

Data Protection Policy

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Whitechurch National School

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Chairperson

Rev. Canon A. H. McKinley

Principal

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Ms. Judy Brown

Whitechurch National School Data Protection Policy

1. Introductory Statement:

Whitechurch National School's Data Protection Policy applies to the *personal data* held by the school's Board of Management (BoM), which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR).

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and special categories of personal data will be protected by the school.

Whitechurch National School 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

2. Data Protection Principles:

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

- 1. Obtain and process *Personal Data* fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the

School, parents/guardians of students, etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly

2. **Consent:** Where consent is the basis for provision of personal data, (e.g. data required to join sports team/ after-school activity or any other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. Whitechurch National 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.
3. **Keep it only for one or more specified and explicit lawful purposes:** The BoM will inform individuals of the reasons it collects 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.
4. **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.
5. **Keep Personal Data safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive personal data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data.
6. **Keep personal data accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. Records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.
7. **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.

- 8. 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 student. 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. See School Record Retention in Appendix.

- 9. Provide a copy of their *personal data* to any individual, on request:** Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

Scope:

The Data Protection legislation applies to the keeping and processing of *Personal Data*. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated.

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

Definition of Data Protection Terms:

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

Personal Data means any data relating to an identified or identifiable natural person i.e. a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller (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 - 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 - 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. The school uses Aladdin Software to process pupil and staff data.

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 – 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.

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 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 student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their 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. Whitechurch National School sends, by post, a copy of a child's *Passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled.

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

- Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day.
- 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, 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 in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; 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

(“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 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).

Relationship to the characteristic spirit of the school:

Whitechurch National School seeks to:

- enable each student 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 Data Protection legislation.

Personal Data:

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

1. Staff records:

- (a) **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, PPS number

- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, subjects etc.)
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under the Children First Act 2015.

(b) **Purposes:** Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)
- to enable the school to comply with requirements set down by the Department of Education 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
- and for compliance with legislation relevant to the school.

(c) **Location and Security Procedures:** Manual records are kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. 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. The school has the burglar alarm activated during out-of-school hours.

2. *Student records:*

(a) **Categories of student data:**

These **may** include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
 - name, address and contact details, PPS number
 - date and place of birth

- names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
- religious belief
- racial or ethnic origin
- membership of the Traveller community, where relevant
- whether they (or their parents) are medical card holders
- whether English is the student's first language and/or whether the student requires English language support
- any relevant 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
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements).
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under the Children First Act 2015.

(b) **Purposes:** The purposes for keeping student records are:

- to enable each student to develop to their 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 child's educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's Acceptable Usage Policy (AUP)
- to ensure that the student meets the school's admission criteria

- to ensure that students meet the minimum age requirements for attendance at the school,
 - to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
 - to furnish documentation/ information about the student to the Department of Education 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 second-level educational institutions.
- (c) **Location and Security Procedures:** Manual records are kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. 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. The school has the burglar alarm activated during out-of-school hours.

3. Board of Management records:

- (a) **Categories of Board of Management data:** These may include:
- Name, address and contact details of each member of the Board of Management (including former members of the Board of Management)
 - Records in relation to appointments to the Board
 - Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.
- (b) **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.
- (c) **Location and Security Procedures:** Manual records are kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. 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. The school has the burglar alarm activated during out-of-school hours.

4. Other records:

The school will hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), and/or computer record (database). Some examples of the type of other records which the school will hold are set out below (this list is not exhaustive):

Creditors

- (a) **Categories of 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:** 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:** Manual records are kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. 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. The school has the burglar alarm activated during out-of-school hours.

Charity Tax-back Forms

- (a) **Categories of 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:** 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 parent's name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the case of audit by the Revenue Commissioners.
- (c) **Location and Security Procedures:** Manual records are kept in a secure, locked filing cabinet that only personnel who are authorised to use the data can access. 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. The school has the burglar alarm activated during out-of-school hours.

CCTV Images/Recordings

- (a) **Categories:** CCTV is installed at the school. Cameras are installed externally at the perimeter of the building and covering entrances and the school grounds. Cameras are also installed internally in the foyer covering the main entrance to the school. These CCTV systems may record images of staff, students and members of the public who visit the premises. The viewing station is in the main administration office.
- (b) **Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.
- (c) **Security:** Access to images/recordings is restricted to the Principal and Deputy Principal, School Secretary and Chairperson of the Board of Management. Tapes, DVDs, and hard disk recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts Legislation.

Test results

- (a) **Categories:** The school will hold data comprising test results in respect of its students. These may include class, annual, continuous assessment and standardised test results.
- (b) **Purposes:** The main purpose for which these examination results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about their academic attainment. The data may also be aggregated for statistical/reporting purposes. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Class test results are kept in the pupil profiles that only class teachers have access to. School employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** Manual records (personal file within a *relevant filing system*) and computer records (database). Manual records are held in a locked filing cabinet and computer records are kept on a secure, password protected computer/ cloud storage service. Pupil profiles are kept securely in each classroom.

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/ procedures may be among those considered:

- Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education and Skills' pupil online database
- Child Protection procedures and Child Safeguarding Statement
- Anti-Bullying Policy
- Code of Behaviour
- Mobile Phone Policy
- Admissions/Enrolment Policy
- Attendance Policy
- Special Educational Needs Policy
- Critical Incident Policy
- CCTV Policy
- Substance Use Policy
- ICT Acceptable Usage Policy (both Pupils and Staff)

Processing in line with a data subject's rights:

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

Data subjects have a right to:

- Know what personal data the school is keeping on them
- Request access to *any data* held about them by a data controller
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended
- Ask to have data erased once it is no longer necessary or irrelevant.

Data Processors

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

Personal Data Breaches

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours.

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay.

If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

Dealing with a data access request:

Individuals are entitled to a copy of their personal data on written request.

The individual is entitled to a copy of their personal data.

Request must be responded to within one month. An extension may be required e.g. over holiday periods.

No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive.

No personal data can be supplied relating to another individual apart from the data subject.

Providing information over the phone:

An employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. In particular, the employee should:

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

Implementation arrangements, roles and responsibilities:

In our school 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 following personnel have responsibility for implementing the Data Protection Policy:

Name:	Responsibility:
Board of Management:	Data Controller
Principal:	Implementation of Policy
School staff:	Awareness of responsibilities and procedures
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

Communication:

This policy will be made available on the school website. All parents/ guardians and staff will be made aware of this updated policy and will be directed to read through this policy. When the Data Protection Policy has been ratified by the Board of Management, it becomes the school's agreed Data Protection Policy.

Parents/guardians will be informed of the Data Protection Policy from the time of enrolment of the student by including the Data Protection Policy as part of the Enrolment information.

Monitoring the implementation of the policy:

The implementation of the policy shall be monitored by the Principal and the Board of Management.

Review and evaluation:

The policy will be reviewed and evaluated regularly according to the timetable for reviewing the school plan and as necessary. On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or Tusla), legislation and feedback from parents/guardians, students, 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 planning.

Appendices:

- A. The 8 Rules of Data Protection
- B. Your Rights as a Data Subject
- C. Fair Obtaining and Processing
- D. Third Party Service Agreement

- E. Data Retention Schedule
- F. Website Privacy Statement
- G. Data Access Request Form

Ratification:

This revised policy was ratified by the Board of Management in May 2018.

This policy was adopted by the Board of Management on _____[date] .

Signed: _____ Signed: _____

Chairperson of Board of Management Principal

Date: _____ Date: _____

Whitechurch National School Data Protection Policy
Appendix A: The 8 Rules of Data Protection

- 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**

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Appendix B: Your Rights as a Data Subject

- Right to have your data processed in accordance with the Data Protection Acts
 - to have your personal information obtained and processed fairly, kept securely and not unlawfully disclosed to others
- Right to be informed
 - to know the identity of the data controller and the purpose for obtaining your personal information
- Right of access
 - to get a copy of your personal information
- Right of rectification or erasure
 - to have your personal information corrected or deleted if inaccurate
- Right to block certain uses
 - to prevent your personal information being used for certain purposes
- Right to have your name removed from a direct marketing list
 - to stop unwanted mail
- Right to object
 - to stop some specific uses of your personal information
- Employment rights
 - not to be forced into accessing personal information for a prospective employer
- Freedom from automated decision making
 - to have a human input in the making of important decisions relating to you
- Rights under Data Protection and Privacy in Telecommunications Regulations
 - to prevent your phone directory entry details from being used for direct marketing purposes

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Appendix C: Fair Obtaining and Processing

Fair Processing of personal data

Section 2A of the Acts details a number of conditions, at least one of which must be met, in order to demonstrate that personal data is being processed fairly. These conditions include that the data subject has consented to the processing, or that the processing is necessary for at least one of the following reasons:

1. The performance of a contract to which the data subject is party, or
2. In order to take steps at the request of the data subject prior to entering into a contract, or
3. In order to comply with a legal obligation (other than that imposed by contract), or
4. To prevent injury or other damage to the health of the data subject, or
5. To prevent serious loss or damage to the property of the data subject, or
6. To protect the vital interests of the data subject where the seeking of the consent of the data subject is likely to result in those interests being damaged, or
7. For the administration of justice, or
8. For the performance of a function conferred on by or under an enactment or,
9. For the performance of a function of the Government or a Minister of the Government, or
10. For the performance of any other function of a public nature performed in the public interest by a person, or
11. For the purpose of the legitimate interests pursued by a data controller except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject

Fair processing of sensitive personal data

If processing sensitive data, you must satisfy the requirements for processing personal data set out above along with at least one of the following conditions (set out in section 2B of the Acts):

1. The data subject has given explicit consent, or
2. The processing is necessary in order to exercise or perform a right or obligation which is conferred or imposed by law on the data controller in connection with employment, or
3. The processing is necessary to prevent injury or other damage to the health of the data subject or another person, or serious loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or of another person in a case where consent cannot be given, or the data controller cannot reasonably be expected to obtain such consent, or

4. The processing is necessary to prevent injury to, or damage to the health of, another person, or serious loss in respect of or damage to, the property of another person, in a case where such consent has been unreasonably withheld, or
5. The processing is carried out by a not-for-profit organisation in respect of its members or other persons in regular contact with the organisation, or
6. The information being processed has been made public as a result of steps deliberately taken by the data subject, or
7. The processing is necessary for the administration of justice, or
8. The processing is necessary for the performance of a function conferred on a person by or under an enactment, or
9. The processing is necessary for the performance of a function of the Government or a Minister of the Government, or
10. The processing is necessary for the purpose of obtaining legal advice, or in connection with legal proceedings, or is necessary for the purposes of establishing, exercising or defending legal rights, or
11. The processing is necessary for medical purposes, or
12. The processing is necessary in order to obtain information for use, subject to, and in accordance with, the Statistics Act, 1993, or
13. The processing is necessary for the purpose of assessment of or payment of a tax liability, or
14. The processing is necessary in relation to the administration of a Social Welfare scheme

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Appendix D: Third Party Service Agreement

In accordance with the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (GDPR), the BoM of Whitechurch National School requires this written third party service agreement to be in place with all our data processors.

The GDPR requires that the BoM shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of GDPR and thus ensure the protection of the rights of the data subject.

The BoM of Whitechurch National School as data controller imposes the following minimum obligations on you as data processor:

1. To act only on the documented instructions of the data controller i.e. the BoM of Whitechurch National School with regard to the subject-matter, the types of personal data processed, the documented purposes of the processing and the duration of the processing.
2. To comply with the obligations imposed on data controllers by the Data Protection Acts 1988 to 2018 and the GDPR in order to ensure that appropriate steps are taken to ensure the confidentiality of the personal data being processed and to guard against the accidental destruction, damage or loss of personal data.
3. To provide sufficient guarantees in respect of technical security measures and organisational measures governing the processing of the school's data.
4. To provide an indemnity to the school Board of Management (BoM) for any breaches of the above legal conditions.
5. To commit to the provision of assistance where appropriate to enable the school Board to comply with a data subject access request.
6. To immediately contact the school principal, where there are any data security breaches in the data processor's company in order to facilitate the school BoM, as data controller, to take the required action in accordance with the GDPR regarding the data breach.

7. To comply with the requirements of the Data Protection Policy of Whitechurch National School attached hereto (copy attached).
8. On termination of the contract between the data processor and the BoM of Whitechurch National School, all personal data held by the data processor must be returned to the Board as data controller or in the alternative, it must be entirely deleted from the data processor's systems and files.
9. To make available to the controller (BoM) all information necessary to demonstrate compliance with the obligations of the GDPR and to allow for and contribute to audits, including inspections, conducted by the controller or another auditor mandated by the controller.
10. If the processor believes that any instruction it receives from the controller is in breach of the GDPR, the processor shall immediately inform the controller.

(This agreement should be signed by the Data Processor and the BoM of the school and copies retained by both)

Whitechurch National School
Whitechurch Road
Rathfarnham
Dublin 16

Signed: _____ Date: _____
On behalf of the Board of Management of Whitechurch National School.

Signed: _____ Date: _____
On behalf of the Data Processor.

Whitechurch National School Data Protection Policy
Appendix E: Data Retention Schedule

<i>Pupil Related</i>	<i>Retention Periods</i>
School Register/Roll Books Enrolment Forms Disciplinary notes Test Results – Standardised Psychological Assessments etc. SEN Files/IEPS Accident Reports Child Protection Reports/Records S.29 Appeals	Indefinitely Hold until Pupil is 25 Years Never Destroy Hold until pupil is 25 Years Never Destroy Never Destroy Never Destroy Never Destroy Never Destroy
<i>Interview Records</i>	
Interview Board Marking Scheme Board of Management notes (for unsuccessful candidates)	18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken
<i>Staff Records</i>	
Contract of Employment Teaching Council Registration Vetting Records Accident/Injury at work Reports	Retention for duration of employment + 7 years (6 years to make a claim against the school plus 1 year for proceedings to be served on school)
<i>BoM Records</i>	
BOM Agenda and Minutes CC TV Recordings Payroll & Taxation Invoices/receipts Audited Accounts	Indefinitely 28 days normally. In the event of criminal investigation – as long as is necessary Revenue require a 6-year period after the end of the tax year Retain for 7 Years Indefinitely
<p><i>Why, in certain circumstances, does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age?</i> <i>The reasoning is that a pupil reaches the age of majority at 18 years and that there should be a 6-year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The Statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time barred.</i></p>	

Whitechurch National School Data Protection Policy

Appendix F: Website Privacy Statement

WHITECHURCH NATIONAL SCHOOL WEBSITE PRIVACY STATEMENT

[This Privacy Statement is to be placed on the school website homepage]

Website of Whitechurch National School: www.whitechurchns.biz

Whitechurch National School is committed to preserving the privacy of all visitors to **www.whitechurchns.biz** (“our website”). This privacy statement relates to our practices in connection with our website and is designed to assist you in understanding how we collect, use and safeguard the personal information you provide to us and to assist you in making informed decisions when using our site and our services. Whitechurch National School fully respects your right to privacy. We will not collect personal information/personal data about you when you visit our website unless you choose to provide that information using the “*Contact us*” form.

By using this site, you consent to the collection and use of your information under the terms of this privacy statement which is in accordance with the Data Protection Acts 1988 to 2018, the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 and the EU General Data Protection Regulation (GDPR). Please read the following privacy statement to understand how we use and protect the information that you choose to provide to us.

What Information Do We Collect?

When you visit our website you may provide us with two types of information:

- Personal information you knowingly choose to disclose that is collected on an individual basis, and
- Statistical web site use information collected on an aggregate basis as you and others browse through our website(s)

Information, personal and non-personal, you choose to provide

Email address

When you visit our website you may wish to provide certain information about yourself, such as when you complete our “*Contact Us*” form. Whitechurch National School does not collect any personal data about you on this website, apart from the information which you volunteer to send us in the “*Contact Us*” form.

Web Site Use Information

Where you visit our website, certain non-personal data is available to us through our internet service provider. This non-personal data is collected on a statistical, aggregate, non-individual basis. This information may include the IP address from which you access our website, the type of internet browser used to access our website, the type of operating system used to access our website, the “top-level” domain name used (ie, .com, .org, etc.), the date and time of your visit to our website and the number of pages you visited on our website.

How Do We Use the Information That You Provide to Us?

Any information, which you provide using the “*Contact Us*” form, is not made available to any third parties and is only used by Whitechurch National School in line with the purposes for which you provided it (e.g. to contact you and answer any queries which you have raised in the “*Contact Us*” form or to address any other feedback which you send us in the “*Contact Us*” form).

Disclosure to Other People:

We do not disclose, sell or distribute any personal information which you send to us to any third parties. We may pass aggregate information on the usage of our site to third parties, but this will not include information that can be used to identify you. Your personal data may also be anonymised and used for statistical purposes. Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

IP Addresses:

An IP address is a number that is assigned to your computer automatically when you use the internet. When you visit any web page in our website, our servers log your IP address. We may use your IP address to help diagnose problems with our server and to administer our website. Your IP address is also used to help identify you and to gather broad demographic information.

What Are Cookies?

Cookies are a feature of web browser software that allows web servers to recognise the computer used to access a website. Cookies are small pieces of data that are stored by a user's web browser on the user's hard drive.

Cookies can remember what information a user accesses on one web page to simplify subsequent interactions with that web site by the same user or to use the information to streamline the web page and to complete commercial transactions over the Internet. Cookies should make your online experience easier and more personalised.

Our website uses cookies to keep track of your access to the site. By using our website, you agree that we can place these types of cookies on your device.

Your browser will give you the option of preventing websites using cookies, or deleting cookies that have been accepted. Your browser's help service or help manual will show you how this is done. If you do not want your browser to accept cookies, you can "turn off" the cookie acceptance setting on your browser setting. However you must note that this may stop our website from working properly on your device. If you do not change your browser settings to refuse cookies, our website will issue cookies when you visit our website. If you continue to use our website, you agree and consent to our use of cookies on your device.

Security

We employ security measures to protect your information from access by unauthorised persons and to guard against unlawful processing, accidental loss, destruction and damage and we will do our best to ensure that all records we hold remain secure in line with our obligations under Data Protection Acts 1988 to 2018. We take our security responsibilities seriously, employing appropriate physical and technical measures. We review our security procedures regularly.

Retention

We do not retain your personal data for longer than it is necessary for us to comply with the purpose for which you gave it to us. Any personal data which you provide to us using this website will be used in line with the purposes for which you provided it (e.g. to contact you and answer any queries which you have raised in the "*Contact Us*" form or to address any other feedback which you send us in the "*Contact Us*" form) and after this purpose has been completed, we will delete your personal data.

Accessing Your Information

You are entitled to see the information we hold about you. On written request, we supply copies of your personal data, which you may have supplied to us using our website. If you wish to obtain copies of this personal data, you should write to the Board of Management of Whitechurch National School and ask that it provides you with an Access Request Form. Your request will be dealt with as soon as possible and will not take more than a month to process. If you discover that Whitechurch National School holds inaccurate information about you, you can request that we correct/delete that information.

Websites Linked to Our Website

Our website may, from time to time, contain links to and from third party websites. We are not responsible for the practices employed by websites linked to or from our website nor the information or content contained therein. Often links to other websites are provided solely as pointers to information on topics that may be useful to the users of our website.

Please remember that when you use a link to go from our website to another website, our Privacy Policy is no longer in effect. Your browsing and interaction on any other website,

including websites which have a link on our website, is subject to that website's own rules and policies. Please read over those rules and policies before proceeding.

By using our website you consent to our collection and use of your personal information as described in this Privacy Policy. If we change our privacy policies and procedures, we will post those changes on our website to keep you abreast of any developments.

Contacting Us

If you are concerned about how your personal data is processed by our website, please bring your concerns to our attention using the contact details below:

The Board of Management,
Whitechurch National School
Whitechurch Road
Rathfarnham
Dublin 16
or by email to office@whitechurchns.biz

Whitechurch National School Data Protection Policy

Appendix G: Data Access Request Form

Whitechurch National School Request for a copy of Personal Data under the Data Protection Acts 1988 to 2018

Important: Proof of Identity must accompany this Access Request Form (eg. official/State photographic identity document such as driver's licence, passport).

Full Name:	
Maiden Name <i>(if name used during your school duration)</i>	
Address:	
Contact number *	Email addresses *

* We may need to contact you to discuss your access request

Please tick the box which applies to you:

Parent/ Guardian of current Pupil <input type="checkbox"/>	Former Pupil <input type="checkbox"/>	Current Staff Member <input type="checkbox"/>	Former Staff Member: <input type="checkbox"/>
------------------------------------------------------------------------------	-----------------------------------------------------	-----------------------------------------------------------------	-----------------------------------------------------------------

Name of Pupil:		Date of Birth of Pupil:	
Insert Year of leaving:		Insert Years From/To:	

Data Access Request:

I, [name] wish to make an Access Request for a copy of personal data that Whitechurch National School holds about me/my child. I am making this access request under Data Protection Acts 2013 to 2018.

To help us to locate your personal data, please provide details below, which will assist us to meet your requirements e.g. description of the category of data you seek.

Any other information relevant to your access request (e.g. if requesting images/recordings made by CCTV, please state the date, time and location of the images/recordings as otherwise it may be very difficult or impossible for the school to locate the data).

This **Access Request** must be accompanied with a copy of photographic identification e.g., passport or drivers licence. I declare that all the details I have given in this form are true and complete to the best of my knowledge.

Signature of Applicant Date:

Please return this form to the relevant address:

To the Chairperson of Board of Management , *Whitechurch National School, Whitechurch Road, Rathfarnham, Dublin 16.*