



**PRESENTATION COLLEGE
BRAY, CO. WICKLOW**

DATA PROTECTION POLICY

Introductory Statement

All personal information which Presentation College Bray (the “School”) holds is protected under EU General Data Protection Regulation 2016/679 (“GDPR”) and Irish Data Protection Law (Data Protection Acts 1988 to 2018). The School takes its responsibilities under these laws seriously.

In addition to its legal responsibility to comply with GDPR, the School has legal obligations under the broad remit of educational legislation.

Rationale

This Data Protection Policy (“Policy”) reflects the principles of GDPR and is relevant to all personal data held by the School. This Policy explains how and why the School collects, retains, updates, stores, facilitates access to and reviews the manner in which personal data is retained.

The School respects your right to privacy and to the protection of your personal data. This policy also sets out the manner in which all Personal Data (including sensitive personal data) will be protected by the school.

Relationships to the Characteristic Spirit of the School

Our Roman Catholic ethos aims to promote the full and harmonious development of all aspects of the pupil – intellectual, physical, cultural, moral and spiritual. The School aims to provide an environment where each student is given an opportunity to fulfil his potential in the academic, social, artistic, and sporting spheres. We recognise and value our rich traditional heritage and our place in the history of the local community.

These goals are achieved whilst continuing to fully respect the privacy and data protection rights of all who interact with the school (namely students, staff, parents/guardians and any other relevant persons).

Scope

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. Personal Data is stored securely, so that confidential information is protected in compliance with relevant legislation.

Definition of Data Protection Terms

Data protection law covers most situations in which information about somebody (the **personal data** of a **data subject**) is used in some way (**processed**) by some other person or organisation (the **Data Controller**), other than in a purely personal context.

In order to properly understand the Schools obligations, there are some key terms which should be understood by all:

Data means information in a form that can be processed and stored. It includes both electronic data and manual data. **Electronic data** means any information transmitted, shared, or stored on computer or any form of information system, software application, or network or information recorded with the intention that it be processed, transmitted, or stored by electronic means. **Manual data** means information that is kept/recorded as part of a relevant filing system or with the intention that it form part of such a system.

Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to individuals, so that the specific information relating to a particular individual is readily, quickly and easily accessible. Examples might include student files stored in alphabetic order in a filing cabinet.

Personal Data means any information relating to a living person who is, or can be identified, either from the information as a whole or from that information along with other information that is in, or is likely to come into, the possession of the Data Controller (i.e. the school Board of Management). Examples of Personal Data are attached as **Appendix 1** to this Policy.

Certain types of **sensitive** personal data, called '**special categories**', are subject to additional protection under GDPR, and their processing is generally prohibited, except for where specific requirements are met (such as having explicit consent). The special categories are: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; genetic data; biometric data processed to uniquely identify a person; data concerning health; and data concerning a person's sex life or sexual orientation.

Data Controller for the purpose of the policy is the Board of Management, Presentation College, Bray. The Board of Management decides how and why personal data is processed.

The **processor** refers to a person, company or other body which processes personal data **on behalf of a controller**. They don't decide how or why processing takes place, but instead carry out processing on the orders of the controller.

Data Subjects are the people whom or about whom the School collects information in connection with operation of the School.

Data Protection Principles

The school is a data controller for all Personal Data relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such the school is obliged to comply with GDPR and Irish Data Protection Law, which can be summarised as follows:

1. Collecting and Processing Personal Data

- a. Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from the students 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.
- b. From the legal perspective, we collect and process Personal Data for:
 - Legitimate Interest: We process Personal Data where it is necessary to operate as a school. This includes activities related to learning, training, timetables, examinations, results and everyday school operations, such as administrative tasks.
 - Legal Obligation. We may process Personal Data when/if we need to comply with a legal obligation, meet other educational and/or health and safety obligations, including recording and monitoring communications, reporting to/from regulatory or governmental bodies such as the Department of Education or Tusla (Child & Family Agency).
 - Consent. In certain cases, where required under the law, we process Personal Data based on your specific and informed consent. For example, we may use your information to send you news and notifications about your son, or to otherwise contact you, or provide you with information you have specifically requested.
- c. We only process Personal Data in accordance with this Policy.
- d. We may process Personal Data for more than one legal basis depending on the specific purpose for which we are using that data.
- e. We will only use Personal Data for the purposes for which we collected it, unless we believe that we need to use Personal Data for another reason that is compatible with that purpose. If we intend to process Personal Data for an unrelated purpose, we will, where required, explain to you the legal basis that allows us to do so.

2. Disclosure of Personal Data to Third Parties

- a. Information will only be disclosed on a need to know basis and access to it will be strictly controlled.
- b. We will not disclose Personal Data to third parties unless required to do so by law, or as otherwise set out in this Policy.
- c. We may share personal data, where necessary, with relevant third parties including the Department of Education, the Department of Social Protection, An Garda Síochána, the Health Service Executive, Tusla (CFA), social workers or medical practitioners, the National Educational Welfare Board, the National Council for Special Education, any Special Education

Needs Organiser, the National Educational Psychological Service, or (where a student is transferring) to another school.

- d. We may share Personal Data with companies that undertake specific services or to provide us with administration and ancillary services such as IT professional service providers. Any such services will be subject to confidentiality obligations.

3. Transferring Personal Data

- a. Personal Data may be transferred from time to time as necessary and on a private basis to other bodies (including the Department of Education & Skills, the Department of Social Protection, An Garda Síochána, the Health Service Executive, Tusla (CFA), social workers or medical practitioners, the National Educational Welfare Board, the National Council for Special Education, any Special Education Needs Organiser, the National Educational Psychological Service, or (where the student is transferring) to another school).
- b. We will take appropriate steps to ensure that the transfer of Personal Data is in accordance with applicable law and is managed carefully to protect data protection rights and to ensure a suitable level of protection is afforded to it.
- c. Please contact us if you want further information on how or when we would be transferring your Personal Data.

4. Retaining Personal Data

- a. All information is kept with the best interest of the individual in mind at all times.
- b. We will only retain Personal Data for as long as reasonably necessary to fulfil the purposes it is provided for. As a general rule, the information will be kept for the duration of the individuals time/interaction with 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 requirement of the Revenue Commissioners with regard to the retention of records regarding employees.
- c. We may retain your Personal Data for longer if we reasonably believe there is a prospect of further communications or interaction.
- d. To determine the appropriate retention period for Personal Data, we consider the amount, nature and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of Personal Data, the purposes for which we process Personal Data, whether we can achieve those purposes through other means, and the applicable legal, regulatory or other retention requirements.
- e. The School has a requirement to keep an archive for historical purposes and the retention periods laid down by funding agencies. Retention times cannot be rigidly prescribed to cover every possible situation and the School will exercise judgement, taking account of statutory obligations and best practice in this regard in relation to each category of records held. However the following requirements will be met:
 - The school registers and roll books are required to be kept indefinitely within the school.

- Pay, taxation and related employment records are retained in accordance with the time periods set out in various Acts and Statutory Instruments governing taxation and employment law.
- Where litigation may potentially arise in the future (e.g., in relation to accidents/personal injuries involving employees/students or accidents occurring on school property), the relevant records should be retained until the possibility of litigation ceases.
- Teachers who keep test and other data pertaining to students have been made aware of this requirement.

5. Keeping Personal Data safe and secure

- Only those with a genuine reason for doing so may gain access to the information that the School holds.
- Sensitive Personal Data is securely stored under lock and key in the case of manual record.
- Portable devices storing personal data (such as laptops) are encrypted and password protected.
- All staff PCs, desktops and laptops are password protected. Email communication referring to pupils or staff will be deleted within a timely manner, generally once a term, once the relevant issue has been addressed.
- Any staff member on extended leave/career-break or ceases employment will return their device to the school where it will be wiped clean of any stored data.
- 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. Keeping Personal data accurate, complete and up-to-date

- Students, parents/guardians and/or staff should inform the School of any change to be made to their personal data and or sensitive 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.

7. The Rights of a Data Subject (ie your rights or the rights of your child)

- The data subject rights under GDPR include:
 - the right to be informed if, how, and why your data is being processed;
 - the right to access and get a copy of your data;
 - the right to have your data corrected or supplemented if it is inaccurate or incomplete;
 - the right to have your data deleted or erased;
 - the right to limit or restrict how your data is used; the right to data portability;
 - the right to object to processing of your data; and
 - the right not to be subject to automated decisions without human involvement, where

it would significantly affect you.

- b. Data in this school will be processed in line with your rights. You have a right to:
 - request access to any data held about you by the School;
 - prevent the processing of your data for direct-marketing purposes;
 - ask to have inaccurate data amended by the School; and
 - prevent processing by the School that is likely to cause damage or distress to you, anyone else, or your child.
- c. In some circumstances, you may be entitled to obtain your personal data from a data controller in a format that makes it easier to reuse your information in another context, and to transmit this data to another data controller of your choosing without hindrance (this is what is referred to as “Data Portability”).
- d. While some of these rights apply generally, certain rights apply only in specific circumstances and are subject to certain exemptions under applicable law.
- e. Should you wish to access your/your child’s personal data, you should write to the school principal requesting an Access Request Form, *see also section 8 below*.
- f. We will at all times try to promptly respond to any request regarding your Personal Data. You may also contact the Irish Data Protection Commission (“DPC”) and information about your request rights and how to do this is available on the DPC’s website at <https://dataprotection.ie>

8. Dealing with a Data Access Request

- a. Under Section 3 of the Data Protection Acts, 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 will accede to the request within 21 days.
- b. 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.
- c. Under Section 4, 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 40 days.
 - A nominal fee may apply in such circumstances.
 - 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.

9. Links to other Policies

- a. The School is aware that all policies need to be consistent with one another and within the framework of the overall School Plan. During their review phase, relevant school policies already existing, being developed or reviewed, shall be examined with reference to this Data Protection Policy and updated where necessary.
- b. The following policies may be among those considered:
 - Anti-Bullying Policy
 - Code of Behaviour
 - Admissions Policy
 - Substance Use Policy
 - Acceptable Use Policy and Chrome Book Loan Agreement
 - Special Educational Needs Policy
 - Assessment Policy
 - Health and Safety Policy
 - RSE Policy
 - Mobile Phone Policy

10. Roles and Responsibilities

- a. The Schools board of management is the Data Controller.
- b. The Principal is 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.
- c. The following personnel have responsibility for implementing the Data Protection Policy:
 - Board of Management: Data Controller
 - Principal: Implementation of Policy
 - Teaching personnel & relevant postholders: Awareness of responsibilities regarding security and confidentiality.
 - Administrative personnel: Awareness of responsibilities regarding security and confidentiality.

11. Contact Us

- a. If you have any questions about this Policy or our data protection practices please contact us at info@presbray.com (*however please do not provide any personal data to this email address as it is accessed by more than one staff member, we will contact you separately upon receipt of your query*).

- b. We try to respond to all legitimate requests within one week. In some cases it could take us longer than this if you have made a number of requests or if your query is particularly complex. In this case, we will let you know and update you regularly.

This Policy has been ratified by the School Board of Management on [insert date].

APPENDIX 1 PERSONAL DATA

The Personal Data records held by the school may include (but is not limited to):

A. 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 mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).
- (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.

B. 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)
- 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
- Child Protection/ Child Welfare Records
- Attendance records
- Photographs and recorded images of students (including at school events).
- Academic record – standardised test results as on official School reports
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

(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 "Picture Permission Form (available on the school app).
- to ensure that the student meets the school's admission criteria
- 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

C. 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.

D. Other Records:

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
- 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.

E. Examination/Assessment Records

(a) **Categories:**

- Individual Class Teachers will maintain an Assessment folder for their current class listing ongoing class assessments, e.g. weekly test results, teacher designed assessment tasks, portfolio material, etc.
- The school will hold data comprising annual standardised/screening assessment results in respect of its students.
- An annual school report is issued for each student.

(b) **Purpose:**

The main purpose for which these assessment results and other records are held is to monitor a student's progress. The data from the annual standardised test results is

aggregated for statistical/reporting purposes and is transferred to the Department of Education and Skills each year via the online and secure Esinet system. Note: these are whole class reports and do not identify individual pupils.

F. CCTV Images / Recordings

(a) Categories:

CCTV is installed on the school premises both internally and externally.

These CCTV systems may record images of staff, students and members of the public who visit the premises.

(b) Purposes:

Safety and security of staff, students, and visitors and to safeguard school property and equipment.

(c) Location:

Cameras are located externally and internally. Recording equipment is located in the school offices.

(d) Security:

Permission to access images/recordings must be given by the Principal and/or Deputy Principal of the school. Tapes, DVDs, hard disk recordings and backups are retained for a period of time, except if required for the investigation of an incident.

End.