

Temple Carrig School

Data Protection Policy 2019

The School's Data Protection Policy applies to the personal data held by the School which is protected by the General Data Protection Regulation (EU) 2016/79.

The policy applies to all school staff, the Board of Management, its current, past and prospective 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 it 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.

Section 1 General 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 School's Data Protection Policy and this applies to the personal data held by the School which is protected by the General Data Protection Regulation (EU) 2016/79 and which is summarised as follows:

- **Obtain and process personal data fairly, lawfully and in a transparent manner:** 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 as part of the contractual agreement on the understanding that the School requires such information to carry out its legitimate role as an employer and as a provider of education services to the students seeking to be enrolled and once they are enrolled. 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.
- **Collect it only for one or more specified, explicit and 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 firewall software and password protection in the case of electronically stored data. 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 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. 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) 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 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 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 this Policy

The General Data Protection Regulation (EU) 2016/79 applies 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.

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.

Implementation of this policy also takes into account the School's obligations and responsibilities to students who are data subjects. In particular, the **Irish Office of the Data Protection Commissioner's guidance** is that, '*Guardians can make an access request on behalf of a child. However, once a child is capable of understanding their rights to privacy and data protection, the child should normally decide for themselves whether to request access to data and make the request*

in their own name. Where an organisation receives an access request from a legal guardian on behalf of a child who has had direct interaction with that organisation, and/or where that child is capable of understanding their own rights to privacy and data protection, the organisation must take account of the child's rights in deciding how to respond to the access request.

Definition 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 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 forms 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, 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.

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.

The Data Controller for the purpose of this policy is the Board of Management of Temple Carrig School located at Blacklion Manor, Greystones, Co Wicklow with the Principal being the contact person.

Rationale

In addition to its legal obligations under the broad remit of educational legislation, the School has a legal responsibility to comply with the General Data Protection Regulation (EU) 2016/79.

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. 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 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 staff and the 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 the 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:

- 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, TUSLA, NCSE, other schools, other centres of education) provided the School is 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 in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; 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 ("SENOs")) such information as the Council may from time to time reasonably request
- The Freedom of Information Act 1997 provides a qualified right of 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 students 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
- Under *Children First: National Guidance for the Protection and Welfare of Children* (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) and/or An Garda Síochána in the event of knowledge or belief of a serious crime having been committed against a child or vulnerable person.

Relationship to the characteristic spirit of the School

Temple Carrig School aims to provide the best possible secondary education within a community that values and respects the Christian principles. This is espoused more fully in the School's Statement of Ethos, available from the Office and on the website.

The School sets out to achieve this aim while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us under the Data Protection Acts.

Section 2 Personal Data Records

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

STAFF RECORDS

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, date of birth, details of occupation, taxation status
- 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, disciplinary matters 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).
- Outcome of Garda Vetting Applications

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.

Lawful basis for processing:

Legal obligation for certain types of information such as deduction of income tax.

For the performance of a contract.

Article 9(2b) GDPR states that special categories of data (eg. Health data) can be processed when: *processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment.*

To protect a member of staff's vital interest.

Because it is in the public interest or in the exercise of the official authority vested in the School.

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.

Security: In a secure, locked filing cabinet for paper files. In a secure locked server room for computer files. Computer records are password protected and firewall protected.

Is any of this data passed on? If yes, to what purpose? Relevant data is passed onto the relevant government agencies for tax and social security reasons. Relevant data is passed onto the School's pension and life assurance providers for the purposes of those schemes.

How long do we keep the information? See Data Retention Schedule below.

STUDENT RECORDS

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
 - nationality and place of residence
 - names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
 - religious belief
 - racial or ethnic origin
 - membership of the Traveller community, where relevant
 - whether they (or their parents) are medical card holders
 - whether English is the student's first language and/or whether the student requires English language support
 - 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 and results from state examinations
- Records of significant achievements
- Whether the student is repeating the Leaving Certificate
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Garda vetting outcome record (where the student is engaged in work experience organised with or through the School/ETB which requires that they be Garda vetted)
- Other records e.g. records of any serious injuries/accidents etc.

- 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:

- 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 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.
- to ensure that the student meets the School's Admissions criteria
- to ensure that student meet the minimum age requirements for their course,
- 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
- to furnish, when requested by the student and/or his or her parent/legal guardian as appropriate, documentation/information/ references to third-level educational institutions and/or prospective employers

Lawful basis for processing:

Legal basis for some information (as noted above).

For the performance of a contract for certain types of information.

Consent for all categories of sensitive information (as listed above)

To protect a student's vital interest.

Because it is in the public interest or in the exercise of the official authority vested in the School.

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.

Security: In a secure, locked filing cabinet for paper files. In a secure locked server room for computer files. Computer records are password protected and firewall protected.

Is any of this data passed on? If yes, to what purpose? Relevant data is passed onto the relevant state agencies as noted under the legal basis for collecting information.

How long do we keep the information? See Data Retention Schedule below.

BOARD OF MANAGEMENT RECORDS

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.

Purposes: To enable the Board of Management to operate in accordance with the Statutes of the College and the Framework for the Management of the College and the Education Act 1998 and other applicable legislation and to maintain a record of Board appointments and decisions.

Lawful basis for processing

Legal basis

Location: In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.

Security: In a secure, locked filing cabinet for paper files. In a secure locked server room for computer files. Computer records are password protected and firewall protected.

Is any of this data passed on? If yes, to what purpose? Relevant data on the Board of Management accounts is passed onto the College auditors and the Financial Services Support Unit as required by the Department of Education and Skills.

How long do we keep the information? See Data Retention Schedule below.

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). Some examples of the type of other records which the School will hold are set out below (this list is not exhaustive):

PARENTS' RECORDS

Categories of data: the School may hold some or all of the following information about parents and/or guardians of students.

- Names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
- Religious belief
- Bank details in order that the return of any booking deposit can be repaid

Purposes: To enable the College to manage the School's financial affairs and Admissions process, including the issuing of fee invoices.

Lawful basis for processing

For the performance of a contract for certain types of information.
Consent for sensitive data, such as religious belief.

Location: Kept as part of the relevant student files 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.

Security: In a secure, locked filing cabinet for paper files. In a secure locked server room for computer files. Computer records are password protected and firewall protected.

Is any of this data passed on? If yes, to what purpose? No.

How long do we keep the information? See Data Retention Schedule below.

CREDITORS

Categories of data: the School may hold some or all of the following information about creditors (some of whom are self-employed individuals):

- Name and address and contact details
- PPS number and tax details
- bank details and amounts paid

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.

Lawful basis for processing:

For the performance of a contract for certain types of information.

Legal basis where the College is required to act as Principal Contractor under Relevant Contracts Taxation regulations set out by the Revenue Commissioners.

Location: In a secure, locked office 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.

Security: In a secure, locked filing cabinet for paper files. In a secure locked server room for computer files. Computer records are password protected and firewall protected.

Is any of this data passed on? If yes, to what purpose? Relevant data is passed onto the Revenue Commissioners and may be passed to our Auditors where relevant in the performance of their duties.

How long do we keep the information? See Data Retention Schedule below.

DONORS

Categories of data: the School may hold the following data in relation to donors who have made charitable donations to the School:

- name, address and contact details
- PPS number and tax rate
- the gross amount of the donation.

Purposes: As charitable institutions, 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 the relevant form 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 donor's name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the case of audit by the Revenue Commissioners.

Lawful basis for processing: Legal basis

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.

Security: In a secure, locked filing cabinet for paper files. In a secure locked server room for computer files. Computer records are password protected and firewall protected.

Is any of this data passed on? If yes, to what purpose? Relevant data is passed onto the Revenue Commissioners and may be passed to our Auditors where relevant in the performance of their duties.

How long do we keep the information? See Data Retention Schedule below.

CCTV images/recordings

CCTV is installed in some external areas of the School, as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.

Purposes: Safety and security of staff, students and visitors and to safeguard school property and equipment.

Lawful basis for processing:

Legitimate interests. CCTV is in operation in the School grounds for the safety and welfare of our students and staff.

Location: Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in the IT office.

Security: Access to images/recordings is restricted to the Boarding House staff, the member of staff responsible for IT and the member of staff responsible for on-site security. The images 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 and any other relevant state agency or body that the Principal may deem appropriate.

Is any of this data passed on? If yes, to what purpose? To An Garda Síochána and any other relevant state agency or body that the Principal may deem appropriate.

How long do we keep the information? See Data Retention Schedule below.

October Returns

Categories: At the beginning of each academic year (and for First Year or transferring students, on enrolment) parents/guardians and students are asked to provide the School with certain information so that the School can make returns to the Department of Education and Skills (“DES”) referred to as “October Returns”. These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians and students on the basis of explicit and informed consent. The October Return contains individualised data (such as an individual student’s PPS number) which acts as an “identifier” for the DES to validate the data that belongs to a recognised student. The DES also transfers some of this data to other government departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy-making and research purposes. However, the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has a data protection policy which can be viewed on its website (www.education.ie). The DES has also published a “Fair Processing Notice” to explain how the personal data of students as contained in October Returns is processed. This can also be found on www.education.ie (search for Circular Letter 0047/2010 in the “Circulars” section).

Purposes: The School completes the October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the School. The main purpose of the October Returns is for the DES to determine state examinations entries and levels, whether the student qualifies for English language support and/or additional resources and support to meet their particular educational needs. The October Returns are submitted to the DES electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The School’s aim is to ensure that each student is assisted in every way to ensure that s/he meets his/her full potential.

Lawful basis for processing: Legal basis

Location: No hard files are kept, all information is held on P-Pod, the Department of Education’s October Returns system.

Security: The online records are password protected and have firewall software.

Is any of this data passed on? If yes, to what purpose? Relevant data is passed onto the Department of Education and Skills and State Examinations Commission as noted under the legal basis for collecting information..

How long do we keep the information? See Data Retention Schedule below.

Section 3 Other Data Protection Practices

Links to other policies and to curriculum delivery

School policies need to be consistent with one another, within the framework of the overall School Plan. Relevant 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 Safeguarding Guide (and all its component parts)
- Anti-Bullying Policy
- Code of Conduct
- Admissions Policies
- ICT Acceptable Usage Policy
- RSE Policy

Processing in line with the data subject's rights

Data in this school will be processed in line with the rights of individuals as data subjects and these rights are as follows;

- The right to have personal information processed in a concise, transparent, intelligible and easily accessible form, using clear and plain language.
- The right to be informed, this means that the College needs to tell you what data we are using, why we are using it and for what purpose as well as informing you of the details of any third parties in receipt of data from the College.
- The right of access, you are allowed to see what data of yours we are processing if you request that from us.
- The right of rectification, that means if the data we are using is incorrect we have to correct it.
- The right to be forgotten, this means that we do not keep the data for a period longer than is necessary for the reason that it was originally collected. It also means that you have the right to issue a request to us requesting the erasure of your personal data. However, in many cases, the College will have overriding legitimate grounds for continued processing and will be unable to comply with such a request. This will be handled on a case by case basis, for further details please contact the College directly.
- The right to restrict processing, this means that you can ask us to stop using your data unless the College has a legitimate lawful purpose for continuing to do so.
- The right to data portability, this means that you have the right to move your data that you originally provided to the College to another data processor and the College has to provide you with this data in an acceptable format.
- The right to object, this means that you can object to the use of your data by the College and the College must stop using it unless it has an over-riding legitimate reason to continue.

Dealing with a data access request

As stated above, 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 Principal. They will then be provided with a Subject Access Request Form to assist the School in complying with the request, although they are not obliged to complete this form. Prior to complying with a Subject Access Request, the School requires proof of the applicant's identity and address to ensure that the person making this access request is acting legitimately. Information requested will be provided by the School within one month of the identity of the individual of the data subject being verified.

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. Such consent must be given in writing to the Principal. Data will be carefully redacted to omit references to any other individual and where it has not been possible to redact the data to ensure that the third party is not identifiable, the School will refuse to furnish the data to the applicant. In compliance with GDPR, organisations refuse to grant an access request where such a request is deemed manifestly unfounded or excessive. 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.

Dealing with a data breach

Certain data breaches i.e., those that have the potential to have a significant detrimental effect on the individual through discrimination, damage to reputation, financial loss, loss of confidentiality or any other economic or social disadvantage must be reported by the College to the Data Protection Commission within 72 hours.

Where such a breach presents a high risk to the rights and freedoms of individuals, the College will also report the breach to the individual affected without undue delay.

Implementation arrangements, roles and responsibilities

In Temple Carrig School, the Board of Management is the Data Controller and the Principal will be assigned the role of Data Protection Officer, responsible for 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:	Implementation of Policy and Data Protection Officer
All Staff :	Awareness of responsibilities, security, confidentiality

Communication and implementation of this policy

This Data Protection Policy will be made available (from the School Office and on the website) to the entire School community. The entire staff must be familiar with the Data Protection 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 including reference to the Data Protection Policy as part of the Enrolment Pack.

The implementation of the policy shall be monitored by the Principal and the Board of Management. At least one annual report should be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented. Staff training will be carried out accordingly and reviewed regularly.

The policy will be reviewed annually by the Board of Management. On-going review and evaluation should take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the NEWB), legislation and feedback from parents/guardians, students, school staff and others. The policy should be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Approved by the Board of Management following a consultation process with the Student Council, PTA Committee and Teaching Staff:

28th June 2019

Appendix: Data Retention Schedule

As a data controller, Temple Carrig School must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, Temple Carrig School has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

IMPORTANT: In all cases, schools should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/board of management/an officer or employee of the school (which may include a volunteer), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statute of Limitations may be different in every case. In all cases where reference is made to “18 years” being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school must be aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations **may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by schools on a case-by-case basis.** In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school should be aware that the claim could arise many years after the incident complained of and the courts/tribunals/employment fora may not consider the complainant to be “out of time” to make their claim.

1 Student Records

Student Records	Retention period	Final disposition	Comments
Registers/Roll books	Indefinitely	N/A	Indefinitely. Archive when class leaves + 2 years

State exam results	N/A	N/A	SEC responsibility to retain, not a requirement for school to retain.
Records relating to students	Retention period	Confidential shredding	Comments
Enrolment Forms	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Student transfer forms (Applies from primary to primary; from one second-level school to another)	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Disciplinary notes	Never destroy	N/A	Never destroy
Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
End of term/year reports	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of school tours/trips, including permission slips, itinerary reports	Student reaching 18 years + 7 years	N/A	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Garda vetting form & outcome – STUDENTS	Record of outcome retained for 12 months.	Confidential shredding	Record of outcome retained for 12 months. School to retain the reference number and date of disclosure on file, which can be checked with An Garda Síochána in the future.

2 Students' Sensitive Personal Data

Sensitive Personal Data Students	Retention period	Final disposition	Comments
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Psychological assessments	Indefinitely	Never destroy	Never destroy
Special Education Needs' files, reviews, correspondence and Individual Education Plans	Indefinitely	Never destroy	Never destroy
Accident reports	Indefinitely	N/A	Never destroy
Child protection records	Indefinitely	N/A	Never destroy
Section 29 appeal records	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Enrolment/transfer forms where child is not enrolled or refused enrolment	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of complaints made by parents/ guardians	Depends entirely on the nature of the complaint.	Confidential shredding or N/A, depending on the nature of the records.	Depends entirely on the nature of the complaint. If it is child-safeguarding, a complaint relating to teacher-handling, or an accident, then retain indefinitely. Never destroy. If it is a complaint of a more mundane nature (e.g. misspelling of child's name, parent not being contacted to be informed of parent-teacher meeting) or other minor matter, then student reaching 18 years + 7 years (6 years in which to take a claim, and 1 year for proceedings to be served on school)

3 CCTV

CCTV Images	Retention period	Final disposition	Comments
Images from CCTV Cameras protecting the School	28	Over-written on CCTV server	28 days in the normal course, but longer on a case-by-case basis e.g. where recordings/images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage/vandalism to school property and where the images/recordings are

			retained to investigate those issues.
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4 Staff Recruitment Records

Staff Records	Retention period	Final disposition	Comments
Recruitment process Note: these retention periods apply to unsuccessful candidates only. They do NOT apply to successful candidates, or candidates who are/were also employees already within the school applying for another post/position. For successful candidates, or candidates who are/were also employees already within the school applying for another post/position, see retention periods set out below.	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Applications & CVs of candidates called for interview	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Database of applications	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Selection criteria	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Applications of candidates not shortlisted	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Unsolicited applications for jobs	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school

			that a claim is being taken.
Candidates shortlisted but unsuccessful at interview	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Candidates shortlisted and are successful but do not accept offer	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Interview board marking scheme & board notes	See comments	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.

5. Employee Records

Staff personnel files (whilst in employment)	Retention period	Final Disposition	Comments
e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training etc.	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Application &/CV	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Qualifications	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
References	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview: database of applications (the section which relates to the employee only)	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim

			against the school, plus 1 year for proceedings to be served on the school)
Selection criteria	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Interview board marking scheme & board notes	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Panel recommendation by interview board	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Recruitment medical	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job specification/ description	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Contract/Conditions of employment	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Probation letters/forms	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
POR applications and correspondence (whether successful or not)	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Leave of absence applications	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job share	See	Confidential	

	comments	shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Career Break	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Maternity leave	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Paternity leave	See comments	Confidential shredding	Retain for 2 years following retirement/resignation or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater).
Parental leave	See comments	Confidential shredding	Must be kept for 8 years - Parental Leave Act 1998 . Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Force Majeure leave	See comments	Confidential shredding	Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Carers leave	See comments	Confidential shredding	Must be kept for 8 years - Carer's Leave Act 2001. Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years
Working Time Act (attendance hours, holidays, breaks)	See comments	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school). There is a statutory requirement to retain for 3 years
Allegations/complaints	See comments	Confidential shredding	Retain in accordance with the Grievance and Disciplinary procedure
Grievance and Disciplinary records	See comments	Confidential shredding	Retain in accordance with the Grievance and Disciplinary procedure

6 Staff Promotion Records

Promotion process	Retention period	Final Disposition	Comments
Posts of Responsibility	See comments	N/A	Retain indefinitely on master file as it relates to pay/pension etc. (See DES guidelines)
Calculation of service	See comments	N/A	Retain indefinitely on master file
Promotions/POR Board master files	See comments	N/A	Retain indefinitely on master file
Promotions/POR Boards assessment report files	See comments	N/A	Retain original on personnel file in line with retention periods in "Staff Records" retention guidelines above
POR appeal documents	See comments	N/A	Retain original on personnel file, and copy of master & appeal file. Retain for duration of employment + 7 years (6 years in which to take a claim, plus 1 year to serve proceedings on school). Copy on master and appeal file.
Correspondence from candidates re feedback	See comments	N/A	Depends upon nature of feedback. If feedback is from unsuccessful candidate who is not an employee within the school, keep in line with retention periods in "Staff Records" above. If feedback is from successful candidate or from unsuccessful candidate who is already an employee within the school, keep in line with "Staff personnel while in employment" above.

7 Occupational Health Records

Occupational Health Records	Retention period	Confidential Shredding	Comments
Sickness absence records/certificates	See comments	Confidential shredding Or do not destroy.	Re sick leave scheme (1 in 4 rule) ref DES C/L 0060/2010. Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Pre-employment medical assessment	See comments	Confidential shredding Or do	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's

		not destroy.	duties within the school, in which case, do not destroy.
Occupational health referral	See comments	Confidential shredding Or do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Correspondence re retirement on ill-health grounds	See comments	Confidential shredding Or do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Accident/injury at work reports	See comments	Confidential shredding	Retain for 10 years, or the duration of the employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), whichever is the greater (unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy).
Medical assessments or referrals	See comments	Confidential shredding Or do not destroy.	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless Medmark assessment relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Sick leave records (sick benefit forms)	See comments	Confidential shredding	In case of audit/refunds, Current year plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

8 Pension/Retirement Records

Superannuation /Pension /Retirement records	Retention period	Final Disposition	Comments
Records of previous service (incl. correspondence with previous employers)	See comments	N/A	DES advise that these should be kept indefinitely.
Pension calculation	See comments	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)

Pension increases	See comments	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Salary claim forms	See comments	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)

9 Government Returns

Government returns	Retention period	Final disposition	Comments
Any returns which identify individual staff/students,	See comments	N/A	Depends upon the nature of the return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DES guidelines. If it relates to information on students, e.g. October Returns, Annual Census etc., keep in line with "Student Records" guidelines above.

10 Board of Management Records

Board of Management Records	Retention period	Final disposition	Comments
Board and sub-committee agenda and minutes	See comments	N/A	Indefinitely. These should be stored securely on school property
School closure	See comments	N/A	On school closure, records should be transferred as per Records Retention in the event of school closure/amalgamation . A decommissioning exercise should take place with respect to archiving and recording data.
Principal's monthly report including staff absences	See comments	N/A	Indefinitely. Administrative log and does not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".

11 Financial Records

Financial Records	Retention period	Final disposition	Comments
Audited Accounts	See comments	N/A	Indefinitely
Payroll and taxation	See comments	N/A	Revenue Commissioners require that records be kept for at least six years after the end of the tax year. Records must be made available for inspection by authorised officers of the Revenue Commissioners or of the Dept. of Social Protection. Note: The DES requires of schools that “pay, taxation and related school personnel service records should be retained indefinitely within the school. These records can be kept either on a manual or computer system.
Invoices/back-up records/receipts	See comments	Confidential shredding	Retain for 7 years