



## O'Growney National School

# Data Protection and Record Keeping Policy (G.D.P.R.)

### Introductory Statement:

*The school's Data Protection Policy applies to the **personal data** held by the school's Board of Management, which is protected by the Data Protection Acts 1988 to 2018 and the E.U. General Data Personal Regulation (G.D.P.R.)*

*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*

*O'Growney N.S. operates a "**privacy by design**" method in relation to Data Protection. This means, we plan carefully when gathering personal data so that we build in the **data protection principles**, as integral elements of all data operations in advance. We audit the personal data we hold in order to:*

*be able to provide access to individuals to their data*

*ensure it is held securely*

*document our data protection procedures*

*enhance accountability and transparency*

# Data Protection Principles

The school Board of Management 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 Board of Management is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and G.D.P.R., which can be summarised as follows:

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

Information on students is gathered with the help of parents/guardians and staff. Information is also transferred, if applicable, 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 Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

- **Consent**

Where consent is the basis for provision of personal data, (e.g. data required to join 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. O'Growney N.S. will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations.

- **Keep it only for one or more specified and explicit lawful purposes:**

The 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 records and protected with password protection in the case of electronically stored data. Confidential information will be stored securely.

- **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. However, records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of

*such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.*

- ***Ensure that it is adequate, relevant and not excessive:***

*Only the necessary amount of information required to provide an adequate service will be gathered and stored.*

- ***Retain it no longer than is necessary for the specified purpose or purposes for which it was given:***

*As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with D.E.S. 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 D.E.S. 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.*

- ***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.*

## **Purpose of the Policy:**

*The Data Protection Acts 1988 and 2003 apply to the keeping and processing of Personal Data, both in manual and electronic form.*

*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.*

*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 G.D.P.R.*

## **Definitions 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:*

**Data:** *means information in a form that can be processed. It includes both 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.*

**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 (Board of Management)

**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. e.g. Aladdin system in our school

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

**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 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:** *refers to personal data regarding a person's*

- *racial or ethnic origin, political opinions or religious or philosophical beliefs*
- *membership of a trade union*
- *physical or mental health or condition or sexual life*
- *commission or alleged commission of any offence or*
- *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 this policy is the Board of Management of O' Growney National School.*

## **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 and 2003.*

*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:*

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

- **GDPR Article 6:**  
*— processing is necessary for compliance with a legal obligation to which the controller is subject;*
- **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) Regulations 2024.*
- *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*
- *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, H.S.E., Tusla, the National Council for Special Education, other schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose".*
- *Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers, such information as the Council may from time to time reasonably request)*
- *The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While 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 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 etc.*
- *Under Children First Act 2015 and with the requirement of Chapter 8 of the Child Protection Procedures for Primary and Post-Primary Schools 2017, published by the Department of Children & Youth Affairs, schools, their Boards of Management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).*



# Relationship to characteristic spirit of O'Growney National School {School Charter}

*O'Growney N.S. seeks to*

- *enable each student to develop their full potential*
- *provide a safe and secure environment for learning*
- *promote the Catholic ethos whilst respecting a diversity of values, beliefs and traditions, in society.*

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

## Personal Data

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

### A. Staff records:

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

#### **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, P.P.S. number.*
- *Name and contact details of next-of-kin in case of emergency.*
- *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 Children First Act 2015*

#### **b) Purposes:**

*Staff records are kept for the purposes of:*

- *the management and administration of school business*
- *to facilitate the payment of staff, and calculate other benefits/entitlements*
- *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 H.S.E., 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 in a locked administration office, only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.*
- Digital records are stored on password-protected computers with adequate encryption and firewall software. Each teacher also has a password protected laptop with adequate antivirus and firewall software. Some digital information is on cloud storage.*

## **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:*
  - o *name, address and contact details, P.P.S. number*
  - o *date and place of birth*
  - o *names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)*
  - o *religious belief*
  - o *racial or ethnic origin*
  - o *membership of the Traveller community, where relevant*
  - o *whether they (or their parents) are medical card holders*
  - o *whether English is the student's first language and/or whether the student requires English language support*
  - o *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*
- *Garda vetting*
- *Other records e.g. records of any serious injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded).*
- *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 D.E.S. Child Protection Procedures).*
- *Certain pupil data may be shared with the HSE for the purpose of the School Programme*

#### **(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, update a school website, record school events, and to keep a record of the history of the school.*
- *to ensure that the student meets the school's admission criteria*
- *to ensure that students meet the minimum age requirements for their class,*
- *to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain an exemption*
- *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)*
- *in respect of a work experience placement*

#### **(c) Location:**

*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.*

#### **(d) Security:**

*Manual /hardcopy records of Tusla reports or anything of a highly confidential nature is kept in a locked filing cabinet, behind a locked door. {Key held by Principal/Secretary}*

## **C. Board of Management records:**

### **(a) Categories of Board of Management data:**

*These may include:*

- *Name, address and contact details/e-mail 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:**

*In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it.*

### **(d) Security:**

*Manual record kept (personal file within a relevant filing system), computer record (cloud storage back up). Manual records locked, computer records password protected etc.*

## **D. 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).*

**Categories of data:** *the school may hold some or all of the following information about creditors and or charitable donators (some of whom are self-employed individuals):*

*name  
address  
contact details  
P.P.S. number  
tax details  
bank details*

### **(a) 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.*

### **(b) Location:**

*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.*

- (c) **Security:** *Information is kept, either in a locked cabinet or on the secure database or on cloud back up storage belonging to the school*

## **C.C.TV. Images/recordings**

(a) **Categories:**

*C.C.TV. is installed, internally and externally. These C.C.TV. systems 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 comms room which is kept locked at all times.*

(d) **Security:**

*Access to images/recordings is restricted to the Principal / Deputy Principal. Digital recordings are retained for 30 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 1988 and 2003.*

## **Examination results, Special Education Needs reports.**

(a) **Categories:**

*The school will hold data comprising examination/assessment results in respect of its students. These include class and standardised tests, continuous assessment and assessment results. They may also include Medical Reports, Speech & Language reports, O.T. reports and Psychological reports, assessments and outcomes.*

(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 educational choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies. Parental consent is sought if reports are to be transferred to any other agency other than our school community.*

(c) **Location:**

*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.*

(d) **Security**

*This information is kept either in a locked cabinet or on the secure database or on cloud back up storage belonging to the school*

## 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 may be among those considered:*

- *Child Protection Policy*
- *Anti-Bullying Policy*
- *Code of Behaviour*
- *Mobile Phone Policy*
- *Admissions/Enrolment Policy*
- *Substance Use Policy*
- *Digital Acceptable Usage Policy*
- *SPHE etc.*

## 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*
- (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

*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 to the Chairman of the Board/Principal 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*
- ❖ *Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.*
- ❖ *No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.*

## Providing information over the phone

*In our school, any employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. For detailed information, a meeting should be arranged.*

*In particular the employee should:*

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

## Implementation arrangements, roles and responsibilities

*In our school the Board of Management is the data controller and the Principal and Deputy 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/Deputy Principal in this case*

*Principal: Implementation of Policy*

*Teaching personnel: Awareness of responsibilities*

*Administrative personnel: Security, confidentiality*

*IT personnel: Security, encryption, confidentiality*

## Success Criteria

*The following will provide some practical indicators of the success of this policy:*

- *An increase in annual attendance rates*
- *Board of Management, Staff and parent/guardian awareness of their legal obligations under the Education (Welfare) Act 2000*

## Review and Monitoring:

This policy has been made available to school personnel and the Parents' Association and is readily accessible to parents on request. A copy of this policy will be made available to the Department and the Patron, if requested. This policy will be monitored and reviewed every three years by the Board of Management. (2025 – 2026)



Policy ratified by the Board of Management on 4<sup>th</sup> February, 2025

*Signed on behalf of the Board of Management:*

Signed: *Fr. Pdraig McMahon*  
Chairperson, Board of Management

Date: 4<sup>th</sup> February, 2025

Signed: *Mr. Martin Hanly*  
Principal

Date: 4<sup>th</sup> February, 2025