



# **DATA PROTECTION POLICY**



# Data Protection & Record Keeping Policy Jonah Special School

## Introduction

Jonah Special School Data Protection Policy applies to the **Personal Data** held by the school's Board of Management, which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Protection Regulation (GDPR).

This policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by the school.

## Data Protection Principles

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 –

1. **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/settings. 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 individual 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.
2. **Consent** – Where consent is the basis for provision of personal data, (e.g. data required to join optional school activity) the consent must be a freely given, specific, informed and unambiguous indication of the data subject's wishes. Jonah Special School will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations.
3. **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.
4. **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.
5. **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) are 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.

6. **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.
7. **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.
8. **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. (See School Record Retention table in Appendix A).
9. **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. For further information, see "Give a copy of their personal data to that individual on request" set out below.
10. **Purpose of the Policy** – The Data Protection Acts apply to the keeping and processing of Personal Data, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to school staff and to inform staff, students and their parents/guardians how their data will be treated.
11. **To whom will the policy apply** – The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their Personal Data in the course of their dealings with the school.

## Scope

The Data Protection legislation applies to the keeping and processing of Personal Data. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to school staff, and to inform staff, students and their parents/guardians how their data will be treated.

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their Personal Data in the course of their dealings with the school.



## 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 –

- ❖ **Personal Data** – means any data relating to an identified or identifiable natural person i.e. 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 (Board of Management).
- ❖ **Data Controller** – is the Board of Management of the school.
- ❖ **Data Subject** – is an individual who is the subject of personal data.
- ❖ **Data Processing** – is performing any operation or set of operations on data, including –
  - ✓ Obtaining, recording or keeping the data.
  - ✓ Collecting, organising, storing, altering or adapting the data.
  - ✓ Retrieving, consulting or using the data.
  - ✓ Disclosing the data by transmitting, disseminating or otherwise making it available.
  - ✓ Aligning, combining, blocking, erasing or destroying the data.
- ❖ **Data Processor** – is a person who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data, e.g. Aladdin (school attendance); School accounting/wages processors (RH and Associates) etc.
- ❖ **Special Categories of Personal Data** – refers to Personal Data regarding a person's –
  - ✓ Racial or ethnic origin.
  - ✓ Political opinions or religious or philosophical beliefs or Trade union Membership.
  - ✓ Physical or mental health.
  - ✓ Sexual life and sexual orientation.
  - ✓ Genetic and biometric data.
  - ✓ Criminal convictions or the alleged commission of an offence.
- ❖ **Personal Data Breach** – is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed. This means any compromise or loss of personal data, no matter how or where it occurs.

## Rationale

### Why is it necessary to devise a Data Protection Policy at this time?

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts. This policy explains what sort of data is collected, why it is collected, for how long it will be stored, and with whom it will be shared. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased. In the absence of a



documented Policy, there is a risk that data entrusted to the school will be retained, used or disclosed in ways that breach individuals' data protection rights. Jonah Special School takes its responsibilities under Data Protection law very seriously, and wishes to put in place safe practices to safeguard individuals' personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the Principal and Board of Management to make decisions in respect of the efficient running of the school. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and Board of Management.

## Other Legal Obligations

Implementation of this policy should take account of the school's other legal obligations and responsibilities. Some of these are directly relevant to Data Protection. For example –

- ❖ 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 their education.
- ❖ Under Section 20 of the [Education \(Welfare\) Act, 2000](#), the school must maintain a register of all students attending the school.
- ❖ Under section 20(5) of the [Education \(Welfare\) Act, 2000](#), a Principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the Principal of another school to which a student is transferring.
- ❖ 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 School may supply Personal Data kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board (from 1<sup>st</sup> January 2014 known as TUSLA), the National Council for Special Education, other Schools, other centres of education provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training).
- ❖ Under Section 14 of the [Education for Persons with Special Educational Needs Act, 2004](#), the School is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers ("SENOs") such information as the Council may from time to time reasonably request.
- ❖ The [Freedom of Information Act 1997](#) provides a qualified right to access to information held by public bodies which does not necessarily have to be "Personal Data" as with Data Protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills etc.), these records could be disclosed if a request is made to that body.
- ❖ Under Section 26(4) of the [Health Act, 1947](#) a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of students attending the school) to be given to a health authority who has served a notice on it of a medical inspection e.g. a dental inspection.



- ❖ Under **Children First: National Guidance for the Protection and Welfare of Children (2011)** published by the Department of Children & Youth Affairs, schools, their Boards of Management and their staff have responsibilities to report child abuse or neglect to TUSLA - CPA (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

## Relationship to Characteristic Spirit of the School

Jonah Special School seeks to –

- ✓ Enable each student to develop their full and unique 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' right to privacy and rights under the Data Protection Acts.

## Personal Data

The Personal Data records held by the school may include –

### 1. **Staff Records**

- a) **Categories of staff 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 (including application forms, interview marking schemes and other documents relating to recruitment and selection such as references, Garda vetting outcomes and Medmark assessments).
- 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.
- 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).
- Newly qualified teachers and certificates of attendance at CPD.

- b) **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 resource management, including reviewing performance and addressing performance-related issues.
  - 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, the National Education Welfare Board, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies.
  - And for compliance with legislation relevant to the school.
- c) **Location** – Records pertaining to staff are held in a secure, locked filing cabinet in the Principal’s office.
- d) **Security** – A staff member’s manual records are kept within a filing system in a locked filing cabinet. Files which are created/received digitally are stored on a password protected drive with an appropriate level of firewall software.

## **2. Student Records**

- a) **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 they (or their parents) are medical card holders.
    - 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 – class assignments, assessment results as recorded on official school reports.
  - 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.



- 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).

(a) **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 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 for use in visual schedules/social stories, celebrate school achievements, establish a school website, record school events, and to keep a record of the history of the school.
- To ensure that the student meets the school's admission criteria.
- To furnish documentation/ information about the student to the Department of Education and Skills, the National Council for Special Education, the National Education Welfare Board, the HSE and other schools, etc. in compliance with law and directions issued by governmental 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.
- In respect of a work experience placement, (where that work experience role requires that the student be Garda vetted), the school will assist the student in obtaining their Garda vetting outcome (with the consent of the student and their parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer.

(b) **Location** – Records pertaining to students are held in a secure, locked filing cabinet in the Principal's office.

(c) **Security** – A student's manual records are kept within a filing system in a locked filing cabinet. Files which are created/received digitally are stored on a password protected drive with an appropriate level of firewall software.

### 3. **Board of management Records**

(a) **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.

(b) **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.





- (c) **Location** – Records pertaining to the Board of Management are held in a secure, locked filing cabinet in the Principal’s office.
- (d) **Security:** The Board of Management’s manual records are kept within a filing system in a locked filing cabinet. Files which are created/received digitally are stored on a password protected drive with an appropriate level of firewall software.

#### **4. Other Records - Creditors**

The school will hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), computer record (database). Some examples of the type of other records which the school will hold are set out below (this list is not exhaustive) –

- a) **Categories of Data** – The school may hold some or all of the following information about creditors (some of whom are self-employed individuals) –
- Name and address.
  - Contact details.
  - PPS number.
  - Tax details.
  - Bank details and amount paid.
- b) **Location** – These are kept in a secure filing cabinet in the Principal’s office.
- c) **Security** – Manual records are stored and locked away in the Principal’s office.

#### **5. Other Records – Charity Tax Back Forms**

- a) **Categories of Data** – The school may hold the following data in relation to donors who have made charitable donations to the School –
- Name and address.
  - Telephone number.
  - PPS number.
  - Tax rate.
  - Signature.
  - Gross amount of the donation.
- b) **Purposes** – Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the parent’s name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the school in the case of audit by the Revenue Commissioners.
- c) **Location** – This is stored in a secure filing cabinet in the Principal’s office.
- d) **Security** – Manual records are stored and locked away in the Principal’s office.



## 6. CCTV

- (a) **Categories of Images/CCTV Data** – CCTV is installed on Jonah Special School’s premises. Cameras are installed externally, covering the carpark, Jonah Special School playground areas and the front/back entrance to the building. These CCTV systems may record images of staff, students and members of the public who visit the premises.
- (b) **Purposes** – The school processes personal data in the form of recorded CCTV images. We use CCTV for the following purposes –
- ✓ to secure and protect the school’s premises and assets;
  - ✓ to deter crime and anti-social behaviour;
  - ✓ to assist in the investigation, detection, and prosecution of offences;
  - ✓ to deter bullying and/or harassment;
  - ✓ to maintain good order and ensure the school’s Code of Behaviour is respected;
  - ✓ to provide a safe environment for all staff and students;
  - ✓ for the taking and defence of litigation;
  - ✓ for verification purposes and for dispute-resolution, particularly in circumstances where there is a dispute as to facts and where the recordings may be capable of resolving that dispute.
- (c) **Location** – Cameras are located externally on the building. The viewing station is located in the Principal’s office in Jonah Special School, Old V.E.C. Building, Slieverue, Kilkenny Via Waterford. The cameras can also be viewed from the school mobile phone.
- (d) **Security:** Access to images/recordings is restricted to the Principal, Clinical Director & Class Teacher Principal of Jonah Special School. Recordings are retained for no more than 28 days, except if required for the investigation of an incident. In general recordings are overwritten automatically by the DVR within 10 days. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts, 1988 and 2003.

## Links to Other Policies and to Curriculum Delivery

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

The following policies may be among those considered –

- ✓ Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education and Skills’ pupil online database.
- ✓ Child Protection Procedures.
- ✓ Anti-Bullying Policy.
- ✓ Code of Behaviour Policy.
- ✓ Enrolment Policy.
- ✓ Mobile Phone Policy.
- ✓ Enrolment Policy.
- ✓ Substance Use Policy.
- ✓ ICT Acceptable Usage Policy.
- ✓ Critical Incident Policy.
- ✓ Confidentiality Policy.



## Processing in Line with Data Subject's Rights

Data in Jonah Special School will be processed in line with the data subjects' rights. Data subjects have a right to –

- ✓ Know what personal data the school is keeping on them.
- ✓ Request access to any data held about them by a data controller.
- ✓ Prevent the processing of their data for direct-marketing purposes.
- ✓ Ask to have inaccurate data amended.
- ✓ Prevent processing that is likely to cause damage or distress to themselves or anyone else.
- ✓ Ask to have data erased once it is no longer necessary or irrelevant.

## Dealing with a Data Access Requests

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. An individual can request only personal data pertaining to them. The individual must make this request in writing using the attached form (Appendix B) and the Data Controller will accede to the request within 21 days. Data Controllers may request an extension of this time in certain circumstances.

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 –

- ✓ 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.
- ✓ Fee may apply for excessive or repetitive requests but cannot exceed €6.35.
- ✓ 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 should be careful about disclosing any personal information held by the school over the phone. In particular the employee should –

- ✓ 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.



## Release of Information

In the case of Sensitive Personal Data, explicitly given consent is required unless consent may be implied to be given, for example where it is necessary –

- ✓ Urgently to prevent injury or other damage to the health of a person or to prevent serious loss or damage to property.
- ✓ For the purpose of obtaining legal advice or in the course of legal proceedings in which the person doing the processing is a party or witness.
- ✓ Required by or under any enactment or by a rule of law or court order.

## Breach of Information

The Data Protection Commissioner has published [National Data Breach Notification Form](#) which is to be used by all organisations reporting a Data Breach to the Data Commissioner. A data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to data. A Data Controller (Board of Management) must report a Data Breach to the Data Protection Commissioner's Office within 72 hours of its occurrence. The Data Controller must also inform all Data Subjects directly if any of their personal data has been breached.

## Implementation Arrangements, Roles and Responsibilities

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 –

<b>Name</b>	<b>Responsibility</b>
Board of Management:	Data Controller
Principal:	Implementation of Policy
Teaching Personnel:	Awareness of responsibilities
IT Personnel:	Security, encryption, confidentiality

## Ratification & Communication

When the Data Protection Policy has been ratified by the Board of Management, it becomes the school's agreed Data Protection Policy. It should then be dated and circulated within the school community. The entire staff must be familiar with the Data Protection Policy and ready to put it into practice in accordance with the specified implementation arrangements. It is important that all concerned are made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students should be informed of the Data Protection Policy from the time of enrolment of the student e.g. by including the Data Protection Policy as part of the Enrolment Pack, by either enclosing it or incorporating it as an appendix to the enrolment form.

## Monitoring the Implementation of the Policy

The implementation of the policy shall be monitored by the Principal, staff and the Board of Management.



## **Reviewing and Evaluation the Policy**

The policy will be reviewed and evaluated after 2 years. On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or TUSLA), legislation and feedback from parents/guardians, students, school staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning.

## **Jonah Special School**

Data Protection and Record Keeping Policy

This policy was adopted by the Board of Management of Jonah Special School at its meeting held on:

**Ratified by the Jonah Board of Management on:** \_\_\_\_\_

**Date**

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

**Principal**

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

**Chairperson, Board of Management**

**Next Review Period: *September 2024***



**Appendix A –  
Data Retention Periods for Schools**

<b>Student Related</b>	<b>Retention Periods</b>
School Register/Roll Books Enrolment Forms Disciplinary notes Test Results – Standardised Psychological Assessments etc. SEN Files/IEPS Accident Reports Child Protection Reports/Records S.29 Appeals Photographs/Videos for educational & social media purposes	Indefinitely Hold until Pupil is 25 Years Never Destroy Hold until pupil is 25 Years Never Destroy Never Destroy Never Destroy Never Destroy Indefinitely
<b>Interview Records</b>	<b>Retention Periods</b>
Interview Board Marking Scheme Board of Management notes (for unsuccessful candidates)	18 months from close of competition plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken.
<b>Staff Records</b>	<b>Retention Periods</b>
Contract of Employment Teaching Council Registration Vetting Records Accident/Injury at work Reports	Retention for duration of employment + 7 years.  (6 years to make a claim against the school plus 1 year for proceedings to be served on school)
<b>BOM Records</b>	<b>Retention Periods</b>
BOM Agenda and Minutes  Payroll & Taxation  Invoices/receipts  Audited Accounts	Indefinitely  Revenue require a 6-year period after the end of the tax year Retain for 7 Years  Indefinitely
<p><b>Why, in certain circumstances, does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age?</b></p> <p>The reasoning is that a student reaches the age of majority at 18 years and that there should be a 6-year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The Statute of Limitations imposes a limit on a right of action so that after a prescribed period any can be time barred.</p>	



**Appendix B –  
Personal Data Access Request Form**

**Request for a copy of Personal Data under the Data Protection Acts 1988 to 2018**

**Important: Proof of Identity must accompany this Access Request Form (e.g. official/State photographic identity document such as driver’s licence, passport).**

Full Name:	
Maiden Name ( <i>if name used during your school duration</i> )	
Address:	
Contact number *	Email addresses *

\* We may need to contact you to discuss your access request

**Please tick the box which applies to you:**

<b>Parent/ Guardian of current Student</b>	<b>Former Student</b>	<b>Current Staff Member</b>	<b>Former Staff Member:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name of Student:		Date of Birth of Student:	
Insert Year of leaving:		Insert Years From/To:	



## DATA ACCESS REQUEST:

I, \_\_\_\_\_ [name] wish to make an Access Request for a copy of personal data that *JONAH SPECIAL SCHOOL* holds about me/my child. I am making this access request under Data Protection Acts 2013 to 2018

To help us to locate your personal data, please provide details below, which will assist us to meet your requirements e.g. description of the category of data you seek.

Any other information relevant to your access request:

This **Access Request** must be accompanied with a copy of photographic identification e.g., passport or drivers licence. I declare that all the details I have given in this form are true and complete to the best of my knowledge.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form to the relevant address:

**To the Chairperson of Board of Management *JONAH SPECIAL SCHOOL, Old V.E.C. Building, Slieverue, Kilkenny via Waterford, X91 D6DY***





## **Appendix C –**

### **Website Privacy Statement**

#### **Jonah Special School**

#### **Introduction**

Jonah Special School is committed to preserving the privacy of all visitors to [www.jonahschool.ie](http://www.jonahschool.ie) ("our website"). This privacy statement relates to our practices in connection with our website. Jonah Special School, fully respects your right to privacy. We will not collect personal information/personal data about you when you visit our website unless you choose to provide that information using the "contact us" form. By using this form, you consent to the collection and use of your information under the terms of this privacy statement which is in accordance with the Data Protection Acts, 1988 and 2003 and the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011. Please read the following privacy statement to understand how we use and protect the information that you choose to provide to us.

#### **Personal Information Which We Collect From You**

When you visit our website you may wish to provide certain information about yourself, such as when you complete our "Contact Us" form. Jonah Special School does not collect any personal data about you on this website, apart from the information which you volunteer to send us in the "Contact Us" form.

#### **Non-Personal Information Which We Collect**

Where you visit our website, certain non-personal data is available to us through our internet service provider. This non-personal data is collected on a statistical, aggregate, non-individual basis. This information may include –

- ✓ The IP address from which you access our website.
- ✓ The type of device used to access our website (phone, computer, tablet etc.).
- ✓ The type of browser used to access our website (Internet Explorer, Firefox, etc.).
- ✓ The type of operating system used to access our website (Windows, Macintosh, etc.).
- ✓ The "top-level" domain name used (i.e., .com, .org, etc.).
- ✓ The language of the device used to access our website.
- ✓ The date and time of your visit to our website.
- ✓ The number of pages you visited on our website.

#### **Use of Your Information**

Any information which you provide using the "Contact Us" form is not made available to any third parties and is only used by Jonah Special School, in line with the purposes for which you provided it (e.g. to contact you and answer any queries which you have raised in the "Contact Us" form or to address any other feedback which you send us in the "Contact Us" form) or for any reasonably incidental purpose.



## **Disclosure to Other People**

We do not disclose, sell or distribute any personal information which you send to us to any third parties. We may pass aggregate information on the usage of our site to third parties, but this will not include information that can be used to identify you. Your personal data may also be anonymised and used for statistical purposes. Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

## **Cookies**

A cookie is a small file sent to your browser from a Web server and stored on your computer's hard drive to identify you as the user of the website. Many internet sites use cookies. Typically they are used by the website to identify the person accessing the website to track the person's use of the site and any repeat visits made by that person. Jonah Special School does not use cookies to track users.

Your browser will give you the option of preventing websites using cookies, or deleting cookies that have been accepted from other sites. Your browser's help service or help manual will show you how this is done. If you do not want your browser to accept cookies, you can "turn off" the cookie acceptance setting on your browser setting. However you must note that this may stop some websites from working properly on your device.

## **Security**

We employ security measures to protect your information from access by unauthorised persons and to guard against unlawful processing, accidental loss, destruction and damage and we will do our best to ensure that all records we hold remain secure in line with our obligations under Data Protection Acts, 1988 and 2003. We take our security responsibilities seriously, employing the most appropriate physical and technical measures, including staff training and awareness. We review our security procedures regularly.

## **Retention**

We do not retain your personal data for longer than it is necessary for us to comply with the purpose for which you gave it to us. Any personal data which you provide to us using this website will be used in line with the purposes for which you provided it (e.g. to contact you and answer any queries which you have raised in the "Contact Us" form or to address any other feedback which you send us in the "Contact Us" form) and after this purpose has been completed, we will delete your personal data.

## **Accessing Your Information**

You are entitled to see the information we hold about you. On written request, we supply copies of your personal data which you may have supplied to us using our website. If you wish to obtain copies of this personal data, you should write to the Principal of Jonah Special School and ask that she provides you with an Access Request Form. The law entitles us to charge you a fee for doing so (which currently does not exceed €6.35). Your request will be dealt with as soon as possible and will not take more than 40



days to process. If you discover that Jonah Special School holds inaccurate information about you, you can request that we correct that information. In certain circumstances, you may also request that data which you have supplied via our website be deleted (although you should note that if you request a deletion, you would generally be expected to identify some contravention of data protection law in the manner in which Jonah Special School processes the data concerned). Upon written request, we will supply you with a Data Rectification/Erasure Form for this purpose.

## **Contacting Us**

If you are concerned about how your personal data is processed by our website, please do not hesitate to bring these concerns to our attention using the contact details below –

The Chairperson,  
Jonah Special School,  
Old V.E.C. Building,  
Slieverue,  
Kilkenny,  
Via Waterford.  
X91 D6DY  
Tel: 051-833269



## **Appendix D – Photograph and Video Taking**

### **Educational Purposes –**

There are many activities associated with a student’s education which require us to collect photographic and video evidence for our records. These activities may include ASDAN, Junior Certificate, art, graduation, etc.

### **Website/Social Media –**

The school has a website and social media page where we post information and photographs of the students participating in different activities. The purpose of this is to acknowledge the achievements of our students and increase awareness of the abilities of students with ASD and Complex Needs.

### **Responsibilities –**

Four staff members will be designated to use their personal phones for the purpose of taking photographs and recording videos. The staff will do so in accordance with data protection regulations. Images and recording will only be taking for the purposes specified above and in line with parental consent.

### **Storage & Deletion –**

The phones used will need to be password protected and encrypted. Once the photos and videos are transferred to school files, they will be immediately deleted from the staff member’s phone and any back up storage associated with the phone.

Signed – \_\_\_\_\_

***Caitríona Barry***

Signed – \_\_\_\_\_

***Carol Deane***

Signed – \_\_\_\_\_

***Yasmin Kirk***

Signed – \_\_\_\_\_

***Ciara Laffan***