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## Data Protection Policy

### Definitions

<b>School</b>	means Scoil Chéile Chríost – Rathmore National School – Roll No 01821V.
<b>GDPR</b>	means the General Data Protection Regulation (EU) 2016/679.
<b>Responsible Person</b>	means the School Principal.
<b>Register of Systems</b>	means a register of all systems or contexts in which personal data is processed by the School.

### 1. Data protection principles

The School is committed to processing data in accordance with its responsibilities under the GDPR and the Irish Data Protection Acts 2008-2018.

Article 5 of the GDPR requires that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### 2. General provisions

- a. This policy applies to all personal data processed by the School.
- b. The School is a *data controller* of *personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community.

- c. The Responsible Person shall take responsibility for the School's ongoing compliance with this policy.
- d. This policy shall be reviewed at least annually.

### **3. Lawful, fair and transparent processing**

- a. To ensure its processing of data is lawful, fair and transparent, the School shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.
- c. Individuals have the right to access their personal data and any such requests made to the School shall be dealt with in a timely manner.

### **4. Lawful purposes**

- a. All data processed by the School must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests
- b. The School shall note the appropriate lawful basis in the Register of Systems.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the School's systems.

### **5. Data minimisation**

- a. The School shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- b. All new data collection forms will be reviewed to ensure that only the minimum data required is collected.

### **6. Accuracy**

- a. The School shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

### **7. Retention / archiving / removal**

- a. To ensure that personal data is kept for no longer than necessary, the School shall put in place a Retention Policy for each area in which personal data is processed and review this process annually.
- b. The Retention Policy shall consider what data should/must be retained, for how long, and why.

### **8. Security**

- a. The School shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.

### **9. Data Subject Rights**

Data subjects have rights under the GDPR and the School will assist individuals in exercising those rights including:

- a. The right to request a copy of any of their personal data which are being processed
- b. The right to be informed that their personal data is being collected, used, consulted or otherwise processed.
- c. If the personal data is inaccurate, the right to have the data rectified
- d. In certain circumstances, the right to have the personal data erased

- e. In certain circumstances, the right to have the data transferred to another data controller
- f. The right not to be subject to a decision based solely on automated processing
- g. The right to object to certain types of processing
- h. A limited right of restriction of processing.

## 10. Other Legal Obligations

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. For example:

- i. Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education
- j. Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School
- k. Under Section 20(5) of the Education (Welfare) Act, 2000, a principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the principal of another school to which a student is transferring
- l. 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
- m. Under Section 28 of the Education (Welfare) Act, 2000, the School may supply Personal Data kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)
- n. Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers ("SENOs")) such information as the Council may from time to time reasonably request
- o. The Freedom of Information Act, 2014, provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body
- p. Under Section 26(4) of the Health Act, 1947 a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of students attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection
- q. Under the Children First Act, 2015, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

## 11. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the School shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the Data Protection Commission (DPC).

This policy was ratified by the BOM in October 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Signed: .....

*For and behalf of the Board of Management Scoil Chéile Chríost Rathmore N.S.*

Date: ..... 31/10/2020 .....

## SCHEDULE OF PERSONAL DATA

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

### **A. Staff records:**

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

- Name, address and contact details, PPS number
- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, 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 to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).
- Medical condition/records

(b) **Purposes:** Staff records are kept for the purposes of:

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

## **B. Student records:**

(a) **Categories of student data:** These **may** include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
  - o name, address and contact details, PPS number
  - o date and place of birth
  - o names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
  - o religious belief
  - o racial or ethnic origin
  - o membership of the Traveller community, where relevant
  - o whether they (or their parents) are medical card holders
  - o whether English is the student's first language and/or whether the student requires English language support
  - o any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- School Report Cards
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements)
- Standardised Test Results
- Screening Tests such as MIST and NRIT
- Teacher-designed tests. Each class teacher designs his/her own test template.
- Diagnostic Tests and Reports
- School Support Plans
- Learning Support/Resource Data such as records of permission/refusal to access LS/RT services in the school.
- Portfolios of student work e.g. Art
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded).
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

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

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's ICT and AUP Policies.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirements
- to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an

exemption from the authorities

- to furnish documentation/ information about the student to the Department of Education and Skills (DES), the National Council for Special Education (NCSE), TUSLA, and other Schools etc. in compliance with law and directions issued by government departments

### **C. Parent records:**

(a) **Categories of parent data:** These **may** include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the related student's time in the school. These records may include:
  - o name, address and contact details, PPS number
  - o names and addresses and their contact details (including any special arrangements with regard to guardianship, custody or access)
  - o whether they are medical card holders

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

- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- to ensure that the student meets the school's admission criteria

### **D. Other (personal data) records:**

(a) **Categories of other (personal) data:** These **may** (typically) include:

- Information which may be sought by or come into the possession of the school in the course of its activities, for example volunteers, suppliers, members of the public. These records may (typically) include:
  - o name, address and contact details

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

- to enable the effective administration of the school
- to assist in the education and/or welfare of students