**St. Joseph’s Special School,**

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**Chairperson of the Board of Management: Audrey Pidgeon**

**Principal: Sarah McGinley**

# Timetable for Review

As necessary

**Data Protection Policy**

**Introductory Statement**

This Data Protection Policy applies to the personal data held by the schoolwhich is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR).

The policy applies to all school staff, the Board of Management (BOM), parents/guardians, pupils (including prospective or potential pupils), 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.

**Purpose of the Policy:** The Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR) apply to the keeping and processing of personal data, both in manual and electronic form. This policy sets out the manner in which personal data and sensitive personal data will be protected by the school. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to school staff, and to inform staff, pupils and their parents/guardians how their data will be treated.

St Joseph’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:

1. be able to provide access to individuals to their data

2. ensure it is held securely

3. document our data protection procedures

4. enhance accountability and transparency

**Relationship to the Characteristic Spirit of the School**

St Joseph’s Special School seeks to:

* enable students to develop their full potential
* provide a safe and secure environment for learning
* promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society

We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals’ rights to privacy and rights under the Data Protection legislation.

**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 Acts, 1988 to 2018 and the EU 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.

**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 pupil, or a pupil who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education

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.

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 School may supply Personal Data kept by it to certain prescribed bodies (the Department of Education and Skills, 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 and Skills, 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)

**Data Protection Principles**

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

* ***Obtain and process Personal Data fairly***:

Information on pupils is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools pre-schools and referral agencies. In relation to information the schoolholds on other individuals (members of staff, individuals applying for positions within the school, parents/guardians of students, volunteersetc), 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 Special Olympics or any other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject’s wishes. St Joseph’s Sp School 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 will inform individuals of 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 encrypted and password protected. An encrypted memory stick may be used for personal data and stored securely when not in use, i.e. placed in a locked cabinet or drawer. Documents containing personal information must be password protected. Hard copies of these documents are shredded when no longer required.

* ***Keep Personal Data accurate, complete and up-to-date****:*

Pupils, parents/guardians, and 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. The principal may delegate such updates/amendments to another member of staff. 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 DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a pupil. In the case of members of staff, the school will comply with both DES 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.

Records are retained as per Records Retention Schedule (Appendix A*Data Protection in Schools Guidelines)*

* ***Provide a copy of their personal data to any individual on request****:*

Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

**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 (BoM)

***Data Controller*** is the Board of Management of the school

***Data Subject*** is an individual who is the subject of personal data

***Data Processing*** is 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 Processor*** is 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. Eg: School accounting/wages processors –Ability West.

***Special categories of 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

• sexual life and sexual orientation

• genetic and biometric data

• criminal convictions or the alleged commission of an offence

• trade union membership

***Personal Data Breach*** is 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

**Personal Data**

The Personal Datarecords held by the BoM may include:

## Staff records:

1. Categories of staff data:

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

* Name, address and contact details, PPSN, Payroll no, Teaching Council no
* Original records of applications for posts, CVs, References
* Original records of application and appointment to promotion posts
* National Vetting Bureau Reports, Statutory Declarations
* 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 reports from Occupational Health
* 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
1. Purposes:

Staff records are kept for the purposes of:

* the management and administration of school business (now and in the future)
* the facilitation of 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)
* the facilitation of pension payments in the future
* human resources management
* recording promotions made (documentation relating to promotions applied for) and changes in responsibilities, etc.
* enabling 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)
* enabling 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
* compliance with legislation relevant to the school.
1. Location and Security procedures of St Joseph’s Special School
	1. Manual records are kept in a secure, locked filing cabinet in a locked administration 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.
	2. Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.
	3. The school has the burglar alarm activated during out-of-school hours.

## Pupil records:

1. Categories of pupil data:

These may include:

* Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the pupil’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 special conditions (e.g. special educational needs, health issues, etc.) which may apply
* Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
* Information in Psychology, Social Work, Physiotherapy, Occupational Therapy, Speech and Language and Medical reports
* Progress reviews and case conference reports
* Attendance records
* Photographs and recorded images of students engaged in school activities
* Teacher’s Reports
* Portfolio of work
* Diagnostic test reports
* Individual Education Plans (IEPs)
* Home school Communication books
* Records of disciplinary issues/investigations and/or sanctions imposed
* Other records e.g. records of any injuries/accidents,
* Behaviour incident reports
* Behaviour plans or passports
* Records of any reports the school (or its employees) have made in respect of the pupil to State Departments and/or other agencies under Children First Act 2015.
1. Purposes: The purposes for keeping pupil records include:
* to enable each pupil to develop to his/her full potential
* to meet the educational, social, physical and emotional requirements of the pupil
* to comply with legislative or administrative requirements
* to ensure that the student meets the school’s admission criteria and meets the minimum age requirement for attendance at Primary School.
* to ensure that eligible students can benefit from the relevant additional teaching, SNA or financial supports
* 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 support the provision of religious instruction
* 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 parents/guardians any reports necessary for transfer to another school or adult centre.
* To use digital images of the pupil as an aid to memory, as a teaching resource, as a visual support, for compiling a record of pupil’s school life
1. Location and Security procedures
2. Manual records are kept in a secure, locked filing cabinet in a locked administration 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.
3. Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.
4. Digital images are stored on class computers. Uploading of images to the school website is done in accordance with the Internet Acceptable Use Policy.
5. Portfolios of pupils work on teacher and diagnostic assessments are in folders in classrooms
6. Home school communication books are archived at the end of the school year.
7. **Board of Management Records**:

1. Categories of BoM data
* Name, address and contact details of each member of the Board of Management (including former members)
* 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.
1. 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.
1. Location and Security procedures
* Manual records are kept in a secure, locked filing cabinet in a locked administration 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 password-protected computer with adequate encryption and firewall software in a locked office.

4. **Other Records: Creditors**

a) 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

b) 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.

c) (Location and Security procedures as above):

5. **Other Records: Charity Tax-back Forms**

a) 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 and

• the gross amount of the donation.

b) 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 audit by the Revenue Commissioners.

1. (Location and Security procedures as above):

**Junior Cycle LPI and LPII Programmes**

Assessment portfolios will be kept on all pupils as a record of their achievement of the learning outcomes contained in the Priority Learning Units (PLUs). Data in relation to pupils is uploaded to the DES for the purposes of certification.

Purposes:

The purpose of these records is to demonstrate pupil’s achievements in a range of curricular areas and to secure national recognition for their learning.

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| **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.

The following policies and procedures may be among those considered

* Child Protection Procedures/Safeguarding Policy
* Anti-Bullying Policy
* Pupil Online Database(POD) Collection of data for the purpose of complying with the DES online database
* Code of Behaviour
* Safety Statement
* Enrolment and Participation Policy
* Substance abuse and Mis-Use Policy
* ICT Acceptable Usage Policy
* Confidentiality Policy
* Parent Staff Communication Policy
* Assessment and Record Keeping Policy
* Protocol for Laptops/Ipads

**Processing in line with data subject’s rights**

Data in this school will be processed in line with the data subjects' rights.

Data subjects have a right to:

1. Know what personal data the school is keeping on them
2. Request access to any data held about them by a data controller
3. Prevent the processing of their data for direct-marketing purposes
4. Ask to have inaccurate data amended

**Data Processors**

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place (Written Third party service agreement). St Joseph’s Special School 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 requests**

An individual has the right to be informed whether the school holds data/information about them and to be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing and the data controller must accede to the request within one month.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.

Section 4 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 (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
	+ Request must be responded to within one month.
	+ Fee may apply but cannot exceed €6.35
	+ Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.
	+ No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

**Providing information over the phone**

Any 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:

* Check the identity of the caller to ensure that information is only given to a person who is entitled to that information
* Suggest that the caller put their request in writing if the employee is not sure about the identity of the caller and in circumstances where the identity of the caller cannot be verified
* Refer the request to the principal for assistance in difficult situations. No employee should feel forced into disclosing personal information.

**Implementation arrangements, roles and responsibilities**

The Board of Management is the data controller and the principal will be assigned the role of co-ordinating implementation of this Data Protection Policy and for ensuring that staff who handle or have access to personal data are familiar with their data protection responsibilities.

The implementation of the policy shall be monitored by the principal, staff and Board of Management.

**Review Ratification &Communication**

This policy was ratified by the Board of Management on: September 12th, 2018

The policy is available through the secretary’s office and on the school website.

The policy will be reviewed and evaluated after 2 years. On-going review and evaluation will take cognisance of changing information or guidelines (from the Data Protection Commissioner, Department of Education and Skills, TUSLA or any other agency), legislation and feedback from parents/guardians, pupils, school staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school

# Success Criteria

# We will know that this assessment policy is working well

* when procedures run smoothly because there is clarity about what is expected and who is responsible for different aspects

# Implementation Date

The plan has been implemented since 2018, reviewed in 2020.

# Timetable for Review

As necessary

# Review and Ratification

The Board of Management is aware that this plan was reviewed in September 2020. The amended document was presented for ratification.

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

(Chairperson of Board of Management)

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

 (Principal)