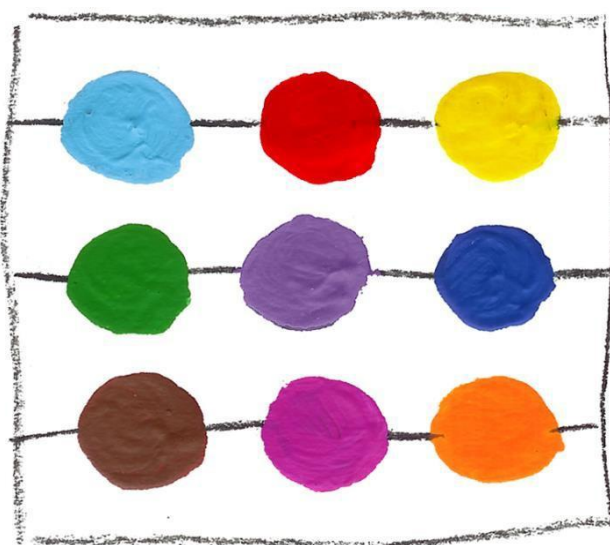


Data Protection Policy



Carrigaline Educate Together N.S.

This document is intended to provide details of the main policies of Carrigaline Educate Together National School (CETNS) relating to Data Protection. It is intended to help the school community, including staff, parents, guardians and other relevant parties to understand the environment and approach of the school. This document is regularly reviewed. All feedback is encouraged and welcome.

Version	Description	Authors
January 2010	Devising of the plan	Board of Management
November 2014	Amendments to existing policy	Board of Management
October 2016	Amendments to existing policy	Board of Management
May 2018	Amendments to existing policy- renaming of policy to Data Protection Policy	Board of Management
March 2021	Amendments to existing policy	Board of Management
February 2023	Reviewing of policy & minor amendments	Board of Management

School Contact Details

Principal: Rory Ward

Board of Management Chairperson: Eric Hurley

School Phone Number: 021-4375616

Address: Carrigaline Educate Together National School, Cherry Blossom Road, Kilnagleary, Carrigaline, Co. Cork P43YX86

Introductory Statement

The policy was originally formulated by a policy committee comprising of two members of the Board of Management, two parents and two teachers. It is reviewed regularly by members of the policy committee and/or the In-School Management Team and ratified by the Board of Management in line with best practice

The school's Data Protection Policy applies to the *personal data* held by the school's Board of Management (BOM), which is protected by the Data Protection Act 2018 and the EU General Data Personal Regulation (GDPR).

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 measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and special categories of personal data will be protected by the school.

Carrigaline Educate Together N.S. operates a "*Privacy by Design*" method in relation to Data Protection. This means we plan carefully when gathering personal data so that we build in the *data protection principles* as integral elements of all data operations in advance. We audit the personal data we hold in order to:

- be able to provide access to individuals to their data
- ensure it is held securely
- document our data protection procedures
- enhance accountability and transparency

Rationale

- In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Act 2018 and the **General Data Protection Regulation (GDPR)**
- This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared
- The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data
- It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the Principal and Board of Management to make decisions in respect of the efficient running of the School

- The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and Board of Management

Relationship to the characteristic spirit of the school

All efforts are made to ensure that this policy supports and promotes the ethos of Carrigaline Educate Together N.S.

Educate Together aims to meet a growing need in Irish society for schools that recognise the developing diversity of Irish life and the modern need for democratic management structures. In particular, Educate Together guarantees children and parents of all faiths and none equal respect in the operation and governing of education.

The schools operated by the member associations of Educate Together are fully recognised by the Irish Department of Education and work under the same regulations and funding structures as other national schools. However, they have a distinct ethos or governing spirit. This has been defined in the following terms:

- **Equality based** i.e. all children having equal rights of access to the school, and children of all social, cultural and religious backgrounds being equally respected
- **Co-educational** and committed to encouraging all children to explore their full range of abilities and opportunities,
- **Child centred** in their approach to education
- **Democratically run** with active participation by parents in the daily life of the school, whilst positively affirming the professional role of the teachers (*Source: Educate Together Charter*)

Whilst the concepts of child-centredness and co-educationalism are now widely accepted in Irish primary education, what distinguishes the Educate Together schools is their hard work in developing a culturally inclusive and democratic ethos. This has pioneered unique approaches to inclusion of minority opinions and faiths in the Irish context.

The schools have developed education programmes which open the eyes of children to the naturally positive contribution that social, religious and cultural diversity and difference of viewpoint and opinion make to society.

The other characteristic feature of these schools is that they are democratically organised and governed. This maximises the potential for building a genuine partnership between the professional, objective role of the teacher and the necessarily personal involvement of the parent in contributing to their children's education.

Information taken from the Educate Together website www.educatetogether.ie

Carrigaline Educate Together N.S. makes the distinction between denominational education and moral/religious education. The ethical curriculum followed by the school is called the Learn Together Curriculum. It is comprised of four strands: *Morality & Spirituality, Equality & Justice, Belief systems, Ethics & the environment.*

The Data Protection Policy recognises and endeavours to adopt the values that are set out in the ethos of the school. The school wishes to achieve this while fully respecting individuals' rights to privacy and rights under the Data Protection legislation. It attempts to support and sustain a harmonious environment in which potential is nurtured through the co-operation between staff, pupils, parents, board members and all other relevant parties while respecting the privacy and

data protection rights of students, staff, parents/guardians and others who interact with us.

Scope

The Data Protection legislation applies to the keeping and processing of *Personal Data*. The purpose of this policy is to:

- assist the school to meet its statutory obligations
- to explain those obligations to school staff
- to inform staff, students and their parents/guardians how their data will be treated

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school.

Definition of Data Protection Terms

In order to properly understand the school's obligations, there are some key terms, which should be understood by all relevant school staff:

- **Personal Data** means any data relating to an identified or identifiable natural person i.e. a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller
- **Data Controller:** the principal on behalf of the Board of Management is the controller
- **Data Subject:** an individual who is the subject of personal data
- **Special categories of Personal Data:** Personal Data regarding a person's:
 - racial or ethnic origin
 - political opinions or religious or philosophical beliefs
 - physical or mental health
 - sexual life and sexual orientation
 - genetic and biometric data
 - criminal convictions or the alleged commission of an offence
 - trade union membership
- **Personal Data Breach:** a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data

- transmitted, stored or otherwise processed. This means any compromise or loss of personal data, no matter how or where it occurs
- **Data Processor:** a person who processes personal information on behalf of a data controller, but **does not include an employee of a data controller** who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data. (i.e. Aladdin; esinet, Seesaw, TUSLA)
- **Data Processing:** performing any operation or set of operations on data, including:
 - Obtaining, recording or keeping the data,
 - Collecting, organising, storing, altering or adapting the data
 - Retrieving, consulting or using the data
 - Disclosing the data by transmitting, disseminating or otherwise making it available
 - Aligning, combining, blocking, erasing or destroying the data

Data Protection Principles

The Principal on behalf of the Board of Management (BOM) is the *data controller of personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the BOM is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

- **Obtain and process Personal Data fairly**
Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the school, parents/guardians of students, etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the school. All such data is treated in accordance with the Data Protection legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly
- **Consent**
Where consent is the basis for provision of personal data, (e.g. data required to join sports team/after-school activity or any other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. CETNS will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations

- **Keep it only for one or more specified and explicit lawful purposes**
The BOM will inform individuals of the reasons they collect their data and the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times
- **Process it only in ways compatible with the purposes for which it was given initially**
Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a 'need to know' basis, and access to it will be strictly controlled
- **Keep Personal Data safe and secure**
Only those with a genuine reason for doing so may gain access to the information. Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are password-protected and the laptops are encrypted by ESET Endpoint
- **Keep Personal Data accurate, complete and up-to-date**
Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. Records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change
- **Ensure that it is adequate, relevant and not excessive**
Only the necessary amount of information required to provide an adequate service will be gathered and stored
- **Retain it no longer than is necessary for the specified purpose or purposes for which it was given**
As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with Department of Education (DE) guidelines on the storage of Personal Data relating to a student. In the case of members of staff, the school will comply with both DE guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law. See **School Record Retention** table appendix 1
- **Provide a copy of their personal data to any individual on request**
Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held

Other Legal Obligations

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

Under **Section 9(g) of the Education Act, 1998**, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their

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

Under **Section 20(5) of the Education (Welfare) Act, 2000**, a Principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the Principal of another school to which a student is transferring. CETNS sends, by post, a copy of a child's *Passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled

Where reports on pupils which have been completed by professionals, apart from CETNS staff, are included in current pupil files, such reports are only passed to the Post-Primary school following express written permission having been sought and received from the parents of the said pupils

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 which is recorded through Aladdin

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, Tusla, the National Council for Special Education and other schools). The BOM must be 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; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)

Under **Section 14 of the Education for Persons with Special Educational Needs Act, 2004**, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers) such information as the Council may from time to time reasonably request

The **Freedom of Information Act 1997** provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data", as with data protection legislation. While most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of Education and Training Boards), if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education, etc.) these records could be disclosed by that body if a request is made to that body

Under Section 26(4) of the Health Act, 1947 a school shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection

Under Children First Act 2015, mandated persons in schools have responsibilities to report child welfare concerns to TUSLA- Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána)

Personal Data

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

1. Staff records:

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, second/third level students on placement and teachers engaging with the Droichead process. These staff records may include:

- Name, address and contact details, PPS number.
- Name and contact details of next-of-kin in case of emergency.
- Bank account details
- Payroll and revenue information
- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave, etc.)
- Details of work record (qualifications, classes taught, subjects, etc.)
- Details of 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 Children First Act 2015

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, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies and for compliance with legislation relevant to the school.

Location and Security procedures of CETNS:

- Manual records are kept in a secure, locked filing cabinet in locked administration office/storage rooms (i.e. Principal's Office, basement under-stairs storage room), only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on Aladdin. Access can be restricted if necessary
- The school has the burglar alarm activated during out-of-school hours.
- School laptops are encrypted with adequate firewall software
- Current files are stored in the principal and secretary's office
- Archived files in the under-stairs storage room located in the basement

2. Student records:

Categories of student data: These may include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
 - name, address and contact details, PPS number
 - date and place of birth
 - names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
 - religious belief
 - racial or ethnic origin
 - membership of the Traveller community, where relevant
 - whether they (or their parents) are medical card holders
 - whether English is the student's first language and/or whether the student requires English language support
 - any relevant additional conditions (e.g. additional educational needs, health issues- including indemnity form for administration of medicine, etc.) which may apply (data is handled in line with our Administration of Medicine Policy)
- Information on previous and current academic records (including reports, references, assessments and other records from any previous school(s) attended by the student) are stored on Aladdin
 - Psychological, psychiatric and/or medical assessments
 - School Support Plans
 - School Support Plus Plans (one is made available via Aladdin notice to parents)

- Referrals for Additional Educational Team (AET) / Visiting Teacher Service or other supplementary teaching and communications relating to this e.g. a record of parents'/guardians' decision not to allow the child to attend AET teaching
- Annual Report: an annual written report on each child's attainment levels/progress in each subject
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements) are managed in line with the school's Child Safety Statement and Smart Devices Policy
- Academic record- These include class, mid-term, annual and continuous assessment results and the results of Standardised Tests and Diagnostic Tests
- Records of significant achievements
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Acknowledgement of adherence to the of code of behaviour, signed by parents
- Records of child's breaches of code of behaviour
- 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 Children First Act 2015
- This is not an exhaustive list

Purposes: The purposes for keeping student records include:

- to enable each student to develop to his/her full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the teaching of our ethical education curriculum
- 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, e.g. 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 Smart Devices Policy and Child Safety Statement
- to ensure that the student meets the school's admission criteria

- to ensure that students meet the minimum age requirement for attendance at primary school
- 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, the National Council for Special Education, TUSLA, and other schools, etc. in compliance with law and directions issued by government departments
- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/references to second- level educational institutions

Location and Security procedures:

- Manual records are kept in a secure, locked filing cabinet in locked administration office/storage rooms (i.e. Principal's Office and basement under-stairs storage room), only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access
- Digital records are stored on Aladdin. Access can be restricted if necessary
- The school has the burglar alarm activated during out-of-school hours
- Laptops are encrypted with adequate firewall software
- Current student files are stored in the principal and secretary's office
- Archived files in the under-stairs storage room located in the basement

3. Board of Management records:

Categories of Board of Management data:

- 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 individuals

Purposes:

- To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of Board appointments and decisions

Location and Security procedures:

- Manual records are kept in a secure, locked filing cabinet in locked administration office/storage rooms (i.e. Principal's Office, Caretaker's storage room) only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access
- Digital records are stored on Aladdin. Access can be restricted if necessary
- The school has the burglar alarm activated during out-of-school hours

- Laptops are encrypted with adequate firewall software
- Current student file are stored in the principal and secretary's office
- Archived files in the data room located in the basement

4. Other Records:

Creditors

Categories of Board of Management 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

Purposes: The purposes for keeping creditor records are:

- 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

Location and Security procedures:

- Manual records are kept in a secure, locked filing cabinet in a locked administration office/storage room. Employees are required to maintain the confidentiality of any data to which they have access
- Digital records are stored on password-protected computer and in a locked office/room/drawer
- The school has the burglar alarm activated during out-of-school hours
- Laptops are encrypted with adequate firewall software

Charity Tax-back Forms Categories of Board of Management 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
- gross amount of donation

Purposes:

The purposes for keeping creditor records are:

- 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 event of an audit by the Revenue Commissioners.

Location and Security procedures:

- Manual records are kept in a secure, locked filing cabinet in a locked administration office/storage room only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on password-protected computer and in a locked office/room/drawer.
- The school has the burglar alarm activated during out-of-school hours.
- Laptops are encrypted with adequate firewall software.
- Archived files in the storage ~~data~~ room located in the basement

School Rental Licence Agreements:

The school may hold the following data in relation to companies who rent the school:

- name
- address
- telephone number
- PPS number
- signature

Purposes:

The purposes for keeping school rental licence agreements are:

- 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.

Location and Security procedures:

- Manual records are kept in a secure, locked filing cabinet in a locked administration office/storage room only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have

access.

CCTV Images / recordings

CCTV is installed in CETNS.

Purposes:

The purpose of CCTV is for the safety and security of staff, students and visitors and to safeguard school property and equipment

Security:

- Access to images is open to anyone in the secretary's office. The images are visible on a screen that is faced away from the visitor's window
- Access to the recordings is restricted to the Principal, In-school Management Team, School Secretary and School Caretaker. Recordings are retained for 7 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to Data Protection Acts legislation.

Location and Security procedures:

- Cameras are installed - ten externally covering the perimeter of the school building. Fifteen cameras are installed internally; seven on the ground floor, six on the level one and two in the basement. When the new wing is operational later this year, more cameras will be added. They will follow the same procedures outlined here
- These CCTV systems may record images of staff, students and members of the public who visit the premises.
- The viewing station is in the main school administration office. Control of these cameras and their recordings is located on the Caretaker's password-protected computer in the locked DCC room on the first floor.

Examination Results

The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual and continuous assessment results and the results of Standardised Tests and Diagnostic Tests

Purposes: The main purpose for which these examination results are held is to:

- monitor a student's progress
- to provide a sound basis for advising them and their parent/guardian about educational attainment levels and recommendations for the future
- the data may also be aggregated for statistical/reporting purposes, such as to compile results tables
- the data may be transferred to the Department of Education, the National Council for Curriculum and Assessment and other schools to which pupils move

Location and Security procedures:

- Manual records are kept in a secure, locked filing cabinet in a locked administration office-principal's office only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on Aladdin
- The school has the burglar alarm activated during out-of-school hours
- Laptops are encrypted with adequate firewall software
- Current student files are stored in the principal and secretary's office
- Archived files in the data room located in the basement

Links to other Policies and to Curriculum Delivery:

Our school policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place or being developed or reviewed, shall be examined with reference to the *Data Protection Policy* and any implications which it has for them shall be addressed. This is not an exhaustive list

- Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education's pupil online database
- Child Safety Statement
- Anti-Bullying Policy
- Code of Behaviour
- Admissions and Participation Policy
- Administration of Medicines Policy
- CCTV Policy
- Digital Technologies Policy
- Additional Educational Needs Policy
- Critical Incident Management Plan
- Non-staff Access Policy
- Attendance Procedure
- Garda Vetting Policy
- Autism Classes Policy

Processing in Line with a Data Subject's Rights

Data in this school will be processed in line with the data subject's rights. Data subjects have a right to:

- Know what personal data the school is keeping on them
- 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
- Ask to have data erased once it is no longer necessary or irrelevant.

Data Processors

- Where the school outsources to a data processor off-site (i.e. Aladdin, Esinet, Seesaw), it is required by law to have a written contract in place (Written Third party service agreement).
- CETNS's third party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract

Personal Data Breaches

- All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours
- When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BOM must communicate the personal data breach to the data subject without undue delay
- If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BOM) without undue delay.

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
- Request must be responded to within one month
- An extension may be required e.g. over holiday periods
- No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive
- No personal data can be supplied relating to another individual apart from the data subject

Providing Information Over the Phone

An 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:

- Ask that the caller put their request in writing
- Refer the request to the Principal for assistance in difficult situations
- Not feel forced into disclosing personal information

Roles & Responsibilities

- The BOM is the data controller and the Principal implements the Data Protection Policy,

ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities

- The BOM, Principal and Parent Association will notify parents of their entitlements and the procedures they should follow by making this policy available on the website and through including relevant information in relation to data protection in other policies

Implementation Date

This Record Keeping and Data Policy was implemented by February 2010. Amendments to the policy and renaming to Data Protection Policy was made in May 2018 and will take immediate effect following ratification by the Board of Management. All further updates are implemented immediately.

Timetable for Review

The operation of the policy will be reviewed and, if necessary, amended every three years or in accordance with further updates in legislation.

Ratification & Communication

The proposed policy was communicated to members of the Board of Management prior to a meeting on 23 February 2023. It was formally ratified on this date.

Parents will be made aware in the next school communication that the policy is available for viewing on the school website. A copy of the policy will be available for the staff to view on Google Drive.

Signed: _____

Date: _____

CHAIRPERSON of the BOM

Appendix 1

(Originally taken from

*[http://www.dataprotectionschools.com/en/Data-Protection-Guidelines/Records- Retention/](http://www.dataprotectionschools.com/en/Data-Protection-Guidelines/Records-Retention/)
-updated as required as per guidance from patron)*

Records Retention Schedule

Carrigaline Educate Together N.S. (CETNS)

Retention of Records

Schools, as data controllers, must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, CETNS has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

IMPORTANT: In all cases, schools should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/board of management/an officer or employee of the school (which may include a volunteer)), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statute of Limitations may be different in every case. In all cases where reference is made to “18 years” being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school must be aware that in some situations (such as the case of a student with additional educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations **may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by schools on a case-by-case basis.**

In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school/ETB should be aware that the claim could arise many years after the incident complained of and the courts/tribunals/employment fora may not consider the complainant to be “out of time” to make their claim.

Student Records	Primary	Comments
Registers/Roll books	Indefinitely	Indefinitely. Archive when class leaves + 2 years
State exam results	N/A	SEC responsibility to retain, not a requirement for school/to retain.

Records relating to pupils/students	Primary	Confidential shredding	Comments
Enrolment Forms	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Student transfer forms (Applies from primary to primary; from one second-level school to another)	If a form is used- Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Disciplinary notes	Never destroy	N/A	Never destroy
Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
End of term/year reports	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of school tours/trips, including permission slips, itinerary reports	Never destroy	N/A	Never destroy
Scholarship applications e.g. Gaeltacht, book rental scheme	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Garda vetting form & outcome - STUDENTS	N/A as primary schools pupils will not be undergoing vetting	Confidential shredding	Record of outcome retained for 12 months. School to retain the reference number and date of disclosure on file, which can be checked with An Garda Siochana in the future.

Sensitive Personal Data Students	Primary	Final disposition	Comments
Psychological assessments	Indefinitely	N/A - Never destroy	Never destroy
Special Education Needs' files, reviews, correspondence and Individual Education Plans	Indefinitely	N/A	Never destroy
Accident reports	Indefinitely	N/A	Never destroy
Child protection records	Indefinitely	N/A	Never destroy
Section 29 appeal records	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Enrolment/transfer forms where child is not enrolled or refused enrolment	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of complaints made by parents/guardians	Depends entirely on the nature of the complaint.	Confidential shredding or N/A, depending on the nature of the records.	Depends entirely on the nature of the complaint. If it is child-safeguarding, a complaint relating to teacher-handling, or an accident, then retain indefinitely. Never destroy. If it is a complaint of a more mundane nature (e.g. misspelling of child's name, parent not being contacted to be informed of parent-teacher meeting) or other minor matter, then student reaching 18 years + 7 years (6 years in which to take a claim, and 1 year for proceedings to be served on school)

Staff Records	Primary	Final disposition	Comments
Recruitment process Note: these suggested retention periods apply to unsuccessful candidates only. They do NOT apply to successful candidates, or candidates who are/were also	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.

employees already within your school applying for another post/position. For successful candidates, or candidates who are/were also employees already within your school applying for another post/position, see retention periods set out below.			
Applications & CVs of candidates called for interview	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Database of applications	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Selection criteria	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Applications of candidates not shortlisted	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Unsolicited applications for jobs	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Candidates shortlisted but unsuccessful at interview	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Candidates shortlisted and are successful but do not accept offer	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Interview board marking scheme & board notes	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Panel recommendation by interview board	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the

			school that a claim is being taken.
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Staff personnel files (whilst in employment)	Primary	Final Disposition	Comments
e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training etc.		Confidential shredding. Retain an anonymised sample for archival purposes.	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Application &/CV	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Qualifications	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
References	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview: database of applications (the section which relates to the employee only)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Selection criteria	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview board marking scheme & board notes	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Panel recommendation by interview board	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Recruitment medical	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for

			proceedings to be served on the school)
Job specification/ description	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Contract/Conditions of employment	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Probation letters/forms	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
POR applications and correspondence (whether successful or not)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Leave of absence applications	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job share	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Career Break	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Maternity leave	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Paternity leave	✓	Confidential shredding	Retain for 2 years following retirement/resignation or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater).
Parental leave	✓	Confidential shredding	Must be kept for 8 years - Parental Leave Act 1998 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

			(whichever is the greater). There is a statutory requirement to retain for 8 years.
Force Majeure leave	✓	Confidential shredding	Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Carers leave	✓	Confidential shredding	Must be kept for 8 years - Carer's Leave Act 2001 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years
Working Time Act (attendance hours, holidays, breaks)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school). There is a statutory requirement to retain for 3 years
Allegations/complaints	✓	ETB one doesn't have a time period advised	Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). Please note the relevant DE Circular re Disciplinary Procedures in relation to the period of time for which a warning remains "active" on an employee's record.
Grievance and Disciplinary records	✓		Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). Please note the relevant DE Circular re Disciplinary Procedures in relation to the period of time for which a warning remains "active" on an employee's record.

Occupational Health Records	Primary	Confidential Shredding	Comments
Sickness absence records/certificates	✓	Confidential shredding	Re sick leave scheme (1 in 4 rule) ref DE C/L 0060/2010 Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in

			which case, do not destroy.
Pre-employment medical assessment	✓	Confidential shredding Or do not destroy?	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Occupational health referral	✓	Confidential shredding Or Do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Correspondence re retirement on ill-health grounds	✓	Confidential shredding Or Do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Accident/injury at work reports	✓	Confidential shredding	Retain for 10 years, or the duration of the employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), whichever is the greater (unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy).
Medical assessments or referrals	✓	Confidential shredding Or Do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless Medmark assessment relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Sick leave records (sick benefit forms)	✓	Confidential shredding	In case of audit/refunds, Current year plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Superannuation /Pension /Retirement records	Primary	Final Disposition	Comments
Records of previous service (incl.	✓	N/A	DE advise that these should be kept indefinitely.

correspondence with previous employers)			
Pension calculation	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Pension increases (notification to Co. Co.)	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Salary claim forms	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)

Government returns	Primary	Final disposition	Comments
Any returns which identify individual staff/pupils,	✓	N/A	Depends upon the nature of the return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DE guidelines. If it relates to information on students, e.g. October Returns, Annual Census etc., keep in line with "Student Records" guidelines above.

Board of Management Records	Primary	Final disposition	Comments
Board agenda and minutes	✓	N/A	Indefinitely. These should be stored securely on school property
School closure	✓		On school closure, records should be transferred as per Records Retention in the event of school closure/amalgamation . A

			decommissioning exercise should take place with respect to archiving and recording data.
Other school based reports/minutes	Primary	Final disposition	Comments
CCTV recordings	✓	Safe/secure deletion.	28 days in the normal course, but longer on a case- by-case basis e.g. where recordings/images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage/vandalism to school property and where the images/recordings are retained to investigate those issues.
Principal's monthly report including staff absences	✓	N/A	Indefinitely. Administrative log and does not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".

Financial Records	Primary	Comments
Audited Accounts	✓	Indefinitely
Payroll and taxation	✓	Revenue Commissioners require that records be kept for at least six years after the end of the tax year. Records must be made available for inspection by authorised officers of the Revenue Commissioners or of the Dept. of Social Protection. Note: The DE requires of schools that "pay, taxation and related school personnel service records should be retained indefinitely within the school. These records can be kept either on a manual or computer system.
Invoices/back-up records/receipts	✓	Retain for 7 years

Promotion process	Primary	Final Disposition	Comments
Posts of Responsibility	✓	N/A	Retain indefinitely on master file as it relates to pay/pension etc. (See DE guidelines)
Calculation of service	✓	N/A	Retain indefinitely on master file
Promotions/POR Board master files	✓	N/A	Retain indefinitely on master file
Promotions/POR Boards assessment report files	✓	N/A	Retain original on personnel file in line with retention periods in "Staff Records" retention guidelines above
POR appeal	✓	N/A	Retain original on personnel file, and copy of

documents			master & appeal file. Retain for duration of employment + 7 years (6 years in which to take a claim, plus 1 year to serve proceedings on school). Copy on master and appeal file.
Correspondence from candidates re feedback	✓	N/A	Depends upon nature of feedback. If feedback is from unsuccessful candidate who is not an employee within the school, keep in line with retention periods in "Staff Records" above. If feedback is from successful candidate or from unsuccessful candidate who is already an employee within the school, keep in line with "Staff personnel while in employment" above.