

St. Declan's National School

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DATA PROTECTION POLICY

This policy was formulated by St. Declan's National School in accordance with the Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR). The policy was ratified by the Board of Management, made available to parents and circulated to staff.

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1.Introduction

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 EU General Data Personal Regulation (GDPR) Individuals have a number of rights in relation to their personal information – i.e. personal data – and these rights have been enhanced by the General Data Protection Regulation (GDPR).This Data Protection policy describes how we at St Declan's NS collect and process personal data, in accordance with the GDPR and the school's legal obligations generally in relation to the provision of education. Processing is the legal term used to describe various acts including - the collection, recording, organisation, structuring, storage, alteration, use of, retrieval, disclosure or transmission of information.

2.Rationale

This policy applies to all school staff, Board Of Management, pupils, parents and guardians. By enrolling your child in and/or by attending St Declan's NS you acknowledge and agree to the collection and processing of personal information by 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 will be protected by St. Declan's NS.

3.Aims

The aims of developing this policy include the following

- To ensure that the school complies with the Data Protection Acts 1988 and 2003
- To ensure compliance by the school with the eight principles of data protection as set down by the data protection commissioner based on the acts. (Section 4)
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.
- To provide clarity to all interested parties in relation to the data protection protocols of the school.

4.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, they are obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, 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 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 legislation 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. We will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. This permission may also be granted on our online Aladdin Connect school administration system. Consent can be withdrawn by data subjects in these situations

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

The Board of Management will inform individuals of the reasons they collect their data and 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. Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection

in the case of electronically stored data. Portable devices storing personal data (such as laptops) are encrypted and password-protected

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. 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 DES guidelines on the storage of 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 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. See School Record Retention table.

Provide a copy of their personal data to any individual on request

Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

5.Information collected

St. Declan's NS may collect the following personal information on pupils. We process this personal information to enable pupils to develop to their full potential and meet the educational, social, physical and emotional requirements of the pupil. St. Declan's NS collects personal information about pupils through the enrolment process and/or through expressions of interest in relation to enrolment. Additional information is collected from third parties, including former schools and through school activities and general interaction(s) during the course of the pupil's time in our school. Records are securely stored in our strong room which is keypad protected. Records are stored until pupils reach the age of 18 + 7 years. All completed school Roll Books, Registers and Leabhar Tinrimh are stored in the same location together with Accident Report Books. Access to these stored files is restricted to authorised personnel only.

Pupil Information

- Personal details such as name, address, date of birth, gender, PPS number, nationality, emergency contact information and information in relation to the pupil's family as may be required,
- Any Special Education Needs (SEN),
- Any Child Protection information,
- Academic records, school reports, pupil learning needs, pupil behaviour needs, permission for access to educational reports, individual education and learning support plans

- Personal pupil profiles (including whether English is the pupil's first language or if exempt from any subjects e.g. Irish or religion),
- Psychological referral/assessment documentation and permission for access to psychological reports,
- Information for the Primary Online Database (POD),
- Information for Special Educational Needs Organiser (SENO),
- Information for TUSLA (the Child and Family Agency) and/or the Health Service Executive (HSE),
- Attendance records and explanatory notes in relation to absences,
- Disciplinary records including notes that may be held by the teacher(s), incident and accident reports, investigations and sanctions if imposed,
- Permission notes/online permission in respect of school activities e.g. school tours/trips and outings, extra-curricular activities, (including Curricular, RSE/Stay Safe Programme(s)),
- Photographs and recorded images of pupil(s) (including at school events),
- School Transport information,

Sensitive Personal Information – Pupils

St. Declan's NS may collect and process the following special categories of more sensitive personal information such as:

- Information about pupil's health, medical certificates, medical needs, allergies and consent for administration of medicine,
- Religious belief and confirmation of engagement or not in Religious Sacraments,
- Membership of the Traveller Community,
- Racial or Ethnic origin

Student records are retained:

- To enable each student to develop to 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 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, e.g. compile graduation books and for use on our school website
- To ensure that the student meets the school's admission criteria
- To ensure that students meet the minimum age requirement for attendance at Primary School.
- 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, HSE, 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) documentation/information/references to second-level educational institutions.

Parent / Guardian Information

St. Declan's NS may collect and process the information below on parents/guardians through the enrolment process or expressions of interest for enrolment. We collect additional personal information through general interaction during the course of the pupil's time in our school.

- Contact details of parent / guardian e.g. name, address, email address, telephone number(s)
- Information regarding legal orders in respect of any family law disputes in respect of guardianship, custody or access,
- Occupation and nationality,
- Number of children, position of pupil(s) in family,
- Consent in respect of medical/other emergencies,
- Consent in respect of school activities e.g. school tours/trips and outings, extra-curricular activities,
- Consent to publish photographs and schoolwork of pupils on school website / print media etc,
- Records, correspondence or notes arising from interaction with parents / guardians,

Staff Information

St. Declan's N.S. may collect and process the following personal information from members of staff within the school community e.g. trainee teachers and teachers under probation. These staff records may include:

- Name, address and contact details, PPS 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

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
- For compliance with legislation relevant to the school.

Board of Management records

Categories of Board of Management data:

- 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 individuals.

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.

Other Records: Creditors

Categories of Board of Management data:

The school may hold some or all of the following information about creditors (some of whom are self-employed individuals): The purposes for keeping creditor records is for information 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.

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid

Other Records: Charity Tax-back Forms

The school may hold the following data in relation to donors who have made charitable donations to the school:

- name
- address
- telephone number
- PPS number
- tax rate
- signature and
- the gross amount of the donation.

The purposes for keeping creditor records are:

Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the parents' name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the event of audit by the Revenue Commissioners.

Information from third parties

St. Declan's NS may receive from, share and/or transfer information to a range of third parties such as the following:

- *The Department of Education and Skills*
- *TUSLA / the Child and Family Agency*
- *HSE*
- *The National Council for Special Education*
- *National Educational Psychological Service (NEPS)*
- *Department of Social Protection and/or other state benefit providers*
- *An Garda Síochána*
- *Allianz Insurance*
- *Aladdin*

6. Location and security procedures

A locked cabinet 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. The school has a security alarm activated during out-of-school hours.

CCTV is installed in St. Declan's NS. Cameras are installed externally. These CCTV systems may record images of staff, students and members of the public who visit the premises. The viewing station is in the secretary's office. The purpose of the CCTV is to promote and safeguard school property and equipment.

Access to images/recordings is restricted to the principal. Recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to Data Protection Acts legislation.

7. Links to other school policies

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:

- Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education and Skills' pupil online database.
- Child Protection Procedures
- Anti-Bullying Procedures
- Code of Behaviour
- Enrolment Policy
- ICT Acceptable Usage Policy
- Website Policy
- Assessment Policy
- Special Educational Needs Policy
- Critical Incident Policy
- Attendance Policy

8. 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:*

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. St. Declan's NS sends, by post, a copy of a child's *educational passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled

Where reports on pupils which have been completed by professionals, apart from St. Declan's NS staff, they are included in current pupil files, such reports are only passed to the Post-Primary school following express written permission having been sought and received from the parents of the said pupils

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, Tusla, the National Council for Special Education and other schools). The Board of Management must be satisfied that it will be used for a 'relevant purpose' (which includes recording a person's educational or training history or monitoring their educational or training progress; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)

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 2014** 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 most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of Education and Training Boards), 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 by that body if a request is made to that body

Under **Infectious Diseases (Amendment)(No.3) Regulations 2024 (SI 735 of 2024)** and **Health (Provision of Information for Health Examination and Treatment Service) Regulations 2024** schools have a legal obligation to share

certain pupil data 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.

Under ***Children First Act 2015***, *mandated persons in schools* have responsibilities to report child welfare concerns to TUSLA- Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána)

9. Individual rights

Individuals have several rights under GDPR which in certain circumstances are limited and/or constrained. These individual rights include the right– free of charge and subject to any limitations as may apply – to:

1. Request in writing a copy of the personal information held about the individual;
2. Rectify any inaccurate personal data held about the individual;
3. Erase personal information held about the individual;
4. Restrict the processing of individual personal information;
5. Object to the use of individual personal information for our legitimate interests;
6. Receive individual personal information in a structured commonly used and machine-readable format and to have that data transmitted to another data controller.

If you wish to exercise any of these rights please contact us at the school email address info@decsash.ie. No personal data can be supplied relating to another individual apart from the data subject. You also have the right to lodge a complaint to the office of the Data Protection Commission.

An employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. In particular, the employee should:

- Ask that the caller put their request in writing
- Refer the request to the principal for assistance in difficult situations
- Not feel forced into disclosing personal information

10.Success Criteria

Means of assessing the effectiveness of this policy will include:

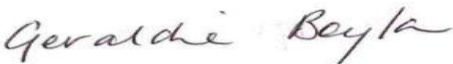

- Compliance with Data Protection Act and Statute of Limitations Act
- Easy access to records
- Framework in place for ease of compilation and reporting
- Manageable storage of records

11.Ratification and Review of Policy

On-going review and evaluation will take cognisance of changing information or guidelines (e.g.from the Data Protection Commissioner, Department of Education and Skills or TUSLA), 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.

The policy was reviewed in June 2024 and ratified by the Board of Management on the 18th June 2024. The policy was subsequently updated in February 2025 to reflect new regulations under the Health Acts that were signed into law in 2024. The policy will be reviewed again in 2027 (every three years) or earlier as appropriate. It will be appropriately communicated to members of the school community and made available on our school website.

Signed and dated:

	
Ms. Geraldine Boylan	Mr. Cian Kearins
Chairperson of the Board of Management	Principal/Secretary to the Board of Management
Date: 4/2/2025	Date: 4/2/2025