



## **Data Protection Policy**

### **Title**

Sutton Park School Data Protection Policy

### **Introductory Statement**

All personal information which Sutton Park School (**SPS**) holds is protected by the Data Protection Acts 1988 and 2003. This policy document will set out, in writing, the manner in which Personal Data relating to staff, students and other individuals (e.g. parents, Committee members, members of boards of management and governors etc.) is kept and how the data concerned is protected.

The policy was formulated by the Board of Management of SPS and ratified by the Board of Governors.

The purpose of the policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by all stake holders.

### **Scope**

#### ***To what will the policy apply?***

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. The list of documents used to capture this data is provided as an appendix to this policy.

#### ***To whom will the policy apply?***

The policy applies to all school staff, the Board of Governors, the Board of Management, Parents/Guardians, Students and others insofar as the measures under the policy relate to them.

### **Rationale**

- 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 school must ensure that the parents of a student, or a student who has reached the age of 18 years, can gain 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.

### **Relationship to the ethos of Sutton Park School**

SPS seeks to define a Data Protection Policy that is in keeping with the ethos of the school. The ethos is embodied in our Mission Statement which is available in the School Handbook, and on the SPS website. The policy endeavours to adopt the values which are set out in the ethos.

### **Goals & Objectives**

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

### **Key Measures**

The Data Protection Acts confer rights on individuals as well as responsibilities on those persons controlling and processing personal data. SPS has key responsibilities in relation to the information which it keeps on computer or in structured manual files about individuals. SPS undertakes to execute its responsibilities in accordance with the eight Data Protection Principles/Rules as outlined below:

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

Personal information will be obtained and processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, parents/guardians or students where required.

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

SPS will keep data for purposes that are specific, lawful and clearly stated and the data will only be processed in a manner compatible with these purposes. Management and staff will be made aware of the purpose for which data is kept and ensure that it is not used for any purpose which may be incompatible with the original purpose.

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

SPS will only use and disclose personal data in ways that are necessary for the purpose(s) or compatible with the purpose(s) for which it collects and keeps the data. SPS will ensure that staff involved in processing personal data are aware of the purpose of collecting such data and



use it only for that specific purpose or compatible purpose(s).

**4. *Keep it safe and secure***

Appropriate security measures will be taken to prevent unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction.

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

Clerical and computer procedures are adequate to ensure high levels of data accuracy.

Appropriate procedures are in place, including periodic review and audit, to ensure that each data item is kept up-to-date.

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

Personal data held by SPS will be adequate, relevant and not excessive in relation to the purpose(s) for which it is kept. Periodic checking of files (electronic and manual) will be made to ensure that personal data held is not excessive and remains adequate and relevant for the purpose for which it is kept.

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 defined to cover every possible situation. It is recognised that there is a need to exercise individual judgement in this regard in relation to each category of records held.

Personal data will be kept in accordance with the retention policy as further disclosed below under Rule 7.

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

The school's policy on retention of personal data is subject to various laws and court rules including in particular the Statute of Limitations Acts 1957-2000. The following principles apply:

- School registers and roll books are to be kept indefinitely within the school.
- Pay, taxation and related school personnel service records will be retained indefinitely within the school.
- In the event of litigation or potential litigation related personal data will be retained for at least 6 years following the date of settlement or 12 years following the date of judgement.
- Personal data will be retained for a minimum of 6 years following an individual's departure from the school or from reaching their reaching the age of 18 (if the individual has left school before the age of 18).
- Hard copy personal data records are stored in files within the school and restricted to authorised personnel only.
- Computerised records of personal data are restricted to authorised persons and password protected.
- Files containing personal information relating to the school are to remain in the



school building at all times unless permission has been sought and obtained from the Principal.

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

In making an access request any individual (subject to the restrictions in Notes A and B below) about whom you keep personal data, is entitled to:

- a copy of the data which is kept about him/her
- know the purpose/s for processing his/her data
- know the identity of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions
- a copy of any data held in the form of opinions, except where such opinions were given in confidence.
- To make an access request, an individual must:
  - apply in writing
  - give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
  - pay an access fee of €6.35.

There are a number of exceptions to the general rule of Right of Access, including those specified in Notes A and B below.

**Note A: Access requests by students**

- Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts. Such access will be granted within 40 days of receipt of the written request.
- Students under 18 years of age can be given access to their personal information, depending on the age of the student and the nature of the record i.e. it is suggested that:
  - if the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
  - if the record is of a sensitive nature, it would be prudent to seek parental/guardian consent
- if a student has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent should be sought.
- Viewing of personal information will take place under supervision of authorised school personnel

**Note B: Further Exceptions:**

- Data protection regulations prohibit the supply of:



- health data to a patient in response to a request for access if that would cause serious harm to his or her 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
- 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.

### **Links to other policies**

School policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place, being developed or reviewed, will be examined with reference to the Data Protection Policy and any implications which it has for them will be addressed:

- Anti-Bullying Policy
- Guidance Policy
- SPHE Policy

### **Roles and Responsibilities**

The Principal is assigned the role of coordinating the implementation of the policy. All employees who collect and/or control the contents and use of personal data are individually responsible for compliance with the data protection legislation.

### **Ratification & Review**

The policy was ratified on 28/03/2017. The policy will be reviewed as deemed necessary by the Board of management, but no less frequently less than every two years. The policy will be published on the school website and all pupils enrolling in the school will be made aware of the policy.

### **Definition of Terms**

This section defines key terms referred to in the body of the document.

**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:*** 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.

<b>Author</b>	<b>BOM Approved:</b>	<b>BOG Approved:</b>	<b>Next Review Date</b>
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