kilian's publications.

☐


CHILD NAME _____ (Print in capital letters)

PARENT _____ (Print in capital letters)

PARENT SIGNATURE _____ **DATE** ____/____/20____