



### **Willow Park Junior School**

## **Data Protection and Data Retention Policy**

**20-11-2013**

Last updated: Nov. 2013

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### **1. Introductory Statement**

The school's Data Protection Policy sets out, in writing, the manner in which personal data on staff, pupils and other individuals (e.g. parents, members of Board of Management) are kept and how the data concerned is protected.

### **2. Scope**

The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on both school staff and pupils.

*Data: means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should 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 specific information relating to a particular individual is readily accessible.*

*Personal data: means data relating to a living individual who is or can be identified 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.*

*Data Controller: A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the Principal acting for the Board of Management in exercising the functions involved.*

The policy applies to the Board of Management, all school staff, parents/guardians, pupils and others insofar as the measures under the policy relate to them.

### 3. Rationale

Willow Park Junior School, in the light of the legislation below, follows best practice regarding the data protection and data retention:

- The Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts)

Note especially:

- Under Section 9(g) of the [Education Act, 1998](#), the parents of a pupil must be given access to records kept by the school relating to the progress of their child in his education.
- Under Section 20 of the [Education \(Welfare\) Act, 2000](#), a school must maintain a register of all pupils attending the school.
- Under Section 21 of the [Education \(Welfare\) Act, 2000](#), a school must record the attendance or non-attendance of pupils registered at the school on each school day.

### 4. Relationship to characteristic spirit of the school as contained in the Mission Statement

*This policy is to be read and understood in the context of the school's ethos, which, as a Spiritan School, enables all pupils to achieve their full potential in a happy, secure and respectful environment and provides a Catholic and caring environment for the whole school community (Pupils, Staff and Parents).*

### 5. Objectives

The objectives of this policy include the following:

1. To ensure that the school complies with 'best practice' and the Data Protection Acts.
2. To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts as follows :

(i) Obtain and process information fairly

(ii) Keep it only for one or more specified, explicit and lawful purposes

(iii) Use and disclose it only in ways compatible with these purposes

(iv) Keep it safe and secure

(v) Keep it accurate, complete and up-to-date

(vi) Ensure that it is adequate, relevant and not excessive

(vii) Retain it for no longer than is necessary for the purpose or purposes for which it was obtained.

(viii) Give a copy of the personal data to the individual concerned or relevant parent of a child on request

3. To ensure that the data protection rights of pupils, staff and other members of the school community are safeguarded.

## 6. Key measures (content of policy)

The policy content is divided into two sections as follows:

- A. **Details of all personal data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case.**
- B. **Details of the arrangements in place to ensure compliance with the eight rules of data protection.**

### **A. Details of all personal data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case**

The personal data records held by the school may include:

**Staff records:** These may include:

- Name, address and contact details, PPS number
- Relevant Bank Account No. (for payment)
- Original records of application and appointment
- Record of appointments 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 complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.

**Format:** The format in which these records will be kept is manual record (personal file within filing system), computer record (database) or both.

**Purpose for keeping staff records may include:** to facilitate the payment of staff, to facilitate pension payments in the future, a record of change in responsibilities, involvement in extra-curricular activities, addressing complaints, facilitating competency/performance discussions, and evaluations.

**Pupils records:** These may include:

- Information which may be sought and recorded at enrolment, including:
  - a. name, address and contact details, PPS number
  - b. names and addresses of parents/guardians and their contact details

- c. religious denomination
- d. racial, ethnic or national origin
- e. any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record
- Psychological assessments
- Attendance Records
- Academic record – subjects studied, class assignments, Standardised tests, test results as recorded on official school reports
- Records of significant achievements
- Records of serious disciplinary issues and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.

*Format:* These records may be kept in manual form, computer record (database) or both.

*Purpose for keeping student records may include:* to enable each student to develop his/her full potential, to comply with legislative or administrative requirements, to ensure that eligible pupils can benefit from the relevant additional teaching or learning supports, , to enable parent/guardians to be contacted in the case of emergency and to address disciplinary matters.

***Board of Management records:*** These may include:

- Name, address and contact details of each member 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.

*Format:* These records may be kept in manual form, computer record (database) or both.

*Purpose for keeping Board of Management records may include:* a record of Board appointments, documenting decisions made by the Board etc.

## **B. Details of arrangements in place to ensure compliance with the eight rules of data protection**

**The following are the procedures in place with regard to the eight data protection rules:**

**1. 1. Obtain and process information fairly**

- Personal information will be obtained and processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, or parents/guardians

**1. 2. Keep it only for one or more specified, explicit and lawful purposes**

- The persons whose data is collected will be given the lawful reasons why it is collected and kept.

**1. 3. Use and disclose it only in ways compatible with these purposes**

- Data will be used only in ways consistent with the purpose/s for which it was obtained.
- As per Section 20 of the [Education \(Welfare\) Act, 2000](#), and following best practice, the Principal of Willow Park Junior School, will maintain a register with the names of all children attending the school. When a child is transferring from Willow Park Junior School, the Principal will notify the Principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that are considered appropriate.
- Under Section 28 of the Act, a school may supply personal data, or information extracted from such data, to other schools or another 'designated' body if satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. In following best practice in this regard, Willow Park Junior School may, with the permission of a parent, supply data pertaining to attendance to:
  - The National Educational Welfare Board (NEWB)
  - HSE\*
  - An Garda Siochana\*

Outside agencies requesting access to records must do so in writing, giving seven days' notice. Parents/Guardians can make such a request either in person, in writing or over the telephone (where evidence of identity may be required).

A 'parental authorization letter' must be completed by parents in the event of data being transferred to outside agencies such as health professionals etc.

*\*Please note that -where the Principal is concerned about the welfare of a pupil, he/she, following consultation with the Chairperson of the Board of Management, may be obliged to contact the HSE and /or Gardai and disclose relevant personal data to protect said pupil.*

1. **4. Keep it safe and secure**

Appropriate security measures will be taken against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction.

- Access to the information (including authority to add/amend/delete records) is restricted to authorised staff on a “need to know” basis.
- Computer systems are password protected.
- Information on computer screens and manual files is kept out of view of callers to the school/office.
- Back-up procedures are in operation for computer held data.
- All reasonable measures are taken to ensure that staff are made aware of the security measures and comply with them.
- All waste papers, printouts etc. containing personal information are shredded and disposed of carefully.
- Steps are taken to ensure that no unauthorised person can access data from computers which are no longer in use or subject to change of use.
- The Principal is the designated person responsible for overall security.
- Periodic reviews of the measures and practices in place will be undertaken.
- The premises will be secure when unoccupied.

1. **5. Keep it accurate, complete and up-to-date**

- Clerical and computer procedures are adequate to ensure high levels of data accuracy.
- Appropriate procedures are in place, including periodic review and audit, to ensure that each data item is kept up-to-date.

1. **6. Ensure that it is adequate, relevant and not excessive**

- The information held is adequate in relation to the purpose/s for which it is kept.
- The information held is relevant in relation to the purpose/s for which it is kept.
- The information held is not excessive in relation to the purpose/s for which it is kept.

1. **7. Retain it for no longer than is necessary for the purpose or purposes**

- There is a defined policy in place for the retention periods for all items of personal data kept.
- Management, clerical and computer procedures are in place to implement such a policy.

In general, personal data will not be kept for any longer than is necessary to fulfil the function for which it was first recorded. Retention times cannot be rigidly prescribed to cover every possible situation and there is a need to exercise individual judgement in this regard in relation to each category of records held. However, the following particular requirements will be met:

- Willow Park Junior School will keep registers and roll books within the school archive, as per best practice.
- General records are kept for a minimum of 7 years.
- Pay, taxation and related school personnel service records will be retained indefinitely within the school.
- Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property), the relevant records will be retained until the possibility of litigation ceases.

**Note:** The statute of limitations in relation to personal injuries is currently two years. The limitation period for other causes of action varies, but in most cases is not greater than six years. A limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim. In the case of minors, the limitation period does not begin to run until they reach their 18<sup>th</sup> birthday or later if the date of knowledge post-dates their 18<sup>th</sup> birthday. It would appear prudent not to destroy records likely to be relevant in litigation at least until the six year limitation period has expired and subsequent to the age of majority in the case of a minor.

#### 1. ***8. Give a copy of his/her personal data to that individual on request***

On making an access request, the relevant Parent/Guardian or Staff member subject to the Data Protection Acts is entitled to:

- a copy of the relevant data which is kept
- know the purpose/s for processing said data
- know the identity of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions
- a copy of any data held in the form of opinions, except where such opinions were given in confidence.

To make an access request, an individual must:

- apply in writing
- give any details which might be needed to help identify him/her.

### **Handling access requests**

- The Data Controller, the Principal, acting for the Board of Management, is responsible for handling access requests.
- Procedures are in place to provide applicants with access to personal data about themselves/ their child in accordance with the Data Protection Acts as detailed above.
- Proof of identity may be required, in certain circumstances, in order to access personal data.
- Where applicable, procedures are in place to record the outcome of any legal proceedings which may limit the right of one or both parents to access information about their child. If spouses are separated and one of them has obtained an order for custody but both of them remain guardians, then both of them are entitled to be involved in important decisions which affect the child.
- Procedures are in place to ensure that all relevant manual files and computers are checked for the data in respect of which the access request is made.
- Procedures are in place to rectify or erase any inaccurate information as identified by the individual on whom the data is kept, within 40 days of the request being made.
- Information will be supplied promptly and within 40 days of receiving the request or, in respect of examinations data, within 60 days of receiving the request or 60 days of first publication of the results (whichever is the later).
- Individual will be informed within 40 days of the request if no information is held on them.

### **7. Links to Other Policies**

#### **Links to related school policies**

School policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place, being developed or reviewed, will be examined with reference to the Data Protection Policy and any implications which it has for them will be addressed.

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour.

### **8. Implementation Arrangements, Roles and Responsibilities**



The Principal will be assigned the role of co-ordinating implementation of the Policy and for ensuring that staff who handle or have access to personal data are familiarised with their data protection responsibilities.

School administrative staff will have a key role in implementing the Policy and will be provided with a copy of the policy and other relevant information. Teaching staff will be provided with a copy of the Policy. A hard copy of the policy will be available at Reception and the Policy can be accessed at [www.willowparkjuniorschool.ie](http://www.willowparkjuniorschool.ie)

#### **9. Ratification & Communication**

The entire staff must be familiar with the Policy and ready to put it into practice in accordance with the specified implementation arrangements. It is important that all concerned are made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students will be informed of the Data Protection Policy from the time of enrolment of the student e.g. by means of a statement of the key elements of the policy.

#### **10. Implementation Date**

The policy will take effect from date of Ratification by the Board of Management. (see below)

#### **11. Monitoring the implementation of the policy**

The implementation of the policy will be monitored to ensure that the actions/measures set down under the policy are being implemented.

#### **12. Reviewing and evaluating the policy**

The policy will be reviewed and evaluated every three years and as necessary. Ongoing review and evaluation will take cognisance of changing information or guidelines, 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.

Ratified by the Board of Management on 20-11-2013

\_\_\_\_\_ Chairman's Signature

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

## Appendix A

### **Data Protection Statement for inclusion on relevant forms when personal information is being requested**

The information collected on this form will be held by Willow Park Junior School in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is *for administrative purposes, to facilitate the school in meeting the pupils' educational needs.*

Disclosure of any of this information to statutory bodies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians - if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of pupils and Staff have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

**Signed Parent/Guardian:** \_\_\_\_\_

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