



Ratified by BOM November 2019

Moate Community School Data Protection Policy

This policy is rooted in the Mission Statement and aims of the school, fostering partnership between parents, teachers and the community in the interest of children's learning. All members of the school community will be treated with respect and compassion irrespective of social, racial, sexual or ethnic background.

The policy was formulated by the Management of the School in consultation with key personnel in the area of data management.

- The policy applies to the keeping and processing of all personal data, both in manual form and on computer, including personal data held on both school staff and students.
- 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.

Key Terms & Key Personnel:

Data: means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system).

Relevant filing system: means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily accessible.

Personal data: means data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

Data Controller: A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the principal acting for the Board of Management in exercising the functions involved.

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

- Racial or ethnic origin
- Political opinions or religious or philosophical beliefs
- Physical or mental health or condition
- Sexual life
- Criminal convictions or the alleged commission of an offence, any proceedings for an offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings
- Trade union membership

Data Protection Officer:

The Principal



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Data Controller:

BOM

Data Processors:

Staff of Moate Community School

Moate Community School will undertake regular reviews of internal procedures and changes in the legislation to ensure compliance with GDPR

Rationale

- Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts) and the GDPR (General Data Protection Regulation) Act May 2018
- 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 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 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.
- 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 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 on 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 TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Goals and Objectives of the Policy

1. To ensure that the school complies with the Data Protection Acts.
2. To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts



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3. To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.
4. To ensure all staff are aware of their obligation as regards data protection – Data Policy and Records Retention Schedule will be used to ensure people are clear on the process.

PERSONAL DATA HELD BY SCHOOL

- 1. Student Data**
- 2. Staff Data**
- 3. Board of Management Data**
- 4. Creditors/Debtors Data**
- 5. October Returns Data**
- 6. Other Data**

STUDENT DATA

This includes:

- Information sought and recorded at enrolment, includes:
 - name, address and contact details, PPS number
 - names and addresses of parents/guardians and their contact details
 - religious belief
 - racial, ethnic or national origin
 - membership of the Traveller community, where relevant
 - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record
- Psychological assessments
- Attendance Records
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Records of disciplinary issues and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.

These records will be kept in manual and computer format.

It is the responsibility of parents/guardians to inform the school of any update to their son/daughter's data.

Storage of data:

Student data is kept both in manual form, within a relevant secure filing system and on computer files with appropriate measures in place to prevent unauthorised access. All storage areas for data are locked, alarmed and CCTV monitored. Computer files require a password and employees are required to maintain the confidentiality of any data to which they have access.

Purpose of collecting student data



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- 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 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 son/daughter's educational progress
- to meet the educational, social, physical and emotional requirements of the student
- 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 student meets the school's admission criteria
- to ensure that students meet the minimum age requirements for their course,
- to ensure that any student seeking an exemption from Gaeilge 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, 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 third-level educational institutions and/or prospective employers.

STAFF DATA

Information sought and recorded includes:

- Name, address and contact details, PPS number
- Original records of application and appointment
- Record of appointments 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 complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.
- 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).

It is the responsibility of the staff member to notify the school of any update to their data:

Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.

Storage of data:



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Staff data is kept both in manual form, within a relevant filing secure system and on computer files, with appropriate measures in place to prevent unauthorised access. Computer files require a password and employees are required to maintain the confidentiality of any data to which they have access

Purpose of collecting Staff data

- to facilitate the management and administration of school business
- to facilitate the payment of staff, and calculate other benefits/ entitlements
- to facilitate pension payments in the future
- to manage human resources
- to record 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 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, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- for compliance with legislation relevant to the school.

BOARD OF MANAGEMENT DATA

Information sought and recorded includes:

- Name, address and contact details of each member of the Board of Management
- Records in relation to appointments to the board
- Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.

Storage of data:

Board of Management data is kept both in manual form, within a relevant secure filing system and on computer files, with appropriate measures in place to prevent unauthorised access. Computer files require password and employees and Board of Management members are required to maintain the confidentiality of any data to which they have access.

Purpose of collecting Board of Management Data

- To allow the BOM to operate in accordance with the Education Act 1998 and other applicable legislation.
- A record of Board appointments.
- Record of Board attendance and minutes.
- Documenting decisions made by the Board.

CREDITOR'S/DEBTOR'S DATA



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The school may hold some or all of the following information about creditors and/or debtors:

- name
- address
- contact details
- PPS number
- tax details
- bank details
- amount paid
- amount owed

Storage of data:

Creditor/Debtor's data is kept both in manual form, within a relevant secure filing system and on computer files, with appropriate measures in place to prevent unauthorised access. Computer files require password and employees and Board of Management members are required to maintain the confidentiality of any data to which they have access.

Purpose of retaining creditor's/debtor's data

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.

OCTOBER RETURNS DATA

At the beginning of each academic year (and for 1st year or transferring students, on enrolment) parents/guardians and students are asked to provide the school with certain information so that the School can make returns to the Department of Education and Skills ("DES") referred to as "October Returns". These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians and students on the basis of explicit and informed consent.

The October Return contains individualised data (such as an individual student's PPS number) which acts as an identifier for the DES to validate the data that belongs to a recognised student. The DES also transfers some of this data to other government departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts.

The data will also be used by the DES for statistical, policy-making and research purposes. However the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has a data protection policy which can be viewed on its website (www.education.ie). The DES has also published a "Fair Processing Notice" to explain how the personal data of students and



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contained in October Returns is processed. This can also be found on www.education.ie (search for Circular Letter 0047/2010 in the “Circulars” section).

Storage of data:

Personal data pertaining to October Returns is kept both in manual form, within a secure relevant filing system and on computer files, with appropriate measures to prevent unauthorised access. Computer files require password and employees are required to maintain the confidentiality of any data to which they have access.

Purpose of seeking and retaining personal data pertinent to October returns:

The school asks parents/guardians and students to complete October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the school.

OTHER DATA

Other data held by the school includes:

CCTV Data: this is dealt with in the attached CCTV policy.

Images of children: This is dealt with in the Policy on Taking/Using Images and Photographs



Details of arrangements in place to ensure compliance with the Eight rules of data protection

All staff who work within Moate Community School have responsibility for ensuring data is collected, stored and handle appropriately. Each person who handles personal data must ensure that it is handled and processed in line with this policy and data protection principles.

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

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

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

“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.”

1. Obtaining and processing information fairly/ Awareness and Training

- 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. Information in relation to this will be detailed in Student Journal, Parent's Handbook and Teacher's Manual. Staff and Board members will be made aware of their responsibilities through appropriate training, with refresher training as necessary.
- A Statement is included on all relevant forms where personal information is being requested explaining its purpose and who it is for e.g. Enrolment forms, Tour permission slips, work experience forms etc.
- Information is processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, parents/guardians or students, where required. See *A Guide for Data Controllers*)
- Sensitive personal information is processed fairly in accordance with the Data Protection Acts, with explicit consent being obtained from staff members,



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parents/guardians or students, where required. See *A Guide for Data Controllers*

2. Information kept for one or more specified, explicit and lawful purposes:

The people whose data is collected will be informed of the reason/s why it is collected and kept at the time of collection.

- The purpose for which the data is collected and kept will be lawful and in compliance with GDPR
- School management are aware of the different sets of data which are kept and the specific purpose of each
- A record of retention will outline the storage time of data (See Records Retention Schedule attached)

3. Use and compatibility with these purposes:

- Data will be used only in ways consistent with the purpose/s for which it was obtained.
- The School will follow the direction detailed in the Education Welfare Act, 2000

Under Section 20 of the Education (Welfare) Act, 2000, each school principal must maintain a register with the names of all children attending that school. When a child is transferring from the school, the principal must notify the principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate. Under Section 28 of the Act, schools may supply personal data, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:

1. The Minister for Education and Science (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
2. The National Council for Special Education (NCSE)
3. The National Educational Welfare Board (NEWB)
4. Each school recognised in accordance with section 10 of the Education Act, 1998
5. Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.

Personal data will only be disclosed to third parties, including the Department of Education and Science, the NEWB, Gardaí, in legal proceedings, HSE personnel under guidelines set out under the Data Protection Acts.

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 (see 9 below).



4. Safety and Security

- Access to the information (including authority to add/amend/delete records) is restricted to authorised staff (Principal, Deputy Principals and staff with a specific delegated responsibility) on a “need to know” basis.
- 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 in operation for computer held data, including off-site back-up.
- All reasonable measure taken to ensure that staff are made aware of the security measures, and comply with them.
- All waste papers, printouts etc. disposed of carefully, shredder in staff room and in the main office.
- Appropriate 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 will be periodic reviews of the measures and practices in place.
- The premises are locked and alarmed when not in use. The Front office is a specialist key and also has keypad access to only authorised staff.
- The Principals office is keypad access only.

5. Accuracy and Updating:

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

Note: While this rule applies to all computer held data and any new manual records created from July 2003, it will only apply to existing manual records from October 2007.

6. Adequacy, Relevance and Suitability of Information

- The information held will be adequate in relation to the purpose/s for which it is kept
- The information held will be relevant in relation to the purpose/s for which it is kept
- The information held will not be excessive in relation to the purpose/s for which it is kept

Note: While this rule applies to all computer held data and any new manual records created from July 2003, it will only apply to existing manual records from October 2007.

7. Retention Period

- Record of Retention Policy is in place (see attached copy)



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Note: While this rule applies to all computer held data and any new manual records created from July 2003, it will only apply to existing manual records from October 2007.

In general, personal data will not be kept for any longer than is necessary to fulfil the function for which it was first recorded. Retention times cannot be rigidly prescribed to cover every possible situation and schools need to exercise their individual judgement in this regard in relation to each category of records held. However, the following particular requirements should be met:

- School registers and roll books are required to be kept indefinitely within the school.(Consideration is being given to amending the Data Protection Acts to allow schools to deposit completed school registers and roll books which are no longer required for administrative purposes with the Local Authority Archive Service. The Department will notify schools of any changes to the Acts in this regard.)
- Pay, taxation and related school personnel service records will be retained indefinitely within the school.
- Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property), the relevant records should be retained until the possibility of litigation ceases.

Note: The statute of limitations in relation to personal injuries is currently two years. The limitation period for other causes of action varies, but in most cases is not greater than six years. A limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim. In the case of minors, the limitation period does not begin to run until they reach their 18th birthday or later if the date of knowledge post-dates their 18th birthday. While schools may wish to draw up their own policies as to how long to retain such records, it would appear prudent not to destroy records likely to be relevant in litigation at least until the six year limitation period has expired.

The school will endeavour to follow the suggestion that the information on student files might, as a general rule, be retained for a period of six years after the student has completed the Senior Cycle and/or reached the age of 18.

8. Data Breaches:

A data breach is an incident in which personal data has been lost, accessed and or disclosed in an unauthorised fashion. All school personnel have a responsibility to take immediate action if there is a data breach.

All data breaches will be fully investigated and appropriate steps taken to ensure continued security of all data. Disciplinary action and the involvement of the Gardaí will be considered as necessary.



9. Processing Data Access Requests

The Data Protection Acts, 1988 and 2003 provide for a right of access by an individual data subject to personal information held by Moate Community School, Moate, Co. Westmeath. A person seeking information, the Data Subject, is required to familiarise himself/herself with this policy and complete the data access request form (see Appendix 1). This may apply to a staff member or student seeking information on his or her own behalf or maybe a parent/guardian seeking information on behalf of his or her own son/daughter. No information will be supplied that relates to another individual.

There may be some data held by the school which may be of a sensitive nature and the school will have regard to the following guidance issued by the Office of the Data Protection Commissioner in relation to releasing such data:

- A student aged eighteen years or older (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student aged eighteen years or older has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student.
- While a student aged from twelve up to and including seventeen can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:
 - If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
 - If the information is of a sensitive nature, parental/guardian consent will be sought before releasing the data to the student
 - If the information would be likely to be harmful to the individual concerned, parental/guardian consent will be sought before releasing the data to the student

To make an access request, an individual must:

- apply in writing
- give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
- pay an access fee if the school wishes to charge one. The school need not do so, but if it does it cannot exceed the prescribed amount of €6.35.

There are a number of exceptions to the general rule of Right of Access, including those specified in Notes A and B below.

- A. *Parents making access requests on behalf of their son/daughter*
- B. *Where a parent/guardian makes an access request on behalf of their son/daughter (a student aged under 18 years), the right of access is a right*



of the data subject (i.e. it is the student's right). In such a case, the access materials will be sent to the son/daughter, not to the parent who requested them. This means that the access request documentation will be sent to the address at which the student is registered on the school's records and will be addressed to the son/daughter. Where a parent/guardian is unhappy with this arrangement, the parent/guardian is invited to make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court (on application by a guardian) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent/guardian, a copy of the order should be given to the school by the parent/guardian and the school can release the data on foot of the court order

Procedural Steps in Making a Data Access Request:

1. The Data Subject should apply in writing requesting access to your data under section 4 Data Protection Acts or, alternatively, request an Access Request Form (Appendix 1) which will assist the school in processing the access request more quickly.

2. The Data Subject will be provided with a form which will assist the school in locating all relevant information that is held subject to the exceptions and prohibitions as outlined by GDPR regulations. The school reserves the right to request official proof of identity (e.g. photographic identification such as a passport or driver's licence) where there is any doubt on the issue of identification

3. On receipt of the Access Request Form, the Principal will check the validity of the access request and check that sufficient information to locate the data requested has been supplied. It may be necessary for the Principal to contact the data subject in the event that further details are required with a view to processing the access request.

4. The Principal will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.

5. The Principal will ensure that all relevant manual files and computers are checked for the data in respect of which the access request is made.

6. The Principal will ensure that the information is supplied promptly and within the advised timeframes in items 7, 8 and 9 as appropriate.

7. Where a request is made under Section 3 of the Data Protection Acts, the following information will be supplied: (I) what the school holds by way of personal information about the data subject (or in the case of a request under Section 3 made by a parent/guardian of a student aged under 18 years, then the personal information held about that student) and (ii) a description of the data together with details of the purposes for which his/her data is being kept. Actual copies of personal files will not be supplied. No personal data can be supplied relating to another individual. A response to a request will be provided within 21 days of receipt of the access request form and no fee will apply.



8. Where a request is made under Section 4 of the Data Protection Acts, the following information will be supplied within 40 days and an administration fee of €6.35 will apply. The Data Subject is entitled to:

- a copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts applies, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner) - be advised of the purpose/s for processing his/her data - be advised of the identity (or the categories) of those to whom the data is disclosed - be advised of the source of the data, unless it is contrary to public interest

9. Where a request is made with respect to examination results an increased time limit of 60 days from the date of the first publication of the results or from the date of the access request, whichever is the later will apply.

10. Before supplying the information requested by the Data Subject (or where the access request is made on behalf of a student aged under 18 years, information relating to that student), the Principal will check each item of data to establish:

If any of the exemptions or restrictions set out under the Data Protection Acts apply, which would result in that item of data not being released, or where the data is health data, whether the obligation to consult with the data subject's medical practitioner applies, or where the data is social work data, whether the prohibition on release applies.

11. If data relating to a Third Party is involved, it will not be disclosed without the consent of that Third party or alternatively the data will be anonymised in order to conceal the identity of the third party. Where it is not possible to anonymise the data to ensure that the Third Party is not identified, then that item of data may not be released.

12. Where a school may be unsure as to what information to disclose, the school reserves the right to seek legal advice.

13. The Principal will ensure that the information is provided in an intelligible form (e.g. codes explained) where possible.

14. The documents supplied will be numbered where appropriate.

15. The Principal will sign off on the data supplied.

16. The school reserves the right to supply personal information to an individual in an electronic format e.g. on USB, CD etc.

17. Where a subsequent or similar access request is made after the first request has been complied with, the school has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.

18. Where an individual data subject may seek to rectify incorrect information maintained by the school, he/she should notify the school and a form will be supplied for this purpose. The data subject should however note that the right to rectify or delete personal data is not absolute. He/she has the right to make a complaint to the



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Data Protection Commissioner about a refusal. Where the school declines to rectify or delete the personal data as instructed, the school may propose to supplement the personal record, pursuant to section 6(1) (b) Data Protection Acts.

19. In circumstances where access request is refused Moate Community School will write to the data subject explaining the reasons for the refusal and the administration fee, if provided, will be returned. In such circumstances, the Data Subject has the right to make a complaint to the Office of the Data Protection Commissioner www.dataprotection.ie. Similarly, the administration access fee will be refunded if the school has to rectify, supplement or erase personal data.

20. Where requests are made for CCTV footage pursuant the school's CCTV policy, an application must be made in writing and the timeframe for response is within 40 days. In providing a copy of personal data, the school may provide the materials in the form of a still/series of still pictures, a tape, disk, USB, with relevant images. Other people's images will be obscured before the data is released. If other people's images cannot be obscured, then the images/recordings may not be released.

Appealing a Decision in Relation to a Data Access Request

The Board of Management of Moate Community School is respectful of the right of the Data Subject to appeal a decision made in relation to a request for data from this school. To appeal a decision, the Data Subject is advised to write to or email the Data Protection Commissioner explaining the case:-

Canal House, Station Road, Portarlinton, Co. Laois (info@dataprotection.ie)

The correspondence should include the name of this school the steps taken to have concerns dealt with details of all emails, phone calls, letters between the Data Subject and this school.

Links to Other Policies and to Curriculum Delivery

In drafting this policy the following established policies have been considered.

- Child Protection Policy
- Guidance Plan
- Anti-Bullying Policy
- Substance Use Policy
- Code of Behaviour.

Ratification & Communication

- This policy has been ratified by the Board of Management
- The policy has been circulated within the school community.
- The entire staff are familiar with the policy and putting it into practice in accordance with the specified implementation arrangements.
- All concerned are made aware of any changes implied in recording information on students, staff and others in the school community.



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- Parents/guardians and students are continuously informed of the data protection policy from the time of enrolment of the student.

Implementation Date

November 2019

Reviewing and evaluating the policy

Ongoing review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Science or the NEWB), legislation and feedback from parents/guardians, students, school staff and others. The policy should be revised as necessary in the light of such review and evaluation and within the framework of school planning.

- The policy will be reviewed yearly (April)
- Practical indicators which will be used to gauge the impact and effectiveness of the policy. Examples might include the extent to which:
 - Students, staff and parents/guardians awareness of the policy
 - Requests for access to personal data are dealt with effectively
 - Personal data records are accurate
 - Personal data records are held securely
 - Personal data records are retained only for as long as necessary.
 -

Review of Policy

Once a year.

Approved By Board of Management: _____

Signed: _____

Chairman B.O.M



Appendix 1

Data Protection Statement for inclusion on relevant forms when personal information is being requested

The information collected on this form will be held by X school in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is

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(School should insert the relevant information e.g. for administration, to facilitate the school in meeting the student's educational needs etc.).

Disclosure of any of this information to statutory bodies such as the Department of Education and Science or its agencies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians or students aged 18 or over if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of students and students aged 18 or over have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

Signed Parent/Guardian: _____

Signed Student: _____