



**PRESENTATION COLLEGE  
BRAY, CO. WICKLOW**

## **GENERAL DATA PROTECTION REGULATION POLICY**

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### **Introductory Statement**

The School's Data Protection and Records Retention Policy applies to the personal data held by the school which is protected by the Data Protection Act 1988 and 2003. This policy is a re-working of the policy using the template provided by the Data Protection in Schools website: [www.dataprotectionschools.ie](http://www.dataprotectionschools.ie) This website was developed by primary and post-primary management bodies with the assistance of the Department of Education and Skills.

### **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 Protections Acts, 1988 and 2003.

The policy explains what the nature of data collected, why it is collected, for how long it will be stored and with whom it will be shared. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased. The school wishes to put in place safe practices to safeguard individuals' 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.

### **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 person of the pupil – intellectual, physical, cultural, moral and spiritual. At Presentation College, Bray, we aim 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.

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

## **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. 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 sensitive personal data will be protected by the school.

## **Definition of Data Protection Terms**

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

**Data** means information in a form that can be processed. It includes automated data (e.g. electronic data) and manual data. Automated data means any information on computer, or information recorded with the intention that it be processed by computer. Manual data means information that is kept/recorded as part of a relevant filing system or with the intention that it form part of a relevant filing system.

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

**Personal Data** means data relating to 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, i.e. the school.

**Sensitive Personal Data** may for example, refer to Personal Data regarding a person's :

- Racial or ethnic origin, political opinions or religious or philosophical beliefs
- Physical or mental health or condition or sexual life
- Commission or alleged commission of any offence
- Any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

**Data Controller** for the purpose of the policy is the Board of Management, Presentation College, Bray.

### **Data Protection Principles**

The school 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 school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- **Collecting and Processing of Personal Data:** 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.
- **Keep it only for one or more specified and explicit lawful purposes:** The School will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.
- **Process it only in ways compatible with the purposes for which it was given initially:** Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a need to know basis and access to it will be strictly controlled.
- **Keep Personal Data safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual record. Portable devices storing personal data (such as laptops) should be encrypted and 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.
- **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 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.
- **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 individuals 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 requirement of the Revenue Commissioners with regard to the retention of records relation 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.

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

## **Information Technology Security**

All staff desktops, laptops and the office PC are password protected using the Windows User Account Controls and password option. Encryption is used for portable devices. 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.

## **Personal Data**

The Personal Data records held by the school may include:

### **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).

**Purposes:** The purposes for keeping student records are:

A. 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. Data shared with third parties (e.g. The HSE)/Legal basis for processing**

Certain pupil data may be shared with the HSE for the purpose of the School Health Programme. The legal basis for this is:

**1. GDPR Article 6:**

- Processing is necessary for compliance with a legal obligation to which the controller is subject.

**2. GDPR Article 9:**

- Processing is necessary for the purposes of preventive medicine, medical diagnosis, the provision of health treatment or the management of health systems and services on the basis of law; and
- Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross border threats to health on the basis of law.

- Infectious Diseases (Amendment) (No.2) Regulations 2024;

-Health (Provision of information for Health Examination and Treatment Service

**E. 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.

### **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.

### **Links to other Policies**

Our school policies need to be consistent with one another, within the framework of the overall School Plan. During their review phase, 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 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

## **Processing in Line with Data Subject's Rights**

Data in this school will be processed in line with the data subjects' rights. Data subjects have a right to:

- a) Request access to any data held about them by a data controller
- b) Prevent the processing of their data for direct-marketing purposes
- c) Ask to have inaccurate data amended
- d) Prevent processing that is likely to cause damage or distress to themselves or anyone else

## **Dealing with a Data Access Request**

### **Section 3 access request**

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.

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

### **Section 4 access request**

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

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 40 days.
- A fee may apply but cannot exceed €6.35.
- Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request). This will be determined on a case-by-case basis.
- No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been

possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

### **Roles and Responsibilities**

In our school the board of management is the data controller. 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:

- 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.

### **Ratification and Communication**

This policy will be ratified by the Board of Management and will be implemented immediately after ratification.

When the Data Protection Policy has been ratified by the board of management, it becomes the school's agreed Data Protection Policy.

The policy will be introduced to all staff and thereafter will be reviewed by the staff on a regular basis.

Notification of the availability of this and other school plans and policies is displayed on the school web site [www.presbray.com](http://www.presbray.com)

A full copy of the policy will be made available on the school web site and parents will be informed of the introduction of this policy.

This Policy was adopted by the Board of Management on \_\_\_\_\_

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

Chairperson of Board of Management

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

Principal

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

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