

February 2021

DRIMNAGH
CASTLE
PRIMARY
SCHOOL

DATA PROTECTION POLICY



CAISLEÁN

Long Mile Road, Dublin 12

Contents

INTRODUCTORY STATEMENT AND RATIONALE	2
Introductory Statement	2
Rationale	2
SCOPE.....	2
DRIMNAGH CASTLE PRIMARY AS A DATA CONTROLLER	3
SUBJECT ACCESS REQUESTS.....	3
THIRD PARTY PROCESSORS.....	4
THE DATA PROTECTION PRINCIPLES.....	4
IMPLEMENTATION:.....	7
DATA BREACH/LOSS NOTIFICATION PROCEDURE	8
DEFINITIONS:.....	8
RATIFICATION AND COMMUNICATION	10
TIMETABLE FOR REVIEW.....	10
SUBJECT ACCESS REQUEST FORM.....	11
Records Retention/Destruction Policy.....	12
RECORDS RETENTION/ DESTRUCTION SCHEDULE.....	13
GDPR and Data Protection - Privacy Statement	17



INTRODUCTORY STATEMENT AND RATIONALE

Introductory Statement

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Drimnagh Castle Primary. This includes obligations in dealing with personal and sensitive personal data, in order to ensure that the school complies with the requirements of the relevant Irish Data Protection Legislation.

Rationale

Drimnagh Castle Primary must comply with the Data Protection principles set out in the relevant legislation. The policy applies to all personal and sensitive personal data collected, processed and stored by Drimnagh Castle Primary in relation to staff, service providers and pupils in the course of its activities. Drimnagh Castle Primary makes no distinction between the rights of data subjects who are employees, and those who are not. All are treated equally under this policy.

SCOPE

This policy covers both personal and sensitive personal data held in relation to data subjects by Drimnagh Castle Primary. The policy applies equally to personal data held in manual and automated form.

All personal and sensitive personal data will be treated with equal care by Drimnagh Castle Primary. Both categories will be equally referred to as *Personal Data* in this policy, unless specifically stated otherwise.

This policy should be read in conjunction with the associated Subject Access Request procedure, the Data Retention and Destruction Policy, the Data Retention Periods List and the Data Breach/Loss Notification procedure.

DRIMNAGH CASTLE PRIMARY AS A DATA CONTROLLER

In the course of its daily organisational activities, Drimnagh Castle Primary acquires processes and stores personal data in relation to:

- Employees
- Pupils
- Third Party Service providers engaged by the school
- Volunteers

In accordance with the Irish data protection legislation, this data must be acquired and managed fairly. Not all staff members will be expected to be experts in data protection legislation. However, Drimnagh Castle Primary is committed to ensuring that its staff has sufficient awareness of the legislation in order to be able to anticipate and identify a data protection issue, should one arise. In such circumstances, staff must ensure that the Data Protection Officer is informed in order that appropriate corrective action is taken.

Due to the nature of Drimnagh Castle Primary as an organisation, there is regular and active exchange of personal data between Drimnagh Castle Primary and its data subjects. In addition, Drimnagh Castle Primary exchanges personal data with data processors on the data subjects' behalf.

This is consistent with Drimnagh Castle Primary's obligations under the terms of its contract with its data processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a Drimnagh Castle Primary staff member is unsure whether such data can be disclosed.

In general terms, the staff member should consult with the Data Protection Officer to seek clarification.

SUBJECT ACCESS REQUESTS

Any formal, written request by a data subject for a copy of their personal data (a Subject Access Request) will be referred, as soon as possible, to the Data Protection Officer, and will be provided without delay at the latest, within 1 month of receipt of request.

It is intended that by complying with these guidelines, Drimnagh Castle Primary will adhere to practice regarding the applicable Data Protection legislation.

THIRD PARTY PROCESSORS

In the course of its role as Data Controller, Drimnagh Castle Primary engages a number of processors to process personal data on its behalf. In each case, a formal, written contract is in place with the Processor, outlining their obligations in relation to the personal data, the specific purpose or purposes for which they are engaged, and the understanding that they will process the data in compliance with the Irish Data Protection legislation.

These data processors include:

- Aladdin
- Scorz.ie
- Primary Online Database (POD)

THE DATA PROTECTION PRINCIPLES

The following key principles are enshrined in the Irish legislation and are fundamental to Drimnagh Castle Primary's Data Protection Policy;

1. *...be obtained and processed and lawfully.*

For data to be obtained fairly, the subject will, at the time the data are being collected, be made aware of:

- The identity of the Data Controller (Drimnagh Castle Primary);
- The purpose(s) for which the data is being collected;
- The person(s) to whom the data may be disclosed by the Data Controller;
- Any other information that is necessary so that the processing may be fair.

Drimnagh Castle Primary will meet this obligation in the following way:

- Where possible, the informed consent of the data subject will be sought before their data is processed;
- Where it is not possible to seek consent, Drimnagh Castle Primary will ensure that collection of the data is justified under one of the lawful processing conditions, such as legal obligation, contractual necessity, etc;
- Where Drimnagh Castle Primary intends to record activity on CCTV or video, a Fair Processing Notice will be posted in full view;
- Processing of the personal data will be carried out only as part of Drimnagh Castle Primary's lawful activities, and Drimnagh Castle Primary will safeguard the rights and freedoms of the data subject;
- The data subject's data will not be disclosed to a third party other than to a party contracted to Drimnagh Castle Primary and operating on its behalf.

2. ...to be obtained only for one or more specific, legitimate purposes.

Drimnagh Castle Primary will obtain data for purposes which are specific, lawful and clearly stated. A data subject will have the right to question the purpose(s) for which Drimnagh Castle Primary holds their data and Drimnagh Castle Primary will be able to clearly state that purpose or purposes.

3. ...not be further processed in a manner incompatible with the specified purpose (s).

Any use of the data by Drimnagh Castle Primary will be compatible with the purposes for which the data was acquired.

4. ...be kept safe and secure.

Drimnagh Castle Primary will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by Drimnagh Castle Primary in its capacity as Data Controller.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access.

5. *...be kept accurate and up-to-date where necessary.*

Drimnagh Castle Primary will:

- Ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy;
- Conduct periodic reviews and audits to ensure that relevant data is kept accurate and up-to-date. Drimnagh Castle Primary conducts a review of sample data every six months to ensure accuracy, staff contact details and details on next-of-kin are reviewed and updated every two years.
- Conduct regular assessments in order to establish the need to keep certain personal data.

6. *...be adequate, relevant and not excessive in relation to the purpose (s) for which the data were collected and processed.*

Drimnagh Castle Primary will ensure that the data it processes in relation to data subjects are relevant to the purposes for which those data are collected. Data which are not relevant to such processing will not be acquired or maintained.

7. *...not be kept for longer than is necessary to satisfy the specified purpose(s).*

Drimnagh Castle Primary has identified an extensive matrix of data categories, with reference to the appropriate data retention period for each category. The matrix applies to data in both a manual and automated format.

Once the respective retention period has elapsed, Drimnagh Castle Primary undertakes to destroy, erase or otherwise put this data beyond use.

8. *...be managed and stored in such a manner, that, in the event a data subject submits a valid Subject Access Request seeking a copy of their Personal Data, this data can be readily retrieved and provided to them.*

Drimnagh Castle Primary has implemented a Subject Access Request procedure by which to manage such requests in an efficient and timely manner, within the timelines stipulated in the legislation.

As part of the day-to-day operation of the organisation, Drimnagh Castle Primary staff engages in active and regular exchange of information with data subjects. Where a formal request is submitted by a data subject in relation to the data held by the Drimnagh Castle Primary, such a request gives rise to access rights in favour of the data subject.

There are specific timelines within which Drimnagh Castle Primary must respond to the data subject, depending on the nature and extent of the request. These are outlined in the attached Subject Access Request process document.

Drimnagh Castle Primary's staff members will ensure that, where necessary, such requests are forwarded to the Data Protection Officer in a timely manner, and that they are processed as quickly and efficiently as possible, but not later than one month from receipt of the request.

IMPLEMENTATION:

As a Data Controller, Drimnagh Castle Primary ensures that any entity which processes Personal Data on its behalf (a Data Processor) does so in a manner compliant with the Data Protection legislation.

Failure of Drimnagh Castle Primary's staff to process personal data in compliance with this policy may result in disciplinary proceedings.

DATA BREACH/LOSS NOTIFICATION PROCEDURE

In the event of a serious breach or loss of personal data, the Data Protection Officer shall be informed immediately.

The following will also be informed:

- The Board of Management;
- The Data Subject;
- The Data Commissioner (within the designated 72-hour period);
- The Trustees (ERST);
- The Patron Body (CPSMA);
- Insurance Company (Allianz).

DEFINITIONS:

For the avoidance of doubt, and for the consistency in terminology, the following definitions will apply within this Policy.

Data

This includes both automated and manual data. Automated data means data held on computer, or stored with the intention that it is processed on computer.

Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.

Personal Data

Information which related to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller. (If in doubt, Drimnagh Castle Primary refers to the definition issued by the Article 29 Working Party, and updated from time to time).

Sensitive Personal Data

A particular category of Personal Data, relating to: racial or ethnic origin, political opinions, religious, ideological or philosophical beliefs, Trade Union membership, information relating to mental or physical health, information in relation to one's

sexual orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.

Data Controller:	A person or entity, who either alone or with others, controls the content and use of Personal Data by determining the purposes and means by which that Personal Data is processed.
Data Subject	A living individual who is the subject of the Personal Data, i.e. to whom the data relates.
Data Processor	A person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract, but who is not an employee of the Data Controller, processing such Data in the course of his/her employment.
Data Protection Officer	A person appointed by Drimnagh Castle Primary to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members, parents, former pupils and other relevant persons.
Relevant Filing System	Any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.

RATIFICATION AND COMMUNICATION

This policy was reviewed in February 2021 and was ratified by the Board of Management of Drimnagh Castle Primary. The policy was communicated to staff and parents/guardians through the internal server and school website.

Signed: _____

Chairperson of Board of Management

Signed: _____

Principal/Secretary to the
Board of Management

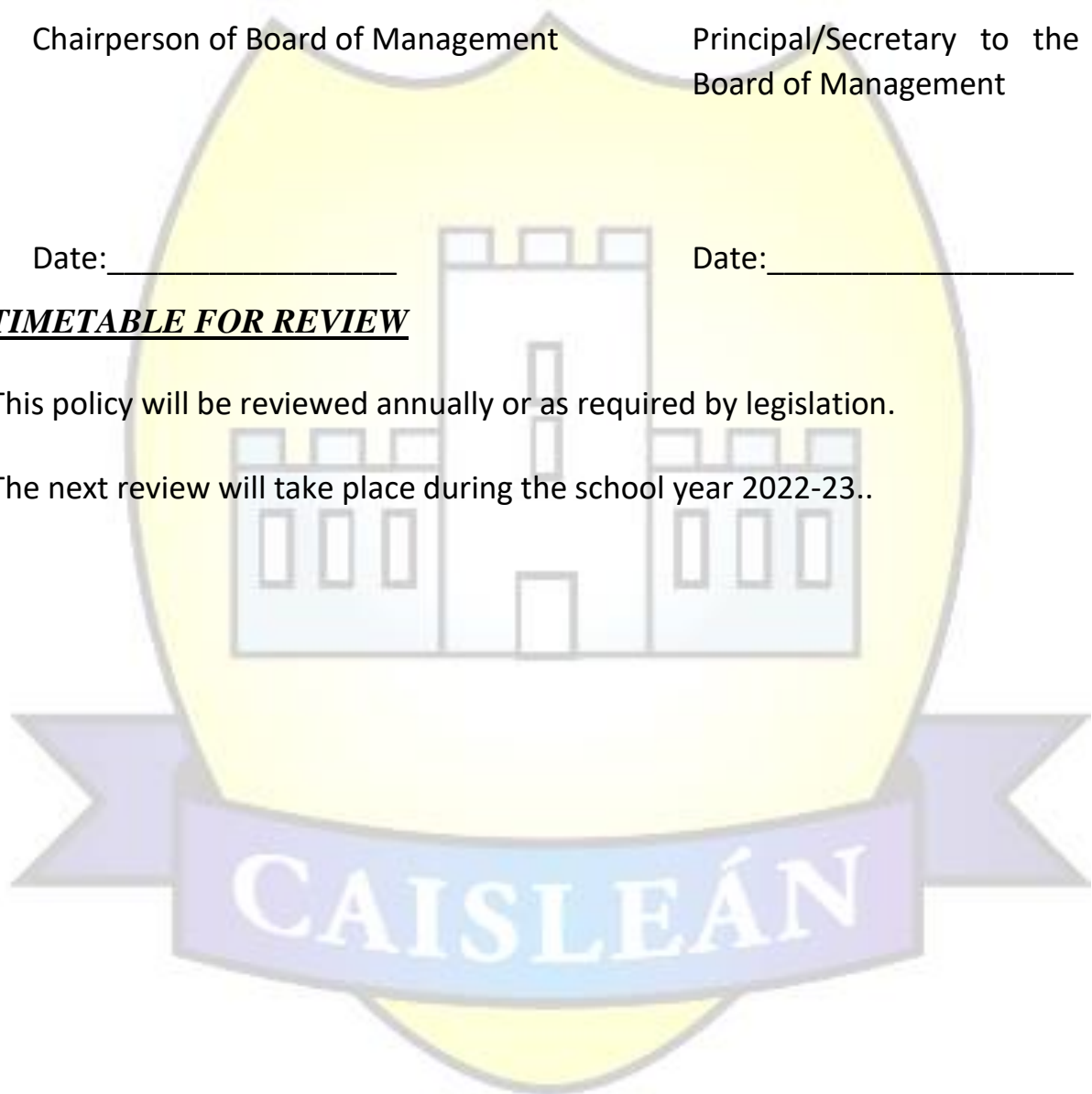
Date: _____

Date: _____

TIMETABLE FOR REVIEW

This policy will be reviewed annually or as required by legislation.

The next review will take place during the school year 2022-23..





Drinnagh Castle Primary

Long Mile Rd,
Dublin 12.

Phone: 01-4552066
Email: drinnaghcastle.ias@eircom.net

Principal: Eugene Duffy

Roll No. : 19837n

SUBJECT ACCESS REQUEST FORM
(Under Section 4 of the Data Protection Acts 1988 and 2003)

Dear _____,

I wish to make an access request for a copy of any information you keep about me, on computer or in manual form in relation to

Name:

Relevant Address:

Date of Birth:

Any other relevant information that might assist us in locating the data that you are interested in accessing:

SIGNED:

DATE:

Records Retention/Destruction Policy



Drimnagh Castle Primary School



Retention of Records

Schools and ETBs 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, *Drimnagh Castle Primary* 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 special 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.

RECORDS RETENTION/ DESTRUCTION SCHEDULE

Please note that any document that is to be destroyed must be confidentially shredded.

Where it states in the table below "until student reaches 25 years", this is calculated as follows: 18 is the age of majority plus seven years (six years in which to take a claim against the school, plus one year for proceedings to be served on the school).

Record	Comment
<i>Pupil Records</i>	
Registers/Roll Books	Keep indefinitely
Enrolment forms	Keep until student reaches 25 years
Student Transfer forms	Keep until student reaches 25 years
Disciplinary notes	Keep indefinitely
Results of in-school tests/exams	Keep until student reaches 25 years
Standardised Tests	Full booklet - keep for one year; Results - Keep until student reaches 25 years
End of term/year reports	Keep until student reaches 25 years
Records of school tours/trips, including permission notes	Keep indefinitely
Irish Exemptions	Keep indefinitely
Psychological Assessments	Keep indefinitely
SEN files, reviews, correspondence and IEPs	Keep indefinitely
Accident Reports	Keep indefinitely

Pupil Records	
Child Protection Records	Keep indefinitely
Section 29 Appeal Records	Keep until student reaches 25 years
Enrolment /transfer form where child is not enrolled or refused enrolment	Keep until student reaches 25 years
Records of complaints made by parents/guardians	Depends entirely on nature of complaint; Mundane nature - until student reaches 25 years, Accident/teacher-handling/child-safeguarding - keep indefinitely.
Staff Records	
Applications, CV, qualifications, references, job spec, contract, Teaching Council Reg., records of staff training, etc.	Keep for duration of employment plus seven years. <i>Retain an anonymised sample for archival purposes.</i>
Interview: Database of applications (section which relates to the employee only), selection criteria, interview board marking scheme and notes, panel recommendation by interview board, recruitment medical, Contract/conditions of employment, probation letters/forms, etc.	Keep for duration of employment plus seven years.
POR applications and correspondence (whether successful or not)	Keep for duration of employment plus seven years.
Leave of absence applications	Keep for duration of employment plus seven years.
Job Share/Career Break/Maternity Leave/Paternity Leave	Keep for duration of employment plus seven years.
Parental Leave/Force Majeure Leave/Carers Leave	Keep for eight years or duration of employment plus seven years
Working Time Act (attendance hours, holidays, breaks)	Keep for duration of employment plus seven years.

Staff Records	
Allegations/Complaints/Grievance/Disciplinary Records	Keep for duration of employment plus seven years. Please note the relevant DES Circular re Disciplinary Procedures in relation to the period of time for which a warning remains "active" on an employee's record.
Sickness absence records/certificates	Keep for duration of employment plus seven years 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/Occupational Health referral/correspondence re retirement on ill-health grounds/medical assessments or referrals	Keep for duration of employment plus seven years 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	Keep for ten years or the duration of employment plus seven years.
Sick leave records (sick benefit forms)	Keep for current year plus seven years.
Pension / Retirement / Superannuation Records	
Records of previous service (including correspondence with previous employers)	Keep indefinitely
Salary claim forms / Pension calculation / Pension increases	Keep for duration of employment plus seven years or for the life of employee/former employee plus seven years (whichever is the longer).

Government Returns	
Any return which identify individual staff/pupils	Depends upon the nature of the return. If it relates to information on students, eg Annual Census, October Returns, keep in line with "Student Records" guidelines above. If it relates to pay/pension/benefits of staff, keep indefinitely as per DES guidelines.
Board of Management Records	
Board agenda and minutes	Keep indefinitely.
CCTV recordings	28 days in the normal case but longer on a case-by-case basis (e.g. where recordings are requested by An Garda Síochána)
Principal's monthly report, including staff absences	Keep indefinitely.
Audited accounts	Keep indefinitely.
Payroll and taxation	Keep indefinitely (according to DES).
Invoices/back-up records/receipts	Keep for seven years.
Board of Management - Promotion Process (PORs)	
Posts of Responsibility	Keep indefinitely on master file
Calculation of service	Keep indefinitely on master file
BoM assessment report files	Retain original on personnel file for duration of employment plus seven years.
POR appeal documents	Retain original on personnel file and copy on master/appeal file for duration of employment plus seven years.
Correspondence from candidate who is employee of the school re feedback	Keep for duration of employment plus seven years.

GDPR and Data Protection - Privacy Statement

The General Data Protection Regulation (GDPR) comes into effect on the 25th May 2018. The GDPR applies across the European Union and aims to give individuals more rights, controls and understanding of how their personal data is processed. Under GDPR, Drimnagh Castle Primary School is required to keep you informed of the types of data we hold on you and your child, the purpose for which it is used and your rights in relation to how it is processed.

Drimnagh Castle Primary School maintains the majority of its student information on Aladdin, which is a computer-based administrative system. The information it holds includes the information that you provide to the school, including, but not limited to, name, address, date of birth, previous schools, emergency contact information, Special Educational Needs, together with information inputted by staff members, including, but not limited to, attendance, test results, teacher notes, Special Educational Needs, educational plans/profiles, annual school report.

Other information held by the school includes permission slips, student transfer information, assessments/exemptions (where consent has been given by parents), photos, accident reports, complaints, information required by legislation. Any emails sent to us are recorded and forwarded to the relevant personnel/section.

The purpose(s) for obtaining and holding these records is to enable each student to develop his 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 enable parents/guardians to be contacted in the case of emergency, etc. It may also be necessary to disclose information in order to comply with any legal obligations.

Drimnagh Castle Primary School will only use and disclose personal data in ways that are necessary for the purpose(s) or in ways that are compatible with the purpose(s) for which it collects and keeps the data.

Drimnagh Castle Primary School takes all reasonable steps as required by law to ensure the safety, privacy and integrity of the information and, where appropriate, enters into contracts with such third parties to protect the privacy and integrity of any information supplied. Further information with regard to the school's retention of data is available from the school office on request.