



## General Data Protection Regulation (GDPR) Policy

### Introduction

The General Data Protection Regulation (GDPR) came into force on the 25th May 2018, replacing the existing data protection framework under the EU Data Protection Directive. Limerick Educate Together Secondary School as a Data Controller is committed to taking all necessary steps to ensure that the Personal and Special Category (sensitive) data collected and retained by Limerick Educate Together Secondary School is protected by and complies with Data Protection Legislation, the Articles of the EU General Data Protection Regulations (GDPR), and the sound legal basis identified for collection and use. Limerick Educate Together Secondary School will take all necessary steps to uphold the privacy rights of data subjects as outlined by Data Protection Legislation. For this purpose, Limerick Educate Together Secondary School's Data Protection Policy and Privacy Notice sets out, in writing, the manner in which Personal Data and Special Category Data relating to staff, students and other individuals (e.g. Parents/Guardians, Limerick Educate Together Secondary School Board members etc.) is used, shared and retained. Limerick Educate Together Secondary School's Data Protection Policy and Privacy Notice are now updated in light of GDPR and apply to all individuals of whom we collect personal or special category data e.g. Staff, Students, Board members, Parents/Guardians, and others insofar as they handle or process personal or special category data in the provision of services to Limerick Educate Together Secondary School.

For noting, the following definitions apply:

- **Personal Data:** is 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 likely to come into, the possession of the data controller (Limerick Educate Together Secondary School). i.e. Name, Address, PPSN, or a number that can make a person identifiable such as a registration plate. CCTV images are also considered personal data (not applicable at present)
- **Special Category (Sensitive) Data:** can be categorised as items such as: Religious or Philosophical beliefs, Political opinions, Sexual orientation, Medical/Health Data, Trade Union Membership, Biometric Data, and Genetic Data etc.
- **Data Subject:** is the person to whom the personal or special category relates
- **Data Controller:** is an Individual or Organisation who alone or jointly with others collects and has responsibility for the means of processing of personal or special category data. For further definitions or for any additional information please visit the website of the Data Protection Commissioner at [www.dataprotection.ie](http://www.dataprotection.ie)

**Details of all personal data which is 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:**

- Name, address and contact details, PPS number
- 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. Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.

**Format:** These records will be kept in 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 promotions made.

**Student Records:**

- Information which may be sought and recorded at enrolment, including:
  - name, address and contact details
  - PPS number o names and addresses of parents/guardians and their contact details
  - Racial, ethnic or national origin
  - 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, examination results as recorded on official school reports
  - Records of significant achievements
  - Records of disciplinary issues and/or sanctions imposed
  - Other records e.g. records of any serious injuries/accidents etc.

**Format:** These records will be kept in manual record (personal file within filing system), computer record (database) or both.

**The purposes for keeping student records are:** to enable each student to develop his/her 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 parent/guardians to be contacted in the case of emergency.

**Board of Management/Parents' Council Records:**

- 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 will be kept in manual record (personal file within filing system), computer record (database) or both.

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

The policy should set down the arrangements in place to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

- 1. Obtain and process information fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also gathered from the records of their previous schools. Information held on other individuals (members of staff etc.) is generally furnished by the individual themselves or compiled during the course of their employment with the School. The information will be obtained and processed fairly.
- 2. Keep it only for one or more specified, explicit and lawful purposes:** All information is kept with the best interest of the individual in mind at all times.
- 3. Use and disclose it only in ways compatible with these purposes:** Information will only be disclosed on professional and pastoral necessity and access to it will be strictly controlled.
- 4. Keep it safe and secure:** Only those with a genuine pastoral or professional 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 firewall software and password protection in the case of electronically stored data. Confidential or highly sensitive information will be stored securely, when appropriate, 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.
- 5. Keep it accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should ensure that the School is advised 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 as the need arises. The Principal may delegate such updates/amendments to another member of staff. 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) made to any original record/documentation should be dated and signed by the person making that change.
- 6. 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.
- 7. Retain it for no longer than is necessary for the purpose or purposes:** As a general rule, the information will be kept for the duration of the individual's time in the School. Thereafter, the School will comply with DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a student. In the case of members of staff, the School will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to the employee. 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 civil law.
- 8. Give a copy of his/her personal data to that 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. Where the School receives an access request from a student or their parent/guardian, the School will adhere to the guidance material published on the Data Protection Commissioner's website in respect of the person who can give consent, which states: "As a general rule in the area of

education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."

## **The Rights of a Data Subject under Data Protection Legislation**

A **Data Subject** has the following rights under Data Protection Legislation which can be exercised at any time:

- Right of access
- Right to Rectification
- Right to be forgotten
- Right to restrict processing
- Right to data portability
- Right to object and to object to automated decision making /profiling
- Right to complain to the Supervisory Authority

Please note that should a Data Subject exercise their rights, they will be asked for verification of identification as mentioned below in the section 'Making a Data Access Request'.

## **Access Requests by Students**

- Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts.
- Students under 18 years of age can be given access to their personal information, depending on the age of the student and the nature of the record i.e. it is suggested that:
  - If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
  - If the record is of a sensitive nature, it would be prudent to seek parental/guardian consent
  - if a student has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent should be sought.

## **Exceptions to the Right of Access**

- Schools should note that data protection regulations prohibit the supply of:
  - Health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such data is to be communicated only by, or after consultation with, an appropriate "health professional", normally the patient's own doctor
  - Personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. The regulations apply to social work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

## **Making a Data Access Request**

A data subject can exercise the right of access at any time by contacting Limerick Educate Together Secondary School's Data Protection Office in writing. This can be done via email to [office@limericketss.ie](mailto:office@limericketss.ie) or via post to Limerick Educate Together Secondary School, Fernbank, North Circular Road, Limerick V94 W252. A data Access Request Form is also available on request (if preferred) from [office@limericketss.com](mailto:office@limericketss.com). The data access request should include identification as mentioned below, and information on the nature of association with Limerick Educate Together Secondary School.

**A fee of €6.35 must accompany the Access request Form if it is a Section 4 Data Access Request together with proof of identity.**

In certain circumstances, and in accordance with the Data Protection Legislation, a request may be refused. If this happens, Limerick Educate Together Secondary School will provide the Data Subject with a full legal basis for refusal.

### **Important notice – Identification**

To protect the data requested, and so Limerick Educate Together Secondary School can satisfy itself of the identity of the requester, the data access is required to be accompanied by **one** of following identity verification methods:

- A copy of State Identification (Passport or Drivers Licence) officially verified with the station stamp and signature of a member of An Garda Síochána
- The requestor can present themselves with their identification to the Office in Limerick Educate Together Secondary School, Fernbank, North Circular Road, Limerick V94 W252
- The requestor can include a declaration from a Commissioner of Oaths verifying their identity

Upon receipt of all relevant documentation, Limerick Educate Together Secondary School will process the Data Access Request within 30 calendar days. Please note that in accordance with Data Protection Legislation, Limerick Educate Together Secondary School can only release the data belonging to the requester. The data of all other individuals other than the requester will be redacted where necessary.

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

The Principal has responsibility for implementing of the policy and for ensuring that staff that 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 should be provided with a copy of the policy and other relevant information. Teaching staff could be provided, at the minimum, with a broad outline of the policy, including a summary of the eight rules of data protection.