



## **Policy on GDPR - General Data Protection Regulation**

The Board of Management in Knocknagree NS is the Data Processor. The school, through the power of the Board of Management, needs to hold personal information about your child on our computer system and in paper records to help us with their educational needs.

### 1. DATA PROTECTION AND SCHOOLS

1.1: On 25th May 2018 the provisions of the GDPR enhanced and reformed all existing Irish Data Protection Acts. These provisions enhance the rights of Data Subjects and place certain onuses on Data Processors and Data Controllers.

1.2: Schools gather, store and process information about people – school staff members, parents, children, suppliers, etc. - and are therefore subject to the GDPR. The GDPR emphasises transparency, security and accountability by Data Controllers and Data Processors, while at the same time standardising and strengthening the right of European citizens to data privacy.

1.3: Schools hold data on pupils, parents and staff. Schools are obligated to seek, hold and process such information in compliance with Data Protection rules.

### 2. THE 8 RULES OF DATA PROTECTION

1. Obtain and process information fairly
2. Keep it for one or more specified, explicit and lawful purposes
3. Process it only in ways compatible with the purpose for which it was given initially
4. Use and disclose it in ways compatible with these purposes
5. Keep it safe and secure
6. Ensure it is adequate and not excessive
7. Retain no longer than necessary
8. A copy of the data must be made available to the data subject on request.

#### 2.1: THE FUNDAMENTAL PRINCIPLE OF DATA PROCESSING

"The data or, as the case may be, the information constituting the data shall have been obtained, and the data shall be processed, fairly". This is the fundamental principle of data protection.

## 2.2: THE LEGAL FRAMEWORK UNDERPINNING DATA PROTECTION IN IRELAND.

- Data Protection Acts 1998 to 2018
- EU Data Protection Directive 95/46/EC
- EU GDPR 2018

2.3: The (European Union) General Data Protection Regulation (GDPR) gives data subjects the right to request from schools whatever data is being stored about them and to withdraw consent to its use, effectively ordering its destruction. This request must be free of charge, easy to make, and must be fulfilled within one month. However, a school is entitled to hold lawfully obtained data about pupils in order for it to carry out its business.

2.4: The Data Protection legislation enables parents and pupils over 18 years to enquire whether schools are processing information about them and, if so, to access that information. It enables these individuals to ensure that personal information about them is being fairly processed and if not, to have that personal information rectified or erased.

2.5: Any Data Subject about whom the school holds personal data has a right to find out, free of charge, if a person (an individual or an organisation) holds information about him/her. The Data Subject also has a right to be given a description of the information and to be told the purpose(s) for holding the information.

2.6: Applications for the release of data should always be in writing (rather than over the phone) and should state the purpose for which it is required

2.7: If Data is disclosed unintentionally or hacked: Data controllers are under a specific obligation to take appropriate measures to protect the security of such data.

2.8: A data breach occurs where an incident gives rise to a risk of unauthorised disclosure, loss, destruction or alteration of personal data, in manual or electronic form. In that instance, the data controller must inform the Office of the Data Protection Commissioner within 72 hours of the breach. In instances where the data controller believes there is a serious risk to the rights and freedoms of data subjects, they must give immediate consideration to informing the data subjects affected. Such information permits data subjects to consider the potential consequences and to take appropriate measures. In appropriate cases, data controllers should also notify organisations that may be in a position to assist in protecting data subjects including, where relevant, An Garda Síochána, financial institutions, etc.

2.9: All incidents of loss of control of personal data in manual or electronic form by a data processor must be reported to the relevant data controller as soon as the data processor becomes aware of the incident. All data processors must be aware of this and the message must be reinforced through training. In case of doubt, in particular any doubt related to the adequacy of technological risk

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mitigation measures, the data controller should report the incident to the Office of the Data Protection Commissioner within 72 hours of the breach.

### 3.1: THE SCHOOL HOLDS DATA ON:

- Data on Pupils
- Data on Parents
- Data on Staff – Teachers, SNAs, Ancillary Staff
- Data on Volunteers
- Data on Tradespeople – Electricians, Plumbers etc.
- Data on Educational Supply Companies – Company Representatives
- Data on Professional Service Providers – Accountants, Lawyers etc.
- Data on Third Party Processors – School Administration software, School Accounting etc.
- Data on Local Emergency Services – Gardaí, Medical, Fire Brigade etc.

### 3.2: DATA ON PUPILS:

Knocknagree NS, holds data on pupils and is a data controller. The information held includes:

- Personal Information (name, unique pupil number and address)
- PPSN – Personal Public Service Number
- Characteristics (country of birth, ethnicity, language of the home, nationality, religion)
- Attendance information
- Assessment records
- Medical conditions
- Special Educational Needs and Disability
- Behaviour and Exclusions
- School pupils attend after they leave Knocknagree NS

This information is stored on our school computer system and through a secure database called ALADDIN, some of which is also kept as a hard copy in the school office.

**Why we collect the data:**

- To support learning
- To monitor progress
- To provide pastoral care
- To be able to make child protection referrals
- To comply with the law
- To safeguard pupils

**Who we share information with:**

- Schools that pupils attend after leaving Knocknagree NS
- The Department for Education – Primary Online Database, NCSE – National Council for Special Education, NEPS – National Educational Psychological Service, SESS – Special Education Support Service.
- The Department of Social Protection
- TUSLA – Child Protection, NEWB – National Education Welfare Board
- The HSE – Health Service Executive
- An Garda Síochána
- The Revenue Commissioners
- The Court Services, on foot of a court order.

Knocknagree NS will never pass on pupil details to another group without parent / guardian permission.

<b>Pupil Related</b>	<b>Retention Period</b>
School register/roll books	Indefinitely
Enrolment forms	Hold until pupil is 25 years
Disciplinary notes	Never destroy
Test results – standardised	Hold until pupil is 25 years
Psychological assessments etc.	Never destroy
SEN files/IEPs	Never destroy
Accident reports	Never destroy
Child protection reports/records	Never destroy
S.29 appeals	Never destroy
<b>Interview Records</b>	<b>Retention Period</b>
Interview Board	18 months from close of competition plus 6
Marking scheme	months in case Equality Tribunal needs to inform
Board of Management notes (for unsuccessful	

candidates)	school that a claim is being taken
<b>Staff Records</b>	<b>Retention Period</b>
Contract of employment Teaching Council registration Vetting records Accident/Injury at work reports	Retention for duration of employment + 7 years (6 years to make a claim against the school plus 1 year for proceedings to be served on school)
<b>Board Of Management Records</b>	<b>Retention Period</b>
BOM agenda and minutes CCTV recordings  Payroll & taxation  Invoices/receipts  Audited accounts	Indefinitely 28 days normally. In the event of criminal investigation – as long as is necessary ( Not Applicable at the moment)  Revenue require a 6-year period after the end of the tax year  Retain for 7 years  Indefinitely

To be reviewed, redrafted and ratified by the Board of management in October 2022

Signed: \_\_\_\_\_  
(Chairperson of Board of Management)

Signed: \_\_\_\_\_  
(Principal)

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

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