



# ROCKWELL COLLEGE DATA PROTECTION POLICY

## Data Protection Policy Rockwell College

### 1. Introduction:

The Data Protection Policy of Rockwell College was formulated in consultation with the Board of Management and representatives of staff, parents and pupils. This policy was ratified by the Board of Management in April, 2014.

The purpose of this policy is to identify the records to be retained by the school, to ensure that confidentiality and manageable procedures in relation to access to these records by stakeholders.

The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on both school staff and pupils.

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

## 2. 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 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 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 is likely to come into, the possession of the data controller.

**Data Controller:** The school is the Data Controller, with the Principal acting on behalf of the Board of Management in exercising the functions involved.

**DES:** The Department of Education & Skills, or the Department or regulatory authority that subsumes the responsibilities of that department.

**School:** The 'school' is Rockwell College, Cashel, Co. Tipperary.

**Parents:** this refers to parents or guardians of the pupils attending the College.

**Stakeholders:** This refers to those intrinsically connected to the College and its structures, namely the management, staff, parents/guardians and pupils.

## 3. Rationale

This policy is required to ensure the compliance of Rockwell College with the following legislation:

- Section 9(g) of the Education Act, 1998
- Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003
- Section 20 of the Education (Welfare) Act, 2000
- Section 21 of the Education (Welfare) Act, 2000
- Section 28 of the Education (Welfare) Act, 2000
  
- Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 ( henceforth referred to as the Data Protection Acts)
- Under Section 9(g) of the Education Act, 1998 the parents of a pupil, or a pupil who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the pupil in his or her education.
  
- Under Section 20 of the Education (Welfare) Act, 2000 the school must maintain a register of all pupils attending the school.
  
- Under Section 21 of the Education (Welfare) Act, 2000 the school must record the attendance or non-attendance of pupils 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 prescribed body if he or she is satisfied that it will be used for a relevant purpose only. See Section B.3 under Key Measures below.

#### 4. Objectives

This policy is intended:

1. To ensure that the school is compliant with all relevant legislation in relation to Data protection and the Education (Welfare) Acts as listed above.
2. To ensure that pupil, parents and staff have a clear understanding of how the School will treat their data, the uses to which the data may be put and the parties to whom the data may be transferred.
3. To ensure that the rights of all parties are protected and safeguarded in relation to data protection.

#### 5. Details of all Personal Data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case

The personal data and records held by the school may include, but is not restricted to:

##### Staff records:

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

**Format:** The format in which these records will be kept will generally be a manual record (personal file within filing system) or computer record (database) or both.

**Purpose:** Records are kept:

- to facilitate the payment of staff and calcite benefits/entitlements
- to facilitate pension payments in the future,
- to maintain a record of promotions made and changes to posts of responsibility
- to enable the school's compliance with its obligations as an employer in relation to the provision of a safe working environment.
- to ensure the school's compliance with requirements as set by the DES, the Revenue Commissioners or any other government or regulatory authority

##### Pupil records:

- Information which may be sought and recorded at enrolment, including:
  - name, address and contact details, PPS number
  - names and addresses of parents/guardians and their contact details
  - religious belief
  - previous/current school
  - racial, ethnic or national origin
  - membership of the Traveller community, where relevant
  - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply

- Information on previous academic record
- Exemption from Irish
- Medical information
- Dietary needs e.g. allergies
- Psychological assessments
- Attendance Records
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Records of significant achievements
- Records of disciplinary issues and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents etc.

**Format:** The format in which these records will be kept will generally be a manual record (personal file within filing system) or computer record (database) or both.

**Purpose:** Records are kept:

- to enable each pupil to develop his/her full potential
- to ensure adequate provision can be made for the child's needs
- to ensure the validity of exemptions in line with DES criteria
- to comply with legislative or administrative requirements,
- to ensure that eligible pupils can benefit from the relevant additional teaching supports,
- to enable parent/guardians to be contacted in the case of emergency
- to ensure medical concerns can be facilitated by the school

### **Board of Management records:**

- 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 meetings and correspondence to the Board which may include references to particular individuals.

**Format:** The format in which these records will be kept will generally be a manual record (personal file within filing system) or computer record (database) or both.

**Purpose:** Records are kept:

- To provide a record of the decisions made by the Board
- To document appointments made by the Board

### **Other records:**

The school will hold other records in relation to individuals. These will be retained by manual record or on a database. These records may include (but are not limited to):

- Examination results – to monitor the progress of pupils and provide a sound basis for advising pupils. This data may be aggregated to provide statistical analysis.
- Recorded Images – the use of CCTV is required for the protection of the pupils, staff and property of the school.
- DES Returns – the school is required to provide annual records detailing school enrolment, known as 'October Returns'. Individual data, such as the PPS number of a pupil, acts as a means of validating enrolment. The DES has a data protection policy which can be viewed at

## 6. Details of arrangements in place to ensure compliance with the rules of data protection

The arrangements in place ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

- 1. Obtain and process information fairly:** parents/guardians and pupils are made fully aware when they provide personal information of the identity of the persons who are collecting it, the purpose in collecting the data, the persons or categories of persons to whom the data may be disclosed
- 2. Keep it only for one or more specified, explicit and lawful purposes:** all data 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 will be strictly controlled by the Data Controller or appointed staff.
- 4. Keep it safe and secure:** only persons with a genuine reason may access the information retained by the school. Password protection applies to school data kept on a computer database.
- 5. Keep it accurate, complete and up-to-date:** Pupils, parents & staff should ensure that the school is notified of any changes needed to update school records. The school will make the changes as required and may appoint a staff member to update records. No alteration or destroying of school records can take place without authorisation.
- 6. Ensure that it is adequate, relevant and not excessive:** Only necessary information will be retained.
- 7. Retain it for no longer than is necessary for the purpose or purposes:** the school will comply with DES guidelines and the requirements of any other legislative body regarding the retention of records. In certain circumstances the school may retain records for longer in order to facilitate legal matters.
- 8. Give a copy of his/her personal data to that individual on request:** an individual has the right to know what details are recorded and for what purpose. Where the school receives a request from a pupil or parent, the school will adhere to the guidance material published in the Data Commissioner's website:

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

## 7. Access requests:

While accepting that the data subjects have the right to know what personal information is held about them, the school management will determine the suitability of the right of access. If the data subject makes an access request pursuant to the Data Protection Acts, this access request will be handled by the Board of Management.

**Exceptions to note:** The right of access is not unlimited. Some exceptions to the right of access are:

- A request to access health data that would cause serious harm to the subject's 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.
- A request for 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.

## **8. Links to Other Policies and to Curriculum Delivery**

Rockwell College develops its policies with care to ensure the privacy and protection of sensitive data which may impact on individuals at the College. This is particularly so the in case of:

- Child Protection Policy
- Anti-Bullying Policy
- Substance Use Policy
- Code of Behaviour.
- Guidelines on CCTV use

### **Links to curriculum:**

The data stored in relation to Work Experience programmes will be securely retained by the programme coordinators.

## **9. Implementation Arrangements, Roles and Responsibilities**

The Principal will ensure that this policy is brought to the attention of Year Heads, teachers and secretarial/administrative staff. It is the duty of individual members of the school community to read the policy and ensure familiarity and compliance with the policy.

The updating of records and data will be the responsibility of the Principal who may, for administrative purposes, delegate other staff as appropriate.

Revisions to this policy will be undertaken as required, taking cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Science or the NEWB), legislation and feedback from parents/guardians, pupils, school staff and others.

## **10. Ratification**

This policy was ratified by the Board of Management of Rockwell College

*Sr Ena Quinlan*

Chairperson, BOM

*April 8<sup>th</sup> 2014*

Date