

# DATA PROTECTION POLICY

## ST. KILIAN'S DEUTSCHE SCHULE DUBLIN



**St. Kilian's**  
Deutsche Schule Dublin

<b>ORGANISATION:</b>	St Kilian's Deutsche Schule Dublin
<b>LOCATION:</b>	Roebuck Road, Clonskeagh, D14 P7F2, Dublin
<b>AUTHORISED BY:</b>	Board of Management of St. Kilian's Deutsche Schule
<b>AUTHORISED DATE:</b>	
<b>REVIEW DATE:</b>	

# CONTENTS



**St. Kilian's**  
Deutsche Schule Dublin

## SECTION A

1. INTRODUCTION
2. SCOPE OF POLICY
3. PURPOSE OF POLICY
4. DEFINITION OF TERMS
5. RATIONALE
6. POLICY OBJECTIVES

## SECTION B

1. STAFF RECORDS
2. STUDENT RECORDS
3. PARENT/GUARDIAN RECORDS
4. BOARD OF MANAGEMENT
5. OTHER RECORDS
6. CREDITORS
7. CHARITY TAX BACK FORMS

## SECTION C

1. DATA PROTECTION PRINCIPLES
2. DATA SUBJECT RIGHTS
3. SUBJECT ACCESS REQUESTS

## SECTION D

1. OTHER POLICIES
2. ROLES & RESPONSIBILITIES
3. RATIFICATION
4. IMPLEMENTATION

APPENDIX 1 – Data Protection Statement

APPENDIX 2 – Staff Compliance

APPENDIX 3 – Consent & Consent Form for Images/Videos



**St. Kilian's**  
Deutsche Schule Dublin

## SECTION A

### 1. Introduction

The Regulation (EU) 2016/679 (General Data Protection Regulation), hereto referred to as the GDPR or Regulation, effective as of 25th May 2018, which replaces the Directive 95/46/EC, describes how businesses and organisations must collect, handle and store personal information. Schools hold a lot of personal data and so are subject to the laws outlined in the Regulation. At St. Kilian's we take privacy and so we encourage all individuals associated with our school to read this policy.

These rules apply regardless of whether data is stored electronically, on paper or on other materials. To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

We may update this Policy at any time we deem appropriate to reflect any changes in our processing within the School.

### 2. Scope of the Policy

This policy applies to the keeping and processing of all personal data, both in manual form, on computer and images recorded on CCTV. 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.

### 3. Purpose of the Policy

The GDPR applies to the keeping and processing of personal data, both in manual and electronic form as well as the recording of images on CCTV. 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 and any other relevant persons on 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.

### 4. 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 any information relating to an identified or identifiable natural person who is or can be identified by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

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

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data
- health data
- data concerning a natural person's sex life or sexual orientation

**Data Controller:** for the purpose of this policy is the Board of Management of St. Kilian's Deutsche Schule Dublin located at Roebuck Road, Clonskeagh, Dublin 14.

**Processing:** means any operation or set of operations which is performed on personal data or on sets of personal data.

**Consent:** means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her

## 5. Rationale

- Schools are obliged to comply with the General Data Protection Regulation 2016/679 (GDPR)
- 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.
- *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).



**St. Kilian's**  
Deutsche Schule Dublin

## 6. Policy Objectives

- To ensure that the school complies with the Data Protection Law by protecting all personal data.
- To ensure compliance by the school with the six principles of data protection as set down by the GDPR (see [principles](#) in Section C)
- 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
- Occupation
- Taxation status,
- Date of Birth
- 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
- Images of staff engaged in school activities or events
- Images and work email addresses of staff for the St. Kilian's private parent portal
- 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.

- 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)



**St. Kilian's**  
Deutsche Schule Dublin

- to facilitate pension payments in the future
- human resources management
- to keep historical records for archive purposes on the history of the school
- 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.

**c. Lawful basis for processing**

- Legal obligation for certain types of information such as deduction of income tax.
- For the performance of a contract for certain types of information in order to fulfil our obligation as an employer

**d. Location**

Employee files are kept 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. Information is also stored on the payroll system in order to process payments to staff.

**e. Security**

In a secure, locked filing cabinet for paper files. Computer records are password protected and have firewall software ensuring an appropriate level of technical security.

**2. Student Records:**

**a. Categories of student data.** 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
  - nationality
  - names and addresses of parents/guardians and their contact details
  - religious belief
  - racial, ethnic or national origin
  - whether they (or their parents) are medical card holders
  - 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
  - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record
- Psychological, psychiatric and/or medical assessments
- Attendance records



**St. Kilian's**  
Deutsche Schule Dublin

- 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
- Images of students for internal use only in our administrative obligations
- 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).

**b. Purposes:**

The purposes for keeping pupil records are:

- to enable each pupil to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible pupils 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 keep historical records for archive purposes on the history of the school
- to meet the educational, social, physical and emotional requirements of the pupil
- for identification, health & safety purposes
- photographs and recorded images of pupils 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.
- to ensure that the pupil meets the school’s admission criteria
- to ensure that pupil meet the minimum age requirements for their course,
- to ensure that any pupil seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
- to furnish documentation/ information about the pupil 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 pupil (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
- to furnish details (non-personalised) to the German Government so as to remain certified as a German School
- In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the School will assist the pupil 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 pupil and the pupil’s parent/guardian) to the work experience employer.

**c. Lawful basis for processing:**

Legal basis for some information.

For the performance of a contract for certain types of information.

Consent for all categories of sensitive information and for the use of images and videos where students are participating in school activities or events. *Note: Pupils who do not have consent will not be excluded from any school activities. However, we reserve the right to blur*

*out your child's face if he/she is captured as part of a group of children who have been given the appropriate consent. We will ensure that your child will not be identifiable.*

To protect a pupil's vital interest.

Because it is in the public interest or in the exercise of the official authority vested in the school.



**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:**

In a secure, locked filing cabinet for paper files. Computer records are password protected and have firewall software ensuring an appropriate level of technical security.

**f. Is any of this data passed on? If yes, for what purpose?**

Relevant data is passed onto the relevant state agencies as noted under the legal basis for collecting information. Data may also be accessed by or passed to third parties in the interest of IT security and support in ensuring the security of our data.

**3. Parent/Guardian Records**

**a. Categories of data:**

These may include:

- Names and addresses of parents/guardians and their contact details including phone numbers, addresses and email addresses
- Work contact details
- Home contact details
- Legal status of parents/guardians vis a vis the pupil (including any special arrangements with regard to guardianship, custody or access)
- Bank account details

**b. Purpose:**

The personal data of Parents/Guardians will be used for such purposes as:

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

The school may process a parent's/guardian's personal data for such purposes as:

- to issue information about sports days
- to advise on dates/times of parent teacher meetings
- to notify parents/guardians of school concerts/events
- to notify parents/guardians of school closures (e.g. in cases of adverse weather conditions)
- to notify parents/guardians of their child's non-attendance or late attendance or any other issues relating to their child's conduct in school
- to communicate with parents/guardians in relation to their child's social, emotional and educational progress





**St. Kilian's**  
Deutsche Schule Dublin

- to contact parents/guardians in the case of an emergency concerning their child
- to send relevant information in the form of Newsletters (we may use services such as Mail Chimp to issue such Newsletters, you will be given the option to unsubscribe at any time)

**c. Lawful basis for processing:**

- For the performance of a contract for certain types of information.
- Processing is necessary for compliance with a legal obligation.
- Consent for sensitive data, such as religious belief.

**d. Location**

In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Data is also stored electronically in the school database or on files on our file server. Employees are required to maintain the confidentiality of any data to which they have access.

**a. Security:**

Paper files are secured in locked filing cabinets that are only accessible by authorised personnel. Computer records are password protected and have firewall software ensuring an appropriate level of technical security.

**e. Is any of this data passed on? If yes, to what purpose?**

- Relevant data may be passed on to solicitors in the event of non-payment of fees and may be passed to our Auditors where relevant in the performance of their duties.
- Relevant data may be shared with IT service providers in the performance of their duties under which they are bound by confidentiality.
- We will not share your data with any unaffiliated third parties without your consent.

**4. 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 Statutes of the College and the Framework for the Management of the College and the Education Act 1998 and other applicable legislation and to maintain a record of Board appointments and decisions. To keep historical records for archive purposes on the history of the school.

**c. Lawful basis for processing:**

Legal basis

**d. Location:**

In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.

**e. Security:**

In a secure, locked filing cabinet for paper files. Computer records are password protected and have firewall software ensuring an appropriate level of technical security.

**f. Is any of this data passed on? If yes, to what purpose?**

Relevant data on the Board of Management accounts is passed onto the School's auditors and the Financial Services Support Unit as required by the Department of Education.



**St. Kilian's**  
Deutsche Schule Dublin

**5. Other Records**

**CCTV images/recordings**

**a. 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.

**b. Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.

**c. Lawful basis for processing:**

Legitimate interests. CCTV is in operation in the school grounds for the safety and welfare of our students and staff.

**d. 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.

**e. 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 Síochána pursuant to the GDPR.

**f. 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) Lawful basis for processing:**

For the performance of a contract for certain types of information.

Legal basis where the School is required to act as Principal Contractor under Relevant

Contracts Taxation regulations set out 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.

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

**h. 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) Lawful basis for processing:** Legal basis to comply with requirement enforced 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 (file within a relevant filing system) computer record (database) which is protected by locks, password protection, firewall software, adequate levels of encryption etc.

## **SECTION C**

### **1. Data Protection Principles**

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 six principles of data protection listed in Article 5 GDPR which state that personal data must be:

#### **1. Processed lawfully, fairly and in a transparent manner**

- 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 GDPR, with consent being obtained from parents/guardians or students, where required.
- Sensitive personal information is processed fairly in accordance with the GDPR, with explicit consent being obtained from parents/guardians or students, where required.

**2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those 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. Adequate, relevant and limited to what is necessary**

- 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.

**4. Accurate and, where necessary, kept 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.

**5. Kept in a form which permits identification of data subjects for no longer than is necessary**

- 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.

**6. Processed in a manner that ensures appropriate security of the personal data**

- 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 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.



**St. Kilian's**  
Deutsche Schule Dublin

- 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.
- Employees are instructed to deal carefully with telephone enquiries. In particular employees are instructed to:
  - 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 their manager or the principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

## **2. Data Subject Rights**

Articles 12 to 23 of the GDPR relate to the rights of the data subject, these include:

### **The right to have personal information processed in a concise, transparent, intelligible and easily accessible form, using clear and plain language**

- Procedures are in place to ensure that all persons from whom personal data is obtained are made aware of the processing carried out by St. Kilian's and that all information relating to such processing is provided in clear and plain language.
- Recital 58 of the GDPR states that "*Given that children merit specific protection, any information and communication, where processing is addressed to a child, should be in such a clear and plain language that the child can easily understand.*" We ensure that we adhere to this recital.
- Personal information is processed fairly in accordance with the GDPR, with consent being obtained from staff members, parents/guardians or students, where required.
- Sensitive personal information is processed fairly in accordance with the GDPR, with explicit consent being obtained from staff members, parents/guardians or students, where required.

### **The right to be informed**

- We ensure that all individuals from whom data is collected are made aware of what data we are using, why we are using it and for what purpose as well as informing them of the details of any third parties in receipt of their data.
- School management is aware of the different sets of data which are kept and the specific purpose of each.

### **The right of access**

All individuals are entitled to a copy of all the data the school holds about them. 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.



**St. Kilian's**  
Deutsche Schule Dublin

To make an access request, an individual must:

- apply in writing
  - provide relevant identification
  - give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
- Individuals have the right to lodge a complaint with the Data Protection Commissioner if they feel their rights are being infringed in some way by the school in its processing activities.
  - 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 GDPR facilitate the transfer of personal data abroad.

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.

#### **The right of rectification**

- If St. Kilian's hold data about an individual that is incorrect, then they have the right to have that data corrected.

#### **The right to erasure (or the right to be forgotten)**

- This means that individuals have the right to request the erasure of their personal data. However, in many cases, the school will have overriding legitimate grounds for continued processing and will be unable to comply with such a request. This will be handled on a case by case basis.

#### **The right to restrict processing**

- This means that an individual can ask the school to stop using their data and we must comply unless we have an overriding legitimate lawful purpose for continuing to process the data. This will be handled on a case by case basis.

#### **The right to data portability**

- This means that an individual has the right to move their data to another processor (in this case, another school) and we must comply with this request.
- There is a procedure in place, which is in accordance with the GDPR facilitates the transfer of to another school when a student transfers. (Student Transfer Form/ Section 20 of the Education Welfare Act – See appendix)

#### **The right to object**

- Any person whose data is processed by the school has the right to object to further processing and we must comply unless we have an overriding legitimate reason to continue processing. This will be handled on a case by case basis.



**St. Kilian's**  
Deutsche Schule Dublin

### 3. Subject Access Requests (SARs)

- In compliance with “the right of access”, we have a procedure in place to handle SARs.
- 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.
- In order to comply with the request, it is necessary to verify the requesters identity to make sure they are legitimate and you have one month to provide them with the information.
- All legitimate requests will be complied with within one month of verifying the identity of requester.

#### **Handling access requests**

- There is a named person (principal) responsible for handling access requests and a procedure in place to provide applicants with access to personal data about themselves in accordance with the GDPR 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 provided that there is no overriding legitimate purpose which will prevent the school from complying with such a request.

#### **Access requests by students**

- Students aged 18 and over are entitled to access their personal information in accordance with the GDPR.
- 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



**St. Kilian's**  
Deutsche Schule Dublin

### **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.

## **SECTION D**

### **1. 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.

#### **Other policies and 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

### **2. 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 Reviewal of the Policy**



This policy will apply from the date of ratification by the Board of Management and will be monitored by school management. The policy will be subject to regular review.



**St. Kilian's**  
Deutsche Schule Dublin

## Appendix 1- Data Protection Statement

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



**St. Kilian's**  
Deutsche Schule Dublin

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 General Data Protection regulation 2016/679 (GDPR). The purpose of holding this information is for administration and to facilitate the school in meeting the student's educational needs etc.

St. Kilian's is a data controller as defined in the GDPR. The personal data supplied to us is required for purposes including:

- 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

Please confirm if you are happy for us to contact you by SMS/text message and to call you on the telephone numbers provided and to send you emails for all the purposes including:

- sports days
- parent teacher meetings
- school concerts/events
- to notify you of school closure (e.g. in cases of 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.

Do you agree to the school contacting you as outlined above:  Yes  No

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

### Sharing of Information

Disclosure of any of this information to statutory bodies such as the Department of Education and Skills, the Department of Social Protection, An Garda Síochaná, the Health Service Executive, 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 or other similar 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 reason other than those specified in the School Data Protection Policy.

I confirm that I have read and understood St. Kilian's Data Protection Policy and agree to the processing as outlined therein.



**St. Kilian's**  
Deutsche Schule Dublin

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

**Signed Student:** \_\_\_\_\_

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



**St. Kilian's**  
Deutsche Schule Dublin

## Appendix 2 – Compliance with St. Kilian's Data Protection Policy

### **Important:**

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

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



**St. Kilian's**  
Deutsche Schule Dublin

### Appendix 3 - Consent

We wish to advise that the minimum age at which consent can be legitimately obtained for processing and disclosure of personal data is not defined in the GDPR. However, guidance material published on the Data Protection Commissioner's (DPC) 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 ([www.dataprotection.ie](http://www.dataprotection.ie))

The DPC also states that:

*"In the education area, the rights of parents are given strong protection in the Constitution and in legislation. It would therefore be prudent for a school to obtain the consent of a student's parents or guardians to the processing of personal data concerning her or him, unless the processing is required by law or is self-evidently necessary (for example, the keeping of attendance and other routine student records)."*

- Data Protection Commissioner's website ([www.dataprotection.ie](http://www.dataprotection.ie))

We seek consent for the processing of student images, see request for below.

## CONSENT FORM FOR USING IMAGES, PHOTOS AND VIDEO MATERIAL



**St. Kilian's**  
Deutsche Schule Dublin

It is common practice at St. Kilian's for photos or videos to be taken of students who are participating in school activities and events. These records are of interest to parents/guardians, the students themselves and they help the school to create colourful historical records of life at the school. Photos/videos may be published on the school website and other online media, in brochures, yearbooks, newspaper articles (to celebrate school achievements) or in similar productions relating to St. Kilian's. You have the right to withdraw consent at any time by notifying the school principal in writing. We will at all times observe best practice procedures with regards to the use of your child(ren)'s images.

Please tick appropriate box

I give permission for my child(ren)'s images to be used as explained above.

I DO NOT give permission for my child(ren)'s images to be used as explained above.

Child(ren)'s name(s) \_\_\_\_\_ (Please print in capital letters)

\_\_\_\_\_

\_\_\_\_\_

Parent/Guardian \_\_\_\_\_ (Please print in capital letters)

Parent/Guardian signature \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/20\_\_

*Note: Should you withdraw consent subsequent to the printing of the school brochure, we regret that we will be unable to reprint brochures as the processing was lawful at the time of printing.*

**Reviewed: August 2018**