

**St. Senan’s N.S.**

DATA PROTECTION POLICY

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**Introduction:**

The purpose of the policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by parents, teachers and relevant agencies involved in the children’s education.

**Rationale:**

* A policy on Data Protection and record keeping necessary to ensure that the school has proper procedures in place in relation to accountability and transparency.
* The school records pupil progress so as to identify learning needs.
* A policy must be put in place to ensure a school complies with legislation such as Education Act, Section 9g requiring a school to provide access to records to students over 18/parents. Education Welfare Act – requiring a school to report school attendance and transfer of pupils.

**Relationship to School Ethos**

St. Senan’s promotes openness and co-operation between staff, parents and pupils as a means towards providing the caring environment through which a child can develop and grow to full potential.

**Aims/Objectives:**

1. To ensure the school complies with legislative requirements
2. To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies.
3. To put in place a proper recording and reporting framework on the educational progress of pupils.
4. To establish clear guidelines on making these records available to parents and pupils over 18.
5. To stipulate the length of time records and reports will be retained.

**Guidelines:**

The Principal assumes the function of data controller and supervises the application of the Data Protection Act within the school. The data under the control of the Principal comes under the following headings.

1. **Personal Data**

This data relates to personal details of the students such as name, address, date of birth, gender, ethnic origin, nationality, religious belief, medical details, dietary information, P.P.S. Number, Parents and Guardians details. These are kept in the Administration Office.

1. **Student Records:**

Student records are held by each class teacher. All data will be kept in the filing cabinets in the main administration office and also on the central administration computer.

* Personal details of the student.
* Medical sensitive data
* School report cards.
* Attendance Records
* Assessments - Psychological/Clinical/Occupational, Therapy/Speech and Language
* Standardised Test Results
* Screening Test such as Micra T and Sigma T, M.I.S.T, Dyslexia, Lucid Copse.
* Diagnostic Tests Reports.
* Irish Exemptions.
* Individual Education Plans.
* Learning Support/Resource Data is kept in office.
* Portfolios of student work e.g. Art
* Special Education Needs file contains all psychological reports.
* Payments for school activities

1. **Staff Data**

This data refers to personal and professional details of the staff such as name, address, date of birth, contact details, payroll number, attendance records, Garda vetting certificates, sick leave, seniority, supervision payments.

1. **Administrative Data**

* Absence for N.E.W.B. Roll Books, Registers.
* Accident Report Book
* Administration of Medicines Indemnity Form.
* Policies
* Inspector’s Reports
* Teachers records of material taught (Cúntas Míosúil) will be retained by individual teachers and in the Administration Office.
* Supervision Duty Rosters.
* Board of Management files
* Accounts

**Access to Records**

The following will have access where relevant and appropriate to the data listed above.

* Parents/Guardians
* Past Pupils over 18
* Health Service Executive (Names and Addresses only).
* Designated School Personnel
* Department of Education & Science
* First and Second Level Schools.

A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies such as health professionals etc. Outside agencies requesting access to records must do so in writing giving seven days’ notice. Parents/Guardians can make such a request in writing. The right to erasure or rectification is available to school authorities in order to change any mistakes or inaccuracies.

The annual standardised school report form is issued by post in June to all parents/guardians.

**Storage:**

Records are kept as per the attached Records Retention Schedule (Appendix A).

All completed school roll books are stored in a safe secure store room. Access to these stored files is restricted to authorised personnel only. For computerised records systems are password protected.

**Success Criteria**

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

**Roles and Responsibilities**

The whole school staff, under the direction of the Principal will implement and monitor this policy. Individual teachers will design, administer and record all in-class testing. The Principal will ensure records are maintained and stored, particularly the records of students transferring to another school.

**Implementation Data**

This new policy is effective from May 2017. All records held from before that date will continue to be maintained in the school administration office.

**Review/Ratification/Communication**

This policy will be reviewed every three years, or immediately if necessary. This policy was ratified at a Board of Management meeting held on 13th June, 2017. A copy of this policy is available for viewing in the Principal’s Office

Signed…………………………………………………… Date…………………………..

Chairperson

Board of Management

St. Senan’s N.S.

**Records Retention Schedule**

Schools as *data controllers* 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, *St. Senan’s N.S.* 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.

The process of determining the Records Retention Schedule was carried out by reviewing current legislation. The principles of making good record retention decisions can be summarised as:

* Avoiding trying to accommodate every conceivable need;
* Retain information if it is likely to be needed in the future and if the consequences of not having it would be substantial;
* Be conservative i.e. avoid inordinate degrees of risk;
* Ensure systematic disposal of records immediately after their retention period expires or archive as determined;
* Base retention periods on the required legislation; and
* Apply common sense.

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| **Student Records** | **Final Disposition** | **Retention Comments** |
| **Registers/Roll books** | N/A | Indefinitely. Archive when class leaves + 2 yrs |

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| **Records relating to pupils/students** | **Final Disposition** | **Retention Comments** |
| **Enrolment Forms** (for pupils admitted to the school) | Confidential shredding/ deletion | Student reaching 18 years + 7 years. 18 is age of majority + 7 years (6 years in which to take a claim against school, + 1 year for proceedings to be served on the school) |
| **Pupil transfer forms** (Applies from one school to another) | As above | As above |
| **In-school standardised test results & SEN assessments** | As above | As above |
| **End of term/year reports** | As above | As above |
| **Disciplinary notes** | As above | As above |

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| **Sensitive Personal Data Students** | **Final disposition** | **Retention Comments** |
| **Section 29 appeal records** (for pupils enrolled in the school) | Confidential shredding/ deletion | Student reaching 18 years + 7 years. 18 is the age of majority (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) |
| **Accident reports** | As above | As above |
| **Records of complaints made by parents/ guardians** | Confidential shredding or N/A, depending on the nature of the records. | Depends entirely on the nature of the complaint but no longer than is necessary for the purpose of recording. If complaint is of a more mundane nature (e.g. misspelling of child’s name, parent not contacted to be informed of parent-teacher meeting etc.), retention as above. |
| **Enrolment forms where child not enrolled/ refused enrolment** | Confidential shredding/ deletion | Two years after non-admission, to provide time for review/appeal process |
| **Psychological assessments** | N/A | Never destroy |
| **SEN files, reviews, correspondence & IEPs** | N/A | Never destroy |
| **Child protection records** | N/A | Never destroy |
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| **Staff personnel files (whilst in employment)** | **Final Disposition** | **Comments** |
| **e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, staff training records etc.** | Confidential shredding. Retain an anonymised sample for archival purposes. | 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** | Confidential shredding/ deletion | As above |
| **Qualifications** | As above | As above |
| **References** | As above | As above |
| **Interview: database of applications (section which relates to employee only)** | As above | As above |
| **Selection criteria** | As above | As above |
| **Interview board marking scheme & board notes** | As above | As above |
| **Interview board panel recommendation** | As above | As above |
| **Recruitment medical** | As above | As above |
| **Garda Vetting outcome** | As above | Record of outcome retained for 12 months. School to retain reference number & disclosure date on file, which can be checked with An Garda Síochána in the future. |
| **Job specification/ description** | As above | As above |
| **Contract/Conditions of employment** | As above | As above |
| **Probation letters/forms** | As above | As above |
| **POR app & correspondence** (if successful) | As above | As above |
| **Leave of absence applications** | As above | As above |
| **Allegations/complaints** | As above | As above **Please note** relevant DES Circular re Disciplinary Procedures in relation to period of time for which a warning remains “active” on an employee’s record. |
| **Grievance and Disciplinary records** | As above | As above **Please note** relevant DES Circular re Disciplinary Procedures in relation to period of time for which a warning remains “active” on an employee’s record. |
| **Job share** | As above | As above |
| **Career break** | As above | As above |
| **Maternity leave** | As above | As above |
| **Paternity leave** | As above | As above or for 2 years after retirement/ resignation (whichever greater) |
| **Parental leave** | As above | Retain for minimum of 8 years or as above |
| **Parent’s leave** | As above | Retain for minimum of 8 years or as above |
| **Force Majeure leave** | As above | Retain for minimum of 8 years or as above |
| **Carers Leave** | As above | Retain for minimum of 8 years or as above |
| **Working Time Act (attendance hours, holidays, breaks)** | As above | Retain for minimum of 3 years or as above |

| **Recruitment Process Unsuccessful Candidate Records** | **Final disposition** | **Comments** |
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| **Note: these retention periods apply to unsuccessful candidates only.** | Confidential shredding / deletion | 18 months from close of competition: 12 months plus 6 months for Workplace Relations Commission to inform school that claim is being taken. |
| **Candidate applications/ CVs called for interview** | As above | As above |
| **Database of applications** | As above | As above |
| **Selection criteria** | As above | As above |
| **Applications of candidates not shortlisted** | As above | As above |
| **Unsolicited job applications** | As above | As above |
| **Candidates shortlisted but unsuccessful at interview** | As above | As above |
| **Successful candidates who do not accept offer** | As above | As above |
| **Interview board marking scheme & board notes** | As above | As above |
| **Panel recommendation by interview board** | As above | As above |

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| **Occupational Health Records** | **Confidential Shredding** | **Comments** |
| **Sickness absence records/certificates** | 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/in connection with individual’s school duties, in which case, do not destroy. |
| **Pre-employment medical assessment** | As above | As above |
| **Occupational health referral** | As above | As above |
| **Correspondence re retirement on ill-health grounds** | As above | As above |
| **Medical assess/ referrals** | As above | As above |
| **Sick leave records (sick benefit forms)** | As above | In the case of audit/refunds as above |
| **Accident/injury reports** | As above | Retain for 10 years or as above |

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| **Government Returns** | **Final Disposition** | **Comments** |
| **Any returns which identify individual members of the school community** | Confidential shredding/ retained indefinitely | Depends on return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DE guidelines. If it relates to student information, e.g. October Returns, Annual Census etc., “Student Records” guidelines apply. |

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| **Superannuation /Pension /Retirement records** | **Final Disposition** | **Comments** |
| **Records of previous service (incl. prev. correspondence)** | N/A | DE advises that these should be kept indefinitely. |
| **Pension calculation** | Confidential shredding/ deletion | 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 longer) |
| **Pension increases** | As above | As above |
| **Salary claim forms** | As above | As above |

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| **Board of Management Records** | **Final Disposition** | **Comments** |
| **Board agenda and minutes** | N/A | Indefinitely. Store securely on school property |
| **Principal’s monthly report including staff absences** | N/A | Indefinitely. Administrative log 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”. |
| **School closure** | Transfer | On school closure, school to liaise with Patron. decommissioning exercise should take place with respect to archiving and recording data. |

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| **Other school based reports/minutes** | **Final Disposition** | **Comments** |
| **CCTV recordings** | Safe/ secure deletion | 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 & where images/ recordings are retained to investigate those issues. |

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| **Other school based reports/minutes** | **Final Disposition** | **Comments** |
| **Payroll and taxation** | Confidential shredding/ retained indefinitely | Revenue Commissioners require records be kept for at least 6 years after the end of the tax year. Records must be made available for inspection by authorised Revenue Commissioner officers or of Dept. of Social Protection.  **Note:** The DE 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. |
| **Audited accounts** | N/A | Indefinitely |
| **Invoices/ back-up records/ receipts** | Confidential shredding/ deletion | Retain for 7 years |