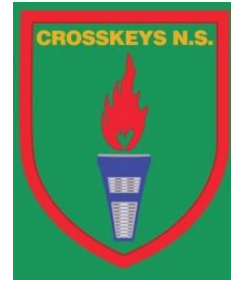


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**Crosskeys National School**  
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August 2023

## DATA PROTECTION POLICY

### **Introductory Statement:**

Crosskeys National School's Data Protection Policy applies to personal data held by the school and Board of Management (BoM), which is protected by the Data Protection Acts 1988 to 2018, and the EU General Data Protection Regulation (GDPR) effective from 25th May 2018.

Data Protection legislation applies to obtaining keeping and processing of personal data. 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, pupils and parents/guardians on how their data will be treated.

The provisions of this policy applies to all school staff, Board of Management, parents/guardians, pupils and others (including prospective or potential pupils 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.

This policy also sets out the manner in which personal data and special categories of personal data will be protected by Crosskeys National School. The school seeks to ensure that it can in so far as is possible

- provide access to individuals to their data
- ensure it is held securely
- clarify school data protection procedures
- enhance accountability and transparency

### **Principles of Data Protection:**

The Board of Management (BoM) of Crosskeys National School is a data controller of personal data relating to its past, present and future staff, pupils, parents/guardians and other members of the school community. As such, the BoM is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

**1. Obtain and Process Personal Data Fairly:** Information on pupils 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 (i.e. members of staff, persons applying for employment to posts within the school, parents/guardians of pupils etc.), this information is generally furnished by the person 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 current Data Protection legislation and in terms of this Data Protection Policy. The information will be obtained and processed fairly.

**2. Consent:** Where consent is the basis for provision of personal data, (i.e. data required for school website purpose, school trips etc. or other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes a clear, affirmative action, i.e. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects as requested.

**3. Keep it only for one or more specified and explicit lawful purposes:** The school will inform individuals of the reasons their data is necessary and the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.

**4. 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 data will be strictly controlled.

**5. Keep Personal Data safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Personal Data is securely stored in the case of manual records, and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are password-protected.

**6. Keep Personal Data accurate, complete and up-to-date:** Pupils, parents/guardians, and/or staff should inform the school of any amendments 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. When informed, the school will make all necessary changes to the relevant records. Records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.

**7. 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.

**8. Retain it no longer than is necessary for the specified purpose or purposes for which it was given:** As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on

the storage of personal data relating to a pupil. In regard to members of staff, the school will comply with DES and the requirements of the Revenue Commissioners in respect of 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.

**9. Provide a copy of their personal data to any individual on request:** Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

**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 (i.e. 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.
- Personal Data means any data relating to an identified or identifiable natural person i.e., 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 (BoM).
- Data Controller is the Board of Management of the school
- Data Subject is an individual who is the subject of personal data
- Data Processing refers to the performing any operation or set of operations on data, including:
  - Obtaining, recording or keeping the data
  - Collecting, organising, storing, altering or adapting the data
  - Retrieving, consulting or using the data
  - Disclosing the data by transmitting, disseminating or otherwise making it available
  - Aligning, combining, blocking, erasing or destroying the data
- Data Processor is a person/s who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data. i.e., Aladdin; School Accounting/Payroll Company etc.
- Special Categories of Personal Data refers to personal data regarding a person's
  - ☐ racial or ethnic origin ☐ political opinions or religious or philosophical beliefs ☐ physical or mental health ☐ sexual life and sexual orientation ☐ genetic and biometric data ☐ criminal convictions or the alleged commission of an offence ☐ trade union membership

Personal Data Breach relates to 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. This means any compromise or loss of personal data, no matter how or where it occurs.

### **Rationale for this Data Protection Policy:**

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts 1988 to 2018 and with current General Data Protection Regulation (GDPR).

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. The school takes its responsibilities under data protection law seriously and seeks to operate safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates the evaluation of information, enabling the Principal/Deputy Principal, staff and Board of Management make decisions in respect of the ongoing operation 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 on the Board of Management.

**Other Legal Obligations:** Implementation of this policy takes into account the school's other legal obligations and responsibilities including those directly relevant to data protection – including

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. Where reports on pupils which have been completed by professionals, except those by Crosskeys National School staff, are included in current pupil files, such reports are only shared with other primary schools/secondary schools following written permission been sought and received from the parents of the said pupils

Under **Section 21 of the Education (Welfare) Act, 2000**, the school must record the attendance or non-attendance of students registered at the school on each school day

Under **Section 28 of the Education (Welfare) Act, 2000**, the School may supply Personal Data kept by it to certain prescribed bodies (the Department of Education and Skills, Tusla, the National Council for Special Education and other schools). The BoM must be satisfied that it will be used for a 'relevant purpose' (which includes recording a person's educational or training history or monitoring their educational or training progress; or for carrying out

research into examinations, participation in education and the general effectiveness of education or training)

Under **Section 14 of the Education for Persons with Special Educational Needs Act, 2004**, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers) such information as the Council may from time to time reasonably request.

The **Freedom of Information Act 2014** provides a qualified right to access to information held by public bodies which does not necessarily have to be “personal data”, as with data protection legislation. While most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of Education and Training Boards), if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed by that body if a request is made to that body.

Under **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 visit in respect of hearing/vision/vaccinations etc.

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

### **Relationship to Characteristic Spirit of the School:**

Crosskeys National School seeks to promote the fullest possible development of each child socially, emotionally, spiritually, physically and intellectually so that he/she • May lead a full enjoyable life as a child. • Be prepared to avail of further education. • Be able to contribute to society as an adult and enjoy leisure time. The school aims to achieve our mission while respecting the privacy and data protection rights under current data protection legislation of pupils, staff, parents/guardians and others who interact with the school.

**Personal Data:** The personal data records held by the school may include:

#### **1. 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, student teachers and teachers under probation. Staff records may include: ☐ Name, address and contact details, PPS number. ☐ Name and contact details of next-of-kin in case of emergency. ☐ Original records of application and appointment to promotion posts ☐ Details of approved leave of absences ☐ Details of work record (qualifications, classes taught, etc.) ☐ Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties ☐ Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under Children First Act 2015

b) Purposes for holding the data: 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)
- ☐ human resources management
- ☐ recording promotions made (documentation relating to promotions applied for) and changes in posts of 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.

c) Location and Security procedures for data held:

Manual records are kept in secure, filing cabinets in a locked administration office only accessible to personnel who are authorised to use the data. School employees are required to maintain the confidentiality of any data to which they have access.

Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office.

## **2. PUPIL RECORDS:**

a) Categories of pupil data may include: ☐ Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the pupils' time in the school. These records may include: ☐ name, address and contact details, PPS number ☐ date and place of birth ☐ 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 conditions, 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 to acknowledge achievements) managed in accordance with the policy on pupils photos including for website (AUP policy) ☐ Academic record – subjects studied, class assignments, test results as recorded on official School reports ☐ Records of significant achievements ☐ Whether the student is exempt from studying Irish ☐ Records of behavioural issues/investigations and/or sanctions imposed ☐ Other records i.e. 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 Children First Act 2015.

b) Purposes for holding the data: The purposes for keeping pupils records include:

- ☐ to enable each pupil to receive an education and reach full potential
- ☐ to comply with legislative or administrative requirements
- ☐ to ensure that eligible pupils can benefit from the



relevant additional teaching or DES supports □ to support the provision of religious instruction □ to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events, etc. □ to meet the educational, social, physical and emotional requirements of the pupil □ to keep a record of the work of the school and of pupils, photographs and recorded images of pupils are taken by school staff to celebrate school achievements, e.g. compile yearbooks, for the school website, record school events. Such records are taken and used in accordance with the 'ICT Acceptable Use' policy □ to ensure that the pupil upon application meets the school's admission criteria □ to ensure that pupils meet the minimum age requirement for attendance at Primary School. □ to ensure that a pupils seeking an exemption from Irish meets the criteria in order to obtain such an exemption as defined by the DES □ to furnish documentation/information about a pupils 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 pupil (or their parents/guardians in the case of a pupil under 18 years) documentation/information/references to second-level educational institutions.

c) **Location of data records and security procedures (as above):**

### **3. BOARD OF MANAGEMENT RECORDS:**

a) Categories of Board of Management data 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 individuals.

b) Purposes for holding such data is 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.

c) Location and Security procedures (as above):

### **4. OTHER BOM RECORDS: CREDITORS**

a) Categories of Board of Management data: The school may hold some or all of the following information about creditors (some of whom are self-employed individuals): □ name □ address □ contact details □ PPS number □ tax details □ bank details and □ amount paid b) Purposes for holding such data include where such 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.

**Pupil Test Results:** The school holds data comprising test results in respect of its pupils. These include class, termly and continuous assessment results and the results of diagnostic and standardised tests administered annual or as necessary.

(a) Purposes for holding such data: The main purpose for which test results are held is to monitor a pupil's progress and to provide a basis for advising pupils and their parents or

guardian about educational attainment levels and recommendations for the future. 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 other schools to which pupils move.

(b) Location and Security procedures (as above)

### **5. CCTV images/ recordings:**

CCTV is installed in Crosskeys National School.

- Cameras are installed externally e.g. at the main entrance, the back of the school (with a view of the oil tank & school shed) and the school yard.

These CCTV cameras will not record during school hours. However, they will record images of any staff, pupils and others who visit (or those who are still present on) the premises outside of school hours. The viewing station is in the main school administration office.

#### **Purposes:**

Security: to safeguard school property and equipment.

#### **Security:**

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

### **Data Protection Policy and links to other school policies:**

Crosskeys National School policies, both administrative and curricular aim to be consistent and interdependent and are framed within the wider context of the Plean Scoile. School policies already in place, being developed or under review, will be examined as necessary with reference to this Data Protection Policy and any implications arising shall be addressed.

### **Processing of Data in compliance with the data subject's rights:**

Data subjects have a right to: ☐ Know what personal data the school is keeping on them ☐ Request access to any data held about them by a data controller ☐ Prevent the processing of their data for direct-marketing purposes ☐ Ask to have inaccurate data amended ☐ Ask to have data erased once it is no longer necessary or irrelevant.

### **Data Processors on behalf of the school:**

Where the school outsources to a data processor off-site, it is necessary to have a written contract in place (Written Third party service agreement). Crosskeys National School Third Party Agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract.

### **Procedures in cases of a Personal Data Breaches:**

All incidents where personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours. When the personal data breach is likely to



result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay. If a data processor becomes aware of a personal data breach, it must be brought to the attention of the data controller (BoM) without undue delay.

#### **Dealing with a data access request (DAR):**

1. Individuals are entitled to a copy of their personal data on written request - A Data Access Request Form should be completed by the person seeking the data (Copy available from the school on written request)
2. The DAR must be responded to within one month of receipt of the Data Access Request Form. An extension may be required i.e. in cases where the school is closed for holidays etc.
3. No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive
4. No personal data can be supplied relating to another individual apart from the data subject

#### **Providing data/personal information over the telephone:**

All school persons dealing with telephone enquiries must be careful about disclosing any personal information held by the school over the phone. In particular, the employee should: ☐ Ask that the caller put their request in writing ☐ Refer the request to the Principal/Deputy Principal if necessary ☐ Should not be pressurised into disclosing personal information in relation to any data subject unless in accordance with the principles of data protection.

#### **Implementation of this policy, roles and responsibilities:**

The BoM is the data controller and the Principal implements the Data Protection Policy on a day-to-day basis on behalf of the BoM, and must ensure 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:**

- Overall Responsibility for Data Protection = Crosskeys National School Board of Management
- Data Controller - Principal: Niall Gurhy/ Deputy Principal: Louise Armstrong in the absence of the principal

#### **Ratification & Communication and Implementation of this Policy.**

The implementation of the policy shall be monitored by the Principal, School Staff and the Board of Management on an ongoing basis. The policy will be reviewed in the context of updated guidelines (i.e. from the Data Protection Commissioner, Department of Education and Skills or TUSLA), legislation and feedback from all relevant stakeholders.

**This Data Protection Policy was ratified by the BOM at a meeting held on 21/08/23.**

Signed: *Fr Donal Kilduff*

Date: 21/08/23

Chairperson, Board of Management

Signed: *Níall Gurhy*

Date 21/08/23

Principal/Secretary to the BoM