

# Data Protection Policy

## Introductory Statement

Presentation Senior School's Data Protection Policy sets out the manner in which personal data on staff, students and other individuals are kept and how this data is protected.

The policy was devised by the Board of Management and staff in consultation with parents/guardians.

## Scope

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 students.

*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 refers to 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 is 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.*

*A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the principal acting for the board of management in exercising the functions involved.*

The policy applies to all school staff, the board of management, parents/guardians, students and others insofar as the measures under the policy relate to them.

## Rationale

This policy has been devised for the following reasons:

- 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 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 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 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.

## Relationship to the Characteristic Spirit of the School

Presentation Senior School's four core values - respect, empathy, trust and integrity- permeate everything we do in all areas of our work. The Board of Management and staff understand that, in order to adhere to these core values in relation to data collection, it is vital that all personal data collected is securely stored and processed fairly.

## Policy Objectives

The objectives of this policy include:

- To ensure that the school complies with the Data Protection Acts
- To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded

## Policy Content

### Staff Records

Personal staff records held electronically and/or on file in Presentation Senior School may include:

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

Some staff records will be stored electronically and some will be manually held on a personnel file in the school office. Staff records will be kept for the following purposes:

- To ensure each staff member's employment rights are protected
- To ensure that work-place duties and opportunities are distributed fairly and equitably amongst staff over time e.g. assigned class standards, professional development opportunities etc.
- To record and support discussions with staff in relation to performance and conduct at work
- To enable school management to contact a next of kin if necessary

### Student Records

Personal student records held electronically and/or on file in Presentation Senior School may include:

- 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
  - 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
- Psychological/Educational 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
- Records relating to bullying
- Records relating to child protection concerns
- Other information: See appendix 2 for information on data stored on the DES (Pupil On-line Database) POD system.

Student records will be stored:

- Electronically on the school's student management system (Aladdin) and the DES POD system both of which are maintained with a very high level of security
- Electronically on the computer in the secretary's office e.g. MSExcel file containing student data. This computer is password protected.
- Manually on the main student-file in the secretary's office and manually on a student file in the class teacher's and support teacher's classroom. Access to these files is restricted to administrative staff and the relevant teacher e.g. class teacher/substitute teacher/support teacher. The files are stored in a locked filing cabinet.
- Manually in some specific school files other than the student-file e.g. Child protection file, Anti-Bullying File
- Manually in official Department of Education and Skills (DES) registration and attendance documents e.g. School Register and School Roll Book

Records will be kept for the following purposes:

- To enable each student to develop his/her full potential
- To comply with legislative or administrative requirements
- To ensure that eligible students can benefit from relevant additional teaching or financial supports
- To support the provision of religious instruction
- To enable parent/guardians to be contacted in the case of emergency etc.

#### **Board of Management Records:**

Board of Management records held electronically and/or on file in Presentation Senior School may 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 meetings and correspondence to the board which may include references to particular individuals.

Board of Management records will be kept for the following purposes:

- Maintaining a record of Board appointments
- Documenting decisions made by the Board

#### **Compliance with eight rules of data protection**

All personal data records held by the school will be 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**

- a. Staff members, parents/guardians and students will be 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 and any other information which is necessary so that processing may be fair. The statement in Appendix 1 will be included on relevant forms where personal information is being requested.
- b. Personal information will be processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, parents/guardians or students, where required. See [A Guide for Data Controllers](#) (pg. 7 and 8) for a list of exemptions from obtaining consent.
- c. Sensitive personal information will be processed fairly in accordance with the Data Protection Acts, with explicit consent being obtained from staff members, parents/guardians or students, where required? See [A Guide for Data Controllers](#) (pg. 8) for a list of exemptions from obtaining consent.

- d. The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under this rule 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 also 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."*

**2. Keep it only for one or more specified, explicit and lawful purposes**

- a. Persons whose data is collected will be informed of the reason/s why it is collected and kept.
- b. Personal data will only ever be kept for lawful purposes.
- c. School management will always be aware of the different sets of data which are kept and the specific purpose of each.

**3. Use and disclose it only in ways compatible with these purposes**

- a. School management will ensure that personal data kept on students, staff and board of management is only used in ways that are consistent with the purpose/s for which it was obtained and data will only be disclosed in ways that are consistent with that purpose.
- b. Two exceptions to the disclosure rule apply
  - i. Data can be disclosed when required by law
  - ii. Data can generally be disclosed to an individual himself/herself or with his/her consent (see 8 below)
- c. As per section 20 of the Education (Welfare) Act 2000, when a child is transferring from the school, the principal will notify the principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate. As per Section 28 of the Act, the school may supply personal data, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:
  - i. The Minister for Education and Skills (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
  - ii. The National Council for Special Education (NCSE)
  - iii. The National Educational Welfare Board (NEWB)
  - iv. Each school recognised in accordance with section 10 of the Education Act, 1998
  - v. Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.

Parent/guardian consent will be sought before student-data is shared with persons or organisations other than those which fall into the categories listed above. The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under this rule 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 also 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."*

**4. Keep it safe and secure**

- a. The school secretary will ensure that only authorised teachers will have access to student records. Teachers will be required to sign for student-files removed from

the secretary's office. Student files held in the classrooms will be stored in locked filing cabinets and access will be restricted to administrative staff and the class-teacher/support teacher.

- b. Access to school personnel records will be restricted to the school principal and the chairperson of the Board of Management. These records will be stored in a locked filing cabinet in the principal's office.
- c. Teaching staff, will have access only to the personal data of those children in their own class. The principal, deputy-principal and school secretary will have full administrative access.
- d. All of the school computer systems will be password protected.
- e. Documents containing personal data will be shredded at time of disposal.

**5. Keep it accurate, complete and up-to-date**

- a. Every effort will always be made to ensure that data kept electronically or manually on file is kept accurate, complete and up-to-date.

**6. Ensure that it is adequate, relevant and not excessive**

- a. School management will ensure that information held is:
  - i. Adequate in relation to the purposes for which it is kept
  - ii. Relevant to the purposes for which it is kept
  - iii. Not excessive in relation to the purpose/s for which it is kept

**7. Retain it for no longer than is necessary for the purpose or purposes**

- a. In general, personal data will not be kept for any longer than is necessary to fulfil the function for which it was first recorded. Retention times cannot be rigidly prescribed to cover every possible situation. School management will exercise its judgement in this regard in relation to each category of records held. However, the following particular requirements will be met:
  - i. School registers and roll books will be kept indefinitely within the school.
  - ii. Pay, taxation and related school personnel service records will be retained indefinitely within the school.
  - iii. Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property), the relevant records will be retained until the possibility of litigation ceases.

**Note:** The statute of limitations in relation to personal injuries is currently two years. The limitation period for other causes of action varies, but in most cases is not greater than six years. A limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim. In the case of minors, the limitation period does not begin to run until they reach their 18<sup>th</sup> birthday or later if the date of knowledge postdates their 18<sup>th</sup> birthday. The school will, therefore, retain student records until children reach the age of 24 years.

**8. Give a copy of his/her personal data to that individual on request.**

- a. Parent/guardian consent will be sought before a student's personal data (other than data that is ordinary, routine or non-controversial) is disclosed to her/him.
- b. On making an access request, any individual about whom you keep personal data, is entitled to:
  - i. A copy of the data which is kept about him/her
  - ii. Know the purpose/s for processing his/her data
  - iii. Know the identity of those to whom the data is disclosed
  - iv. Know the source of the data, unless it is contrary to public interest
  - v. Know the logic involved in automated decisions
  - vi. A copy of any data held in the form of opinions, except where such opinions were given in confidence.
- c. To make an access request, an individual must:
  - i. Apply in writing
  - ii. Provide proof of identity
  - iii. Give any details which might be needed to help identify him/her and locate all the information the school has about him/her

- iv. Pay an access fee of €6.35.
- d. In situations where spouses are separated and one of them has obtained an order for custody but both of them remain guardians, both will be entitled to make an access request.
- e. Information will be supplied within 40 days of receiving a valid request for personal data.

## **Policy Implementation**

The principal teacher, on behalf of the board of management, will be responsible for co-ordinating implementation of the policy and for ensuring that staff who handle or have access to personal data are familiarised with their data protection responsibilities.

School administrative staff will have a key role in implementing the policy and will be provided with a copy of the policy and other relevant information.

All staff will be required to read the policy and become familiar with the data protection practices outlined within it.

## **Ratification and Communication of Policy**

This policy was ratified by the Board of Management of Presentation Senior School on \_\_\_\_\_. A copy of the policy is stored electronically as part of the school plan which all staff have access to. A copy of the policy will also be published on the school website.

## **Implementation Date**

This policy will take effect from 1<sup>st</sup> September 2014.

## **Review and Evaluation**

The effectiveness of the policy will be monitored on an ongoing basis by the administrative staff. The following indicators will be used to gauge the effectiveness of the policy:

- Students, staff and parents/guardians are aware of the policy
- Requests for access to personal data are dealt with effectively
- Personal data records are accurate
- Personal data records are held securely
- Personal data records are retained only for as long as necessary.

## Appendix 1

### Data Protection Statement for inclusion on relevant forms when personal information is being requested

The information collected on this form will be held by Presentation Senior School in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is ..... *(School should insert the relevant information eg. for administration, to facilitate the school in meeting the student's educational needs etc. )*.

Disclosure of any of this information to statutory bodies such as the Department of Education and Science or its agencies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians or students aged 18 or over if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of students and students aged 18 or over have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

**Signed Parent/Guardian:**

\_\_\_\_\_

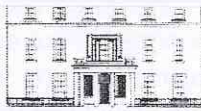
**Signed Student:**

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# Appendix 2

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AGUS SCILEANNA DEPARTMENT OF  
EDUCATION  
AND SKILLS

Circular Letter 0017/2014

## To the Boards of Management of Primary and Special Schools

**Fair Processing Notice to explain how some of the personal data of pupils in primary and special schools will be recorded on the proposed Primary Online Database (POD) and how this data will be processed by the Department of Education and Skills, in compliance with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.**

The Department of Education and Skills is currently in the process of developing an individualised database of primary school pupils, known as the Primary Online Database (POD). This database will also contain individualised information on pupils in special schools. With regard to the storage and processing of individualised data, the Department is committed to:

- abiding by the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003;
- respecting individuals rights to confidentiality and privacy;

The obligations placed on users of data under the Data Protection Acts can be categorised under the Eight Rules of Data Protection. This circular outlines how the Department of Education and Skills shall comply with each of these rules in relation to data stored on the Primary Online Database.

### *1- Obtain and process information fairly*

The Primary Online Database (POD) is a database of pupils enrolled in primary and special schools, which are recognised by the Department. While the database is hosted by the Department, the pupils' data will be maintained by the schools in which the students are enrolled.

There will be three categories of pupil personal data stored on POD

- **Category 1** - personal data shared between the school and the Department
- **Category 2** - sensitive personal data shared between the school and the Department
- **Category 3** - personal data, including sensitive data, which is only accessible to the school



The Department will request all recognised primary and special schools to record (some REPLACE WITH “specific”) details of the pupils who are enrolled in their schools on POD. The Department, through this Fair Processing Notice and the individual schools through their own Data Protection Policies, provide information on how the schools should meet their data protection obligations regarding pupil data. The Department will also agree a protocol on data handling and data management in relation to POD with the relevant school management bodies. A copy of this protocol will be made available once agreed.

Full details of the type of data stored in POD are provided in **Appendix A**.

In relation to Category 1 and Category 2 data held on POD, there are two distinct types of consent required, and the approaches to be adopted are as follows:

- Category 1 refers to data which is non-sensitive personal data such as name, address, Personal Public Service Number (PPSN), etc.  
In respect of these data fields, the parents/guardians are advised by way of this notice:
  - That both the school and Department collect this data,
  - The purposes for which this data is collected,
  - How this data is stored,
  - Other bodies with whom this data may be shared
  - How long this data is retained.
- Category 2 refers to data which is sensitive personal data, in the context of POD. This data includes the ethnic/cultural background of the pupil, and the pupil’s religion. In relation to these fields, the express written consent of the parents/guardians or students (over 18 years) is required, before this data can be recorded for a student on POD and accessed by the Department of Education. A suggested consent form used to collect this type of data is provided in **Appendix B**.

Data on ethnic or cultural background is required in some cases for the purpose of allocating appropriate resources to schools to meet the individual needs of children from these communities and to comply with a number of international reporting requirements for children from these communities. Data on religion and other ethnic or cultural origins is required for statistical analysis and in order to underpin future policy and planning within the Department. Primary school authorities are required to gain the written consent from the relevant parents/guardians or students, as appropriate, before data on these two data fields is recorded on POD. Schools do not need to return the written consent to the Department but should retain it for any inspection by either the Department or the Office of the Data Protection Commissioner.

Both the school and the Department are data controllers<sup>1</sup> for data in Category 1 and Category 2.

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<sup>1</sup> **Data Controller** – means a person who, either alone or with other, controls the contents and use of personal data

For Category 3 the school is the data controller with the Department acting as a data processor<sup>2</sup> on behalf of the school. The Department will provide the functionality and means of recording the information for Category 3, but will not be able to view the data. The data in Category 3 will be defined by the schools and could include, for example, data on family contacts and details of any medical conditions for a pupil. It is open to schools to decide whether or not they wish to record data in Category 3 for students on POD. The data in Category 3 will be encrypted and therefore it is only visible to school users.

For all the above categories, under Data Protection legislation, parents/guardians have the right to object to the processing of their child's (or their own) personal data, if they feel that the data is not being processed in a fair manner or used for a valid reason. They also have the right to block certain uses of the data and correct errors, in the unlikely event that they identify any errors in this data held about their child (or themselves).

*2- Keep it only for one or more specified, explicit and lawful purposes*

The Department of Education and Skills will use pupils' data on POD in Category 1 and some Category 2 data to establish the teaching posts and core funding to be allocated to each recognised primary school, for the following school year. For a pupil to be included in this calculation, they must be validly enrolled in a recognised school, in accordance with the requirements as specified in departmental circulars.

The Department also will use pupil data in categories 1 and 2 stored in POD for planning, policy and statistical purposes. In general, it does not use individual data for these purposes, but rather aggregates this data to meet its business needs. A small proportion of the data recorded by schools on POD is required for these purposes only.

For the purposes for which the school will use the data held on POD, please refer to the Data Protection Policy of the school.

*3- Use and disclose it only in ways compatible with these purposes.*

Schools may only access the data of students currently enrolled in their schools.

It is Departmental policy that only a small number of Departmental staff, who have a specific requirement which is related to their work, have access rights to view the personal data in Category 1 and Category 2 of students.

Personal data stored on POD and only accessible by the school, i.e. Category 3, is encrypted and no staff member of the Department will have access to this data.

The Department also proposes to share some of the personal data stored on POD with other State bodies. These are:

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<sup>2</sup> **Data Processor** – means a person who processes personal data on behalf of a data controller

- Central Statistics Office, under the Statistics Acts to assist with the compilation of national statistics.<sup>3</sup>
- The National Council for Special Education, under the Education Welfare Act, in order to assist in supporting resource allocation in relation to pupils with special educational needs.<sup>4</sup>
- The Child and Family Agency, under the Education Welfare Act, to ensure that each child of compulsory school age is in receipt of an education.
- To meet the Department's business needs in regard to the allocation of resources to schools, the Department will share a limited amount of each pupil's personal data, including a child's PPS number with the Department of Public Expenditure and Reform PPSN validation service, or directly with the Department of Social Protection Client Identity Database area, in order to validate the identity of each pupil and ensure that the correct resource allocation is granted to each school. The legal basis for this sharing of data is set out in Social Welfare Acts<sup>5</sup>

The Department will put in place a data user agreement with each of these bodies, which includes the purpose for which the body requires the data, its storage, security and retention. Details of similar existing data user agreements already in place at post primary level are available on the Department's website at [www.education.ie](http://www.education.ie) (and search for P-POD).

Schools within the POD system may also exchange data in Categories 1 and 2 for the purposes of facilitating inter-school transfer of the pupil. Explicit parental consent must be given for sensitive personal data (i.e. Category 2 data) to be transferred from one school to another. In the case of other personal data (i.e. Category 1 data), schools may only access pupil data on POD in the case where they have already enrolled the pupil in their school.

#### 4- Keep it safe and secure

POD will be hosted by the Department and accessed by schools through the *esinet* portal. The *esinet* portal is a secure network managed and controlled by the Department. It may only be accessed through password controlled accounts. The Department will maintain audit records of users who access the POD system.

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<sup>3</sup> The Statistics Act, 1993 gives the CSO the authority to assess the statistical potential of the records maintained by other public authorities and to ensure that this potential is realised; therefore, the CSO has indirect access on a statutory basis to data on individuals and businesses collected for administrative purposes

<sup>4</sup> **Section 28 of the Education Welfare Act 2000** allows for personal data to be transferred between the Minister for Education and Skills, recognised schools, the National Council for Special Education, and the Child and Family Agency, if it is used for a relevant purpose only, including "recording a person's educational or training history or monitoring his or her educational or training progress in order to ascertain how best he or she may be assisted in availing of educational or training opportunities or in developing his or her full educational potential"

<sup>5</sup>**Section 266 of the Social Welfare Consolidation Act 2005** states that "Notwithstanding anything contained in any other enactment, a specified body may share any information that may be prescribed with (a) the Minister for Education and Skills, where the Minister requires the information for the purposes of enabling him or her to provide education in accordance with **section 6(b) of the Education Act 1998**" A recognised school within the meaning of section 2 of the Education Act has been designated a specific body for these purposes. Regulation 189 of the **Social Welfare(Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007)** lists the prescribed information for the purposes of section 266 in relation to a pupil that may be shared.

The agreed protocol between the Department and the management bodies for schools, and to which schools are required to adhere, will oblige schools to segregate the various users who have access to POD by duties and responsibilities. Access at school level is through password controlled accounts. Where data is exported by schools from POD to local software, schools will be required to encrypt the data during transfer and store the resultant data on secure local systems.

For information on the safety and security measures in place in a particular school, please refer to the school's Data Protection Policy.

*5- Keep it accurate, complete and up-to-date*

The pupil data on POD shall be maintained by the school in which the student is enrolled. The school is obliged to ensure that the data of its pupils is accurately maintained.

*6- Ensure that it is adequate relevant and not excessive.*

The Department, in consultation with the management bodies for schools, the Irish Primary Principals Network, the National Parents' Council and other key stakeholders in the education system will review from time to time the data on pupils required to manage and administer the education system.

The Department is continually reviewing its retention policy for pupil data in consultation with the Office of the Data Protection Commissioner and will update its retention policy from time to time. Any amendments will be available on the Department's website, [www.education.ie](http://www.education.ie)

*7- Retain it for no longer than is necessary for the purpose or purposes.*

The Department will retain personal data in categories 1 and 2 for each pupil on POD for the longer of either the period up to the pupil's 30<sup>th</sup> Birthday and subject to review thereafter or for a period of ten years since the student was last enrolled in a primary school.

The ten year period is required for audit and accounting purposes as pupil's data is used in the allocation of teaching posts and funding to schools.

The purpose of the Department's retention policy also serves to trace retention trends in the education system, is important for longitudinal research and policy formation, as well as being an important statistical indicator nationally and internationally. Again aggregate and not individual data is used for the majority of these purposes.

Individual student records are also retained to meet individual requests from former students who may require them for employment or other purposes.

In respect of Category 3 data, i.e. data on students which is only accessible to schools, this data is removed from the POD system where a student's record had been inactive for two school years, i.e. there have been no further enrolments for that student in the primary sector for the previous or current school years.

*8- Give a copy of his/her personal data to an individual on request*

A copy of a pupil's individual data held on POD can be obtained by his/her guardian or the pupil, in line with the school's Data Protection Policy, by contacting the school in which the student is currently enrolled.

Pupils, through their parent\guardians, also have the right under Data Protection legislation to request a copy of their details currently held on file within the Department of Education and Skills. This request should be made in writing to Statistics Section, Department of Education and Skills, Marlborough Street, Dublin 1. The Department will require proof of identity to be furnished before releasing any information in relation to an individual pupil.

**Jointly Meeting the Data Protection Requirements for the Annual Census of Primary Schools**

Each year the Department will require school authorities to sign a declaration that they have fulfilled their data protection obligations in relation to the collection and sharing of their pupil data via POD. The Department will make available on its website the relevant data protection information for parents in relation to its use and purpose of the data recorded by schools on POD.

The Department has consulted with the management bodies for primary schools and will jointly agree a data protection protocol for the processing of pupil data on POD. Details of this protocol, as well as outlines of the Department's general data protection guidelines to schools, and a copy of this fair processing notice will be made available on the Department's website [www.education.ie](http://www.education.ie)

The Department has met with officials from the Data Protection Commission Office to inform the approach to be taken.

To assist both schools and the Department to comply with their respective data protection requirements for POD, primary schools are asked to bring this circular to the attention of parents/guardians, students and school staff.

**Diarmuid Reidy**  
**Senior Statistician**  
**Statistics Section**  
**January 2014**

## Appendix A

### Listing of Personal Data to be stored on the Primary Online Database (POD)

#### Category 1 Data - Personal Data Transferred to Department of Public Expenditure and Reform PPSN Validation Service\ Department of Social Protection for Pupil PPSN Validation Purposes

Data Collected on each Student	Purpose
Personal Public Sector Number	Unique identifier for each student.
Student Name	Used to validate PPSN and also to identify students who have Irish Exemptions. Also used to contact students if consent is needed to include them in educational surveys etc.
Student Home Address	
Student Birth Cert name	Use to validate PPSN where current name differs from name used when PPSN assigned
Date of Birth	There are minimum age threshold for students following different programmes.
Gender	Statistical analysis and to assist with individual student identity.
Mother's maiden name	PPSN validation. This is removed from the Department's records when confirmation of valid PPSN is received.

#### Category 1 Data - Other Personal Data stored on POD necessary to assist with the Department's Policy, Statistical, Research and Planning Functions.

Data Collected on each Student	Purpose
Pupil Standard	Used for statistical analysis and to ensure progression within the educational system
Pupil Class	Used to calculate average class sizes in each school in order to monitor class sizes nationally
Pupil Nationality	Used for Statistical and policy/planning purposes
Enrolment date and Source	Necessary to ensure pupil is validly enrolled for allocation purposes and to monitor progress of pupils through the education system
Leaving Indicator, Date and Destination	Necessary to ensure pupil is validly enrolled, and to ensure pupil is in continuing education as required by the Education Welfare Act.

<b>Data Collected on each Student</b>	<b>Purpose</b>
Standardised test scores in English Irish and Mathematics	For the purposes of monitoring proficiency levels by the Qualifications, Curriculum and Assessment policy area of the Department
Pupil Retained Indicator	Used to monitor repeat levels nationally
Pupil Integrated Indicator	Used to monitor pupils with special education needs that are integrated into mainstream classes, and to monitor class sizes including integrated pupils.
Indicator for receipt of Learning Support under the General Allocation Model and through the NCSE (4 categories)	Used to liaise with the NCSE and monitor the progress of pupils with special education needs and underpin future resource allocations in this area.
Pupil Deceased Indicator	Flag to indicate to POD if a pupil is deceased, and to ensure that correspondence is not sent inadvertently
DPIN (Department Pupil Identifier)	Internal Department Identifying number used to track pupils through the education system.
Pupils taking Junior and Leaving Certificate subjects, or subjects leading to a QQI further education accreditation.	For pupils in special schools only that may be taking subjects and Junior and Leaving Certificate levels, or subjects which lead to a QQI further education award.
Pupil Special Class Type	For pupils in special classes and schools only. Used to monitor resource allocation and the level of take up of different resource types
Pupil Primary Special Need type	For pupils in special classes and schools only.
Indicator of pupil SEN assessment	Indicates whether an assessment is available for a child availing of SEN resources
Mother tongue	Indication of the primary language the pupil speaks in their home environment
Year of Arrival in Ireland	Statistical and policy planning purposes

**Category 2 Data – Sensitive personal data use by the Department to allocate resources to the school for certain categories of students and in aggregate form for statistical and policy reports**

<p>Ethnicity/Cultural background</p>	<p>Outcome focused planning of policy and supports for minority groups</p> <p>Monitoring and evaluation of policy/supports</p> <p>Data on travellers required for payment of enhanced capitation</p> <p>Data on Roma required for reporting on a number of EU, UN human rights, etc. Conventions to which Ireland is a contracting party e.g. current exercise on EU Framework for national Roma Integration Strategies up to 2020</p>
<p>Pupil Religion</p>	<p>For general statistical purposes.</p>



**Category 3 Data** –Pupil level data accessed solely by schools for use in school administration. This list will be defined by the schools themselves and will only be accessible at the school level. Examples of the most common type of information that may be kept include:

<b>Family Details</b>
Student Phone No
Student Mobile
Student Email
Number of children in family
Position of child in family
Psychological Assessment Available Y/N
Correspondence to Guardian Y/N
Guardian Name and Address
Details of Guardianship, Custody and/or Access Arrangements
Years Irish Resident

<b>Medical Details</b>
Require Glasses Ind Y/N
Hearing Difficulties Ind Y/N
Illness Procedure
Health Concerns
Any other relevant medical information
Doctor Name
Practice Name
Practice Phone No

## Appendix B

### SCHOOL LOGO

#### **Suggested Consent Form for Sensitive Personal Data to be stored on the Primary Online Database (POD) and shared with the Department of Education and Skills**

There are three categories of pupil data which will be shared by schools with the Department of Education and Skills. Category 1 information covers data that is required to validate the pupil's identity. This information will be transferred to the PPSN validation service of the Department of Expenditure and Reform or the Department of Social Protection for validation purposes only. Category 1 information also covers pupil level data which is necessary for policy and planning purposes within the Department of Education and Skills. A full listing of the variables collected, along with the purpose for each piece of information, can be found in Appendix A of the Fair Processing Notice for the Primary Online Database, available at [www.education.ie](http://www.education.ie)

Category 2 covers sensitive personal data which the Department asks primary schools to furnish, and which requires your written consent for your child's school to record this information and for the school to forward this information to the Department for purposes as outlined in circular 001/2014 a copy which is available at [www.education.ie](http://www.education.ie) or on request from your child's school. Your consent is also required for this information to be forwarded to any other primary school your child may transfer to during their time in primary school.

Category 3 data is information which is required at school level only and will not be accessible to the Department of Education and Skills. This data will be kept on your child's POD record for the duration of their primary schooling and for two years afterwards.

Please note that the reference to "you" in this consent form means a parent or a guardian of a pupil, or a pupil aged 18 years and over who is attending a recognised primary school.

*Please enter the following details in BLOCK CAPITALS*

**Name of School:** \_\_\_\_\_

**Name of Parent/Guardian:** \_\_\_\_\_

**Name of Student:** \_\_\_\_\_

**1. What is your child's religion?**

\_\_\_\_\_

**2. To which ethnic or cultural background group does your child belong (please tick one)?**

- White Irish
- Irish Traveller
- Roma
- Any other White Background
- Black African
- Any other Black Background
- Chinese
- Any other Asian background
- Other, including mixed race backgrounds

*I consent for this information to be stored on the Primary Online Database (POD) and transferred to the Department of Education and Skills and any other primary schools my child may transfer to during the course of their time in primary school.*

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

Parent/Guardian/Student

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

**Please complete this form and return to your primary school.** This form will be retained by the primary school and will be made available for inspection by authorised officers of the Department or from the Office of the Data Protection Commissioner.