



Loreto Secondary School, St Michael's, Navan, Co Meath

64370T

DATA PROTECTION POLICY

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Introductory Statement

The school's Data Protection Policy applies to the personal data held by the school which is protected by the General Data Protection Regulation 2016/679. The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by the school.

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 General Data Protection Regulation 2016/679 which can be 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 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 Data Protection Law and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- Collected for one or more ***specified, explicit and legitimate purposes***: The school informs 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.

- Ensure that it is ***adequate, relevant and limited to what is necessary***: Only the necessary amount of information required to provide an adequate service will be gathered and stored.
- 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 will be dated and signed by the person making that change. Loreto Secondary School Wexford Page 5 of 23
- Keep in a form which ***permits identification of data subjects for no longer than is necessary*** for the purposes for which the personal data are processed: As 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. The school may also retain the data for archiving purposes to accurately record the history of the school.
- 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. Portable devices storing personal data (such as laptops) will be encrypted and password protected before they are removed from the school premises. 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.

Scope

Purpose of the Policy: The General Data Protection Regulation 2016/679 apply to the keeping and processing of Personal Data, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated. 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.

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 school staff:

Data means information in a form that can be processed. It includes both automated data (e.g. electronic data) and manual data. Automated data means any information on computer, or information recorded with the intention that it be processed by computer. Manual data means information that is kept/recorded as part of a relevant filing system or with the intention that it 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 i.e. the school.

Sensitive Personal Data refers to Personal Data regarding a person's

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data
- health data
- data concerning a natural person's sex life or sexual orientation

The Data Controller for the purpose of this policy is the Board of Management, Loreto Secondary School, St Michael's. Processing: means any operation or set of operations which is performed on personal data or on sets of personal data. Consent: means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

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 2016/679.

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 principal and board of management to make decisions in respect of the efficient running of the school. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and board of management.

Other Legal Obligations

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. For example:

- 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, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the school is satisfied that it will be used for a "relevant purpose" (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 to access to information held by public bodies which does not necessarily have to be “personal data” as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body
- Under Section 26(4) of the Health Act, 1947 a school shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection
- Under Children First: National Guidance for the Protection and Welfare of Children (2011) published by the Department of Children and Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Relationship to characteristic spirit of the School (School’s mission/vision/aims)

Loreto Secondary School, St Michael’s seeks to

- enable each student to develop their full potential
- provide a safe and secure environment for learning
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

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

Our mission statement is: *Within a positive environment based on Christian values, and with a strong social justice focus, St Michael’s students are encouraged to avail of all opportunities to develop to their true creative, academic, personal and spiritual potential.*

Personal Data

The Personal Data records held by the school may include:

A. Staff Records

(a) Categories of staff data: As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation.

These staff records may include:

- Name, address and contact details, PPS number, date of birth
- Occupation
- Taxation status
- Record of appointments to promotion posts
- Records of salary grade
- Records of teaching registration
- Records of Garda vetting
- Records of staff contracts
- Bank account details
- Images of staff engaged in school activities or events
- Images and recordings of staff on CCTV (not used for staff monitoring)
- Images used on the school website and other social media platforms used by the school such as Facebook and Twitter
- 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 mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).

(b) 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
- to keep historical records for archive purposes on the history of the school

- 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
- to maintain the school website and other social media platforms with up to date details of staff within the school

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

(d) Security: Records are kept in both manual and computer format. Manual files are kept in filing cabinets in locked rooms. Computer data is password protected with firewall software.

(e) Lawful basis for processing: Legal obligation for information such as deductions of income tax or the performance of a contract for certain types of information in order to fulfill our obligation as an employer

B. Student Records

(a) Categories of student data: These may include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
 - name, address and contact details, PPS number
 - date and place of birth
 - nationality
 - 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
- Counseling service records
- Attendance records
- Class lists Photographs and recorded images of students (including at school events, engaged in school activities and noting achievements)
- Images and recordings of students on CCTV
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- 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 organized 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)

(a) Purposes: The purposes for keeping student records are:

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their daughter'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 (see schools policy on photography)
- to ensure that the student meets the school's admission criteria
- to ensure that students 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 (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to third-level educational institutions and/or prospective employers
- In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted) the School will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer
- to maintain the School website, the School App and social media platforms such as Facebook and Twitter in order to celebrate achievement of students and to promote the school
- to facilitate the use of the online ePortal system in order to provide benefits to students and their parents/guardians
- to facilitate the operation of the Anseo attendance system in order to accurately record students attendance
- to carry out general school administration services, such as the preparation and distribution of class lists for use by staff and fellow students, lists for sports activities, lists for school trips and outings, lists of students for supervision or roles such as prefects and any other such lists required during the course of providing school and extra-curricular activities

(c) Location: Paper: In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. School staff are required to maintain the confidentiality of any data to which they have access. Electronic: on the network in drives with restricted access.

(d) Security: Records are kept in both manual and computer format. Manual files are kept in filing cabinets in locked rooms and are only accessed by authorised personnel. Computer data is password protected with firewall software ensuring an appropriate level of technical security.

(e) Lawful basis for processing:

Legal basis for some information.

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

Consent for all categories of sensitive information and for the use of images and videos where students are participating in school activities or events. Note: Pupils who do not have consent will not be excluded from any school activities. However, we reserve the right to blur out your

child's face if he/she is captured as part of a group of children who have been given the appropriate consent. We will ensure that your child will not be identifiable.

To protect a pupil's vital interest.

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

C. Parent/Guardian Details

(a) Categories of Parent/Guardian data: These may include:

- Contact details such as:
 - Name, address (home & work), email address, phone number/s (home & work) • Legal status of parents/guardians vis a vis the pupil (including any special arrangements with regard to guardianship, custody or access)
- During any visit to the school, images may be recorded on CCTV.

(b) **Purpose:** The personal data of Parents/Guardians will be used for such purposes as:

- completing school forms
- allocation of teachers and resources to the school
- determining a student's eligibility for additional learning supports and transportation • the administration of examinations
- general school administration
- child welfare (including medical welfare)
- to fulfil our other legal obligations.

The school may process a parent's/guardian's personal data for such purposes as:

- to issue information about sports days
- to advise on dates/times of parent teacher meetings
- to notify parents/guardians of school concerts/events
- to notify parents/guardians of school closures (e.g. in cases of adverse weather conditions)
- to notify parents/guardians of their child's non-attendance or late attendance or any other issues relating to their child's conduct in school
- to communicate with parents/guardians in relation to their child's social, emotional and educational progress
- to contact parents/guardians in the case of an emergency concerning their child • to send any other relevant information concerning the school
- to facilitate the use of the online vswarel system in order to provide benefits to students and their parents/guardians
- to enable parents/guardians to access the online payments to make payments for student services and products

(c) Location: In student files stored in cabinets in locked offices only accessible by authorised personnel. Data is also stored electronically in the school database or on files on our file server. Employees are required to maintain the confidentiality of any data to which they have access.

(d) Security: Manual files are kept in filing cabinets in locked rooms. Computer records are password protected and have firewall software ensuring an appropriate level of technical security.

(e) Lawful basis for processing: The performance of a contract for certain types of information required for admissions. Processing is necessary for compliance with a legal obligation. Consent for sensitive data, such as religious belief.

D. Board of Management records:

(a) 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.

(b) Purposes: To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of board appointments and decisions. To keep historical records for archive purposes on the history of the school.

(c) 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.

(d) Security: Records are kept in both manual and computer format. Manual files are kept in filing cabinets in locked rooms. Computer data is password protected with firewall software.

(e) Lawful basis for processing: Legal obligation

E. 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):

Creditors

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

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

(b) **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.

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

(d) **Security:** Records are kept in both manual and computer format. Manual files are kept in filing cabinets in locked rooms. Computer data is password protected with firewall software.

CCTV images/recordings

(a) **Categories:** CCTV is installed in Loreto Secondary School, St Michael's, internally i.e. Hallways and general access areas and externally i.e. perimeter walls/fencing and internally as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.

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

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(c) **Location:** Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in AV room

(d) **Security:** Recordings are stored on a computer in the AV Room which is kept locked at all times. Computer data is password protected with firewall software. See CCTV Policy for further details on security and retention and access.

(e) Lawful basis for processing: Carried out in the public interest or in the exercise of the official authority vested in the school.

Examination Results

(a) Categories: The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual, continuous assessment and mock- examinations results.

(b) Purposes: The main purpose for which these examination results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.

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

(c) Security: Records are kept in both manual and computer format. Manual files are kept in cabinets in locked rooms. Computer data is password protected with firewall software.

October Returns

Categories: At the beginning of each academic year (and for 1st 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 and 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 asks parents/guardians and students to complete 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 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 co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as 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.

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: Records are kept in both manual and computer format. Manual files are kept in filing cabinets in locked rooms. Computer data is password protected with firewall software.

Lawful basis for processing: Legal basis to comply with requirements enforced by the Department of Education.

Roles and Responsibilities in Relation to Data Protection

Staff of Loreto Secondary School, St Michael’s and those who work with Loreto Secondary School, St Michael’s have responsibility for ensuring data is collected, stored and handled appropriately. Those handling personal data must ensure that it is dealt with and processed in line with Loreto Secondary School, St Michael’s Data Protection Policy and data protection principles. Specific responsibilities include the following:

The Principal will:

- Ensure that the basic principles of data protection are explained to staff and parents / guardians. This will be done during staff induction, staff meetings and via the staff handbook
- ensure that there are regular updates to data protection awareness, so that data protection is a “living” process aligned to the school’s ethos
- periodically check data held regarding accuracy

The Board of Management as Data Controller will:

- inform the person or persons involved, that a breach of confidentiality has occurred and that their personal data may have been compromised

- investigate where a breach of security has occurred and involve appropriate action
- review and update the Data Protection Policy if required
- ensure that only relevant data is processed
- check to see if clerical and computer procedures are adequate to ensure accuracy
- reassure parents/ guardians that the Data Protection Policy has been reviewed
- in tandem with the DPO, advise and inform employees of the need to work within the demands of the school's Data Protection policy

Loreto Secondary School, St Michael's staff will:

- be required to be familiar with the Data Protection Policy and Procedures
- check that any information that they provide in connection with their employment is accurate and up to date
- notify the school of any changes to information that have provided, for example change of address
- ensure that personal information relating to students or their families is not disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party

Links with 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:

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

Processing in line with data subject's rights

Data in this school will be processed in line with the data subjects' rights. Articles 12 to 23 of the GDPR relate to the rights of the data subject, these include:

- (a) The right to request access to any data held about them by a data controller
- (b) The right to prevent the processing of their data for direct-marketing purposes

- (c) The right to ask to have inaccurate data amended
- (d) The right to prevent processing that is likely to cause damage or distress to themselves or anyone else.

Dealing with a data access requests

Under Article 15 of the General Data Protection Regulation 2016/679, 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 and the data controller will accede to the request within one month having first verified the identity of the request to ensure the request is legitimate.

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

A Data access request form is available upon request and we would ask all requesters to complete this form, though it is not mandatory.

Handling access requests

On production of a written request and photo identification access will be granted to personal data. There is a procedure in place to record the outcome of any legal proceedings which may limit the right of one or both parents to access information about their child.

Note: If spouses are separated and one of them has obtained an order for custody but both of them remain guardians, then both of them are entitled to be involved in important decisions which affect the child.

A clear co-ordinated procedure is in place to ensure that all relevant manual files and computers are checked for the data in respect of which the access request is made, provided that there is no overriding legitimate purpose which will prevent the school from complying with such a request.

Access requests by students

Students aged 18 and over are entitled to access their personal information in accordance with the GDPR.

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:

- if the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
- consent is sought through the Guidance Service if the record is of a sensitive nature
- parental/guardian consent is sought if the 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

Exceptions to note:

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.

Providing information over the phone

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

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

Data Breaches

Article 4(12) GDPR defines a 'personal data breach' as: *"a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed"*.

Loreto Secondary School St Michael's may suffer a breach for a number of reasons including:

- the disclosure of confidential data to unauthorised individuals;
- improper disposal of documents;
- loss or theft of data or equipment on which data is kept;
- loss or theft of paper records;
- inappropriate access controls allowing unauthorised use of information;
- suspected breach of the school's IT security;
- attempts to gain unauthorised access to computer systems, e.g. hacking;
- viruses or other security attacks on the school's IT systems or networks;
- breaches of physical security;
- breach as a result of third party breach;
- confidential information left unlocked in accessible areas; and
- emails containing personal or sensitive information sent in error to the wrong recipient.

Staff are trained to recognise a breach and are instructed to inform the Privacy Coordinator immediately if they suspect a breach has occurred. Loreto Secondary School, St Michael's has a Personal Data Breach Procedure in place which will be followed by the relevant staff members in the event of a breach being reported either internally or from a third-party processor.

Data Transfers and Data Sharing

We do not sell any personal information, nor do we share it with unaffiliated third parties unless we are required to do so by law.

Ways in which we may share your personal information include:

- To engage professional services of third parties, such as our accountants, solicitors or other business advisers. Any such parties are bound by confidentiality,
- With our insurers or assessors when providing or reviewing information in the event of an incident occurring,
- To engage the services of a printing company with regard to any booklets, yearbooks, events programs or other general printing,
- To furnish documentation/ information to 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 in cases where we deem this necessary,

- We reserve the right to report to law enforcement any activities that we, in good faith, believe to be illegal,
- To provide information to An Garda Síochána, TUSLA or other Government bodies or agencies when required to do so by law,
- To facilitate the use of third-party platforms in assisting the school to combat bullying, by identifying potential concerns in class groups. Any such data sharing will be done under contract with external parties being bound by a duty of confidentiality and ensuring the security of the data.
- To ensure the security of our IT systems in order to protect your data.

Implementation arrangements, roles and responsibilities

In our school the board of management is the data controller and the principal will be assigned the role of co-ordinating implementation of this Data Protection Policy and for ensuring that staff who handle or have access to Personal Data are familiar with their data protection responsibilities.

The following personnel have responsibility for implementing the Data Protection Policy:

Name	Responsibility
Board of management:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

Ratification & communication

This Data Protection Policy has been ratified by the board of management, it becomes the school's agreed Data Protection Policy. It should then be dated and circulated within the 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 should be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Policy as part of the Enrolment Pack, by either enclosing it or incorporating it as an appendix to the enrolment form.

Monitoring the implementation of the policy

The implementation of the policy shall be monitored by the principal and a sub-committee of 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.

Ratification and Review of the policy

The policy should be reviewed and evaluated at certain pre-determined times and as necessary. 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.

Chairperson, BOM

Principal

Date

Date

Appendices

Appendix A

Guidance for Taking and Using Images of Pupils in Schools

Photographs or recorded images may come within the scope of the Data Protection Acts 1988-2003. Accordingly, the Data Protection Statement of the school clearly explains to parents/guardians what images of their children will be collected and processed by the school, and the uses to which those images will be put by the school.

Parents/guardians will be furnished with a copy of the Loreto Secondary School St Michael's Data Protection Statement relating to taking and using photos at enrolment stage and must give their written consent to their child's images being taken and used.

Appendix B

Use of PPS Numbers

Parents/guardians will be advised in writing that the school is collecting the student's data (including PPS number) and sharing that data with the Department of Education and Skills. The Department of Education and Skills have prepared a number of "Fair Processing Notices" to explain how the personal data of pupils (including their PPS Numbers) in the Primary Online Database (POD) and Post-Primary Online Database (P-POD) will be recorded, processed and shared.

Appendix C

Use of Third Party Data Processors

Unlike data controllers, data processors have a very limited set of responsibilities under the Data Protection Act. These responsibilities concern the necessity to keep personal data secure from unauthorised access, disclosure, destruction or accidental loss. In addition, all data processors, whose business consists wholly or partly in processing personal data on behalf of data controllers who are required to register, are also required to register with the Data Protection Commissioner as a data processor.

A data processor is defined as a person who processes personal information on behalf of a school as the data controller but does not include an employee of a data controller who processes such data in the course of their employment. The Act places responsibilities on such entities in relation to their processing of the data.

Some examples of "data processors" in a school context: external company providing HR services (assistance with payroll etc.); external IT services companies; school text service providers; biometric systems operators; external company providing "cloud computing" electronic storage facilities for the school; off-site archiving company who store old files on behalf of the school.

