



Roll No. 12180 U

Presentation Primary School

Clonmel, Co. Tipperary.

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Policy on Record Keeping and Data Protection

Introductory Statement

This policy on record keeping and data protection was drawn up in consultation with staff, parents' council and board of management.

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 Data Protection Acts 1988 and 2003 which can be summarised as follows:

- **Obtain and process *Personal Data* fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** The School will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.
- **Process it only in ways compatible with the purposes for which it was given initially:** Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.
- **Keep *Personal Data* safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. 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.

- **Keep Personal Data accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. The principal may delegate such updates/amendments to another member of staff. However, records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.
- **Ensure that it is adequate, relevant and not excessive:** Only the necessary amount of information required to provide an adequate service will be gathered and stored.
- **Retain it no longer than is necessary for the specified purpose or purposes for which it was given:** As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a student. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law.
- **Provide a copy of their *personal data* to any individual, on request:** Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

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 form 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 or religious or philosophical beliefs
- membership of a trade union
- physical or mental health
- commission or alleged commission of any offence or
- any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

Data Controller for the purpose of this policy is the board of management, Presentation Primary School.

Rationale

This policy applies to all records created, received or maintained by staff of the school in the course of carrying out its functions. These records may be created, received or maintained in hard copy or electronically.

The recording of a student's progress is an important aspect of planning for good teaching and learning. There is a very clear connection between a student's attendance at school and his/her attainment levels. The Education (Welfare) Act, 2000 requires that the school keep a record of the pupil's attendance and the reasons for failure to attend and to inform the Educational Welfare Officer if there is a concern relating to a student's school attendance.

The Education Act Section 9(g) provides that parents/guardians (or students of 18 years or upwards) are entitled to have access in the prescribed manner to records kept by the school relating to the progress of the student in his/her education.

Aims

The school is implementing this record keeping and data protection policy in order to achieve the following:

- To record the educational progress of students so that parents/guardians and teachers are enabled to support the students learning
- To ensure that the school complies with legislative requirements and principles of good practice in relation to both hard copy and electronic records
- To establish what records are kept in the school, how they are stored, what is retained and disposed, how they are made available and who is responsible for records and data protection
- To ensure that there is consistency and continuity where there are changes of personnel within the school and board of management.
- To establish clear, practical procedures that will enable parents/guardians (or past pupils who have reached the age of 18) to access records relating to educational progress.

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

Presentation Primary School 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 the Data Protection Acts.

Records that the School Creates and Holds

Data kept by the school, whether hardcopy or electronic, will be accurate and kept up to date.

Student Records

Categories of student data: These **may** include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
 - name, address and contact details, PPS number
 - date and place of birth
 - 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 English is the student's first language and/or whether the student requires English language support
 - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements).
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed

- Other records e.g. records of any serious injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded).
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

Purposes: The purposes for keeping student records are:

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching or financial supports
- to support the provision of religious instruction
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's "Guidance for Taking and Using Images of Pupils in Schools" (see template)
- to ensure that the student meets the school's admission criteria
- 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

1. Enrolment Forms

A parent/guardian is required to complete a school enrolment form when applying for a place in the school for their child. A parents/guardian is also required to confirm their acceptance of the school code of behaviour and are asked to give their consent, or otherwise, in relation to internet usage and the photographing of children when in school. This information will be kept on file in the school office and will only be accessed by school staff. Enrolment forms will be kept for one year after a student has left the school. The forms will then be shredded by the school secretary.

2. School Registers

School registers are the responsibility of the designated post holder with responsibility for school attendance. The school register in current use is available on the Aladdin system which is password protected and encrypted. School registers from previous years are also locked in the first aid room and will be kept indefinitely.

3. School Roll Books

The daily recording of school attendances is the responsibility of the class teacher. Attendance is taken on the Aladdin system which is password protected and encrypted. Explanations for absences from a parent/guardian will be dated and stored safely by class teacher and inputted on the Aladdin system. At the end of the school year, the teacher will give the notes relating to students with poor or irregular attendance to the designated teacher with responsibility for school attendance. The class teacher will dispose of the remaining notes. Past roll books will be locked in the first aid room and will be kept indefinitely.

4. Teacher and SNA Notes/Records

Teachers and special needs assistants will keep due care of their paper records and computer data relating to students. Records relating to student behaviour will be kept by a teacher as part of regular class records during the school year. These records are brought to the attention of the principal in the event of persistent or serious breaches of the school's code of behaviour. At the end of the school year, SNA notes will be filed by the principal and kept until the pupil leaves the school. Any relevant data is passed onto the next class teacher in September each year or filed in the pupils SET file.

5. Handover file

At the end of the school year, a class file will be kept securely in the learning support room. Each class file will be dated and will include:

- Reading records/CAPER lists
- Two dated writing samples for each student, with teacher comments
- Class summary sheets for standardised tests
- List of students targeted arising from analysis of standardised tests
- Analysis of class strengths/weaknesses arising from analysis of tests

The documents will be kept for 1 year until replaced by new handover file. The remaining paper and computer records on school/personal computers will be responsibly destroyed/deleted by the teacher in June of each year.

6. Screening, Standardised Testing and Diagnostic Testing

Standardised tests for English and maths are administered on an annual basis in classes 1st to 6th. Infant teachers administer a range of screening tests, including BIAP for selected students and MIST in Senior Infants. The class summary sheets of test results are kept in the class file in the learning support room.

Test papers will be kept in the filing cabinet in the learning support room for one school year and will then be disposed of responsibly in the following June by the learning support team.

The class teacher may, with the permission of a parent/guardian, administer additional screening and diagnostic assessments or may make referrals to other agencies. Parental permission is sought in writing for additional diagnostic testing and referrals to other agencies. The record of a parent's decision to permit or not to permit a test to be administered or a referral to be made will be kept on the student's file in the learning support room. The results of these tests are kept securely in the individual student's file.

7. *Special Education Needs (SEN)*

Each member of the Special Education Teacher team will be responsible for keeping records for the SEN students on their caseload. Student files will be kept in a locked filing cabinet in the learning support room. An individual pupil's file will include: record of earlier classroom, learning and home support, current and past support plans, records in relation to parental consent/lack of consent for screening and involving specialist agencies, record of meetings with parents/guardians, parental permission for assessment/referrals, results of screening and assessment tests, reports from other professional and dated work samples with teacher comments. An individual file will also be kept for EAL students.

Records for SEN students will be kept until that person reaches the age of 21 years as a person may wish to make enquiries or may bring a legal action relating to events in their childhood even when they are adults according to the time limits set out in the Statute of Limitations (1957-2000).

8. *Reports from Other Professionals*

Reports from other professionals including psychological reports, speech and language reports, occupational therapy reports etc. will be kept in the student's file in the learning support room.

9. *Child Protection Referrals*

Copies of child protection referrals will be kept securely on file in the principal's office. These records will be kept indefinitely.

10. *Record of Serious Injuries/Accidents*

A record of any serious injuries/accidents will be completed by the supervising teacher and/or special needs assistant and will be kept indefinitely on file in the principal's office.

11. *Administration of Medicine*

In the event that a child required medication to be administered in school, an indemnity form will be signed by a parent/guardian and the principal. A copy of the form will be given to the parent/guardian and the original form will be kept indefinitely on file in the principal's office.

12. *Student Reports*

A written report on a student's attainment levels/progress in each subject will be compiled when (a) a student is transferring to another school during a school year or (b) at the end of the school year for all other students. All teachers working with the child will contribute to the report and will sign the report. Teachers will use the school's standardised format for reports. Reports will be sent home in a sealed envelope with the children two weeks before end of term to allow parents/guardians time to respond to the

report. If parents who live separately request separate reports, the school will send a copy of the child's report to each parent.

One hard copy of the student reports for classes Junior Infants to 6th will be stored in a locked cupboard in the Nano Nagle room and will be kept until a child reaches the age of 21 years. An e copy of the reports will be kept on file in the Aladdin record keeping system currently used in the school.

Reports for students in the speech and language classes will be kept in locked filing cabinets in the speech and language classes and on the Aladdin system until the child reaches the age of 21 years.

Employee Records

Categories of staff employee 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
- 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).

Purposes: Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)
- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

- (a) **Location:** In a secure, locked filing cabinet in principal's office that only principal and deputy principal are authorised to access.
- (b) **Security: Format of files:** manual record (personal file within a *relevant filing system*) kept in locked cabinet in principals office. Also (ancillary staff only) password protected automated file on office computer with information pertaining to pay, tax etc.

Board of management records

Categories of board of management data: These may include:

- Name, address and contact details of each member of the board of management (including former members of the board of management)
- Records in relation to appointments to the Board
- Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.
- Information relation to maintenance jobs, tenders etc.
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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.

Location: In a secure, locked filing cabinet accessible only by Principal and Deputy Principal. Employees are required to maintain the confidentiality of any data to which they have access.

Security: Format of records: manual record i.e. minutes book kept in locked filing cabinet in principal's office. Hard copy of relevant correspondence.

Other records

Minutes of Staff Meetings

Minutes of staff meetings will be recorded. The minute book will be kept indefinitely in the principal's office.

Interview Records

Applications and records from interviews will be retained long enough (18 months) to defend a potential claim of discrimination under the Employment Equality Act 1998. They will then be destroyed by the principal.

Storage of Records

All reasonable steps will be taken to ensure that school records are securely stored. Hard copy personal information will be kept in cabinets which are kept locked when the room is unattended. The same retention and disposal periods apply for both hard copy and electronic records.

Security measures will be put in place to prevent unauthorised access, alteration, disclosure or destruction of the data and against accidental loss or destruction as follows:

Hardcopy records will be kept securely in cabinets which will be locked at the end of the school day.

Information held on computer systems will be password protected.

Copies of important electronic documents will be printed for filing.

Computers in the school office will be backed up on a monthly basis.

All staff will ensure they log out of Aladdin system when not in use and will not save the password to their laptop

All teachers will shut down classroom computers at the end of each day.

Access to School Records

Access to the information in school records will be strictly controlled and made available only to those rightfully entitled to them. The school will require the written consent of the parents/guardians of a student before allowing access for appropriate persons (e.g. health professional agencies, other schools) to the student's records. Where records are communicated to another school/agency, the school will keep a note of what, when and to whom a record has been transferred.

A student (over 18) or a student's parent/guardian who applies in writing specifying the information requested is entitled to a copy of the data held about him or her (Data Protection Act 1988). The principal will notify students (over 18) and parents/guardians of their entitlements and the procedures they should follow.

The Education Welfare Officer assigned to the school will have access to records of attendance and non-attendance (Education Welfare Act, 2000).

Dealing with data access requests

Section 3 access request

Under Section 3 of the Data Protection Acts, 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 21 days.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.

Section 4 access request

Individuals are entitled to a copy of their personal data on written request.

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 40 days

- 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.

Providing information over the phone

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

- 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.

Links to other policies and to curriculum delivery

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
- Admissions/Enrolment Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- SPHE.

Success Indicator

The successful implementation of this policy will be measured by the following:

- Systematic compilation of uniform records will be in place
- Systematic reporting to parents/guardians on educational progress will be in place
- Storage of records is manageable and secure.

Implementation, On-going Monitoring and Review

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:

<u>Name</u>	<u>Responsibility</u>
Board of management:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality

The implementation and on-going monitoring of this policy is the responsibility of the principal, in consultation with the In-School Management Team and other relevant staff. The policy will be reviewed regularly.

Ratification and Communication

Following consultation and discussion, this policy was ratified by the board of management in January 2020. It will be available in the school office and on the school website.

Signed: Gene Bree (Chairperson) Date: 29/1/2020