



# ***St. Mary's Secondary School***

*Convent of Mercy, Newport, Co. Tipperary V94 RY18*

Telephone 061-378344 Fax 061-378358

[www.stmarysnewport.com](http://www.stmarysnewport.com)

Registered Charity Number: 20148379



## **DATA PROTECTION POLICY.**

### **Mission Statement**

***As a CEIST school we seek to promote a caring and committed school which facilitates Spiritual and Human Development, quality in teaching and learning, respect for every person and a community of just and responsible young people.***

### **SCOPE**

This policy applies to the storage, maintenance and processing of personal data, both manual and automated form, including personal data held on staff and students.

The Data Protection Policy applies to all school staff, the Board of Management, parents/guardians and others insofar as the measures under the policy relate to them.

### **RATIONALE**

It is necessary to devise a Data Protection Policy in order to comply with the following regulations:

- Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as Data Protection Acts).
- 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 a student in his or her education.
- Under Section 20 of the Education (Welfare) Act 2000, the school must maintain a register of all students attending the school.
- 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 Data Controller may supply personal data kept by him or her, or information extracted from such data, to the Data Controller of another body if he or she is satisfied that it will be used for a “relevant purpose” only.

## **GOALS**

This policy is intended to ensure that:

1. The school complies with the Data Protection Acts.
2. The school complies with the eight rules of data protection as set out by the Data Protection Commissioner based on the Acts.
3. The data protection rights of students, staff and other members of the school community are safeguarded.

## **DEFINITIONS**

Data: means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system).

Relevant filing system: means any set of information that, while not computerized, is structured by reference individuals, so that specific information relating to a particular individual is readily accessible.

Personal data: means data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or likely to come into, the possession of the data controller.

## **DATA CONTROLLER**

St Marys is the data controller, with the Principal acting for the Board of Management in exercising the functions involved.

## **DATA RECORDS STORED IN SCHOOL**

The personal data records held by the school include:

Staff records, including:

- Name, address and contact details, PPS number
- Original records of application and appointment

- Record of 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 complaints and /or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.

Note: a record of grievances may be maintained which is distinct from and separate to individual personnel files.

The formats in which these records will be kept will be manual record (personal file within filing system) and computer record (database).

Staff records are kept to facilitate the payment of staff, to facilitate pension payments in the future, to record promotions made etc.

**Student records, including:**

1. Information which may be sought and recorded at enrolment, including:

- name, address and contact details
- names and addresses of parents/guardians and their contact details
- religious belief
- racial, ethnic or national origin
- membership of the Traveller community, where relevant
- any relevant special conditions (e.g. Special education needs, health issues, medical card holders) which may apply

2. Information on previous academic record

3. Psychological assessments

4. Attendance Records

5. Academic record- subjects studied, class assignments, examination results as recorded on official school reports

6. Records of significant achievements

7. Records of disciplinary issues and/or sanctions imposed

8. Other records e.g. records of any serious injury/accidents etc

These records will be kept on a manual record (personal file within filing system) and computer record (database).

The purposes of keeping student records are: to enable each student to develop his/her

full potential, to comply with legislative, administrative or regulatory requirements, to ensure that eligible students can benefit from 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 and to support the ongoing welfare of students.

## **Board of Management records**

These include:

- Name, address and contact details of each member of the Board of Management
- Records in relation to appointments to the Board
- Minutes of Board of Management and correspondence to the board may include references to particular individuals.

These records will be kept in manual record (personal file within filing system), computer record (database form).

The purpose of keeping Board of Management records includes: keeping a record of Board appointments and documenting decisions made by the Board with regard to appointments, discipline issues etc.

## **Other records**

- Examination records are kept.

The formats in which these records will be kept are manual record (personal file within filing system) and computer record (database).

The purpose for which these records are held is to monitor student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices or levels.

- From time to time it is necessary to record data from CCTV security cameras.
- Photographs and video recordings of students which are taken for teaching, learning or extra-curricular purposes and which have been authorized by the Principal or Deputy Principal.

**ARRANGEMENTS MADE TO ENSURE COMPLIANCE WITH THE EIGHT  
RULES OF DATA PROTECTION.**

1. Obtain and process information fairly. Information on students is gathered with the help of parents and guardians. Information is also gathered from the records of their previous schools.
  2. Keep it only for one or more specified, explicit and lawful purposes. All information is kept with the best interest of the individual in mind at all times.
  3. Use and disclose it only in ways compatible with these purposes- information will only be disclosed on a need to know basis and access to it will be strictly controlled.
  4. Keep it safe and secure. Only those with a genuine reason for doing so may gain access to the information. It is securely stored under lock and key in the case of manual records and protected with the correct firewall software in the case of electronically stored data as well as with a password.
  5. Keep it accurate, complete and up-to-date. All necessary changes will be made as the need arises.
  6. 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.
  7. Retain it for no longer than is necessary for the purpose or purposes. As a general rule most of the information will be kept for the duration of the individual's time in school. State exam results will be stored indefinitely to facilitate past pupils who mislay their results.
  8. A copy of his/her personal data will be given to that individual on request. \*
- \*The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under rules 1 and 3 above is not defined in the Data Protection

Acts. However, guidance material published on the Data Protection Commissioner's website states the following:

"As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."

NOTE: Health data relating to an individual should not be made available to that individual, in response to an access request, if that would be likely to cause serious harm to the physical or mental health of the data subject. A person who is not a health professional should not disclose health data to an individual without first consulting the individual's own doctor or some other suitably qualified health professional.

NOTE: Personal data obtained in the course of carrying out social work can be withheld 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.

#### **LINKS TO OTHER SCHOOL POLICIES.**

- Child Protection Policy
- Guidance Plan
- Anti-Bullying Policy
- Substance Abuse Policy
- Code of Conduct

Copies of each of these and other policies are available on the school website,  
[admin@smnewport.ie](mailto:admin@smnewport.ie)

#### **ROLES AND RESPONSIBILITIES IN IMPLEMENTING THIS POLICY.**

The Principal will ensure that Year Heads, Teachers and Secretarial Staff are familiar with this policy.

#### **MONITORING, REVIEWING AND EVALUATING.**

The Board of Management and senior School Management will ensure that this policy is under regular review and evaluation.

#### **REVIEW OF POLICY**

The school authorities will review this policy on a regular basis in order to stay up to date with current best practice and with relevant legislation in this area.

#### **APPROVAL.**

This policy has been approved by St Marys Board of Management.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Chairperson, Board of Management