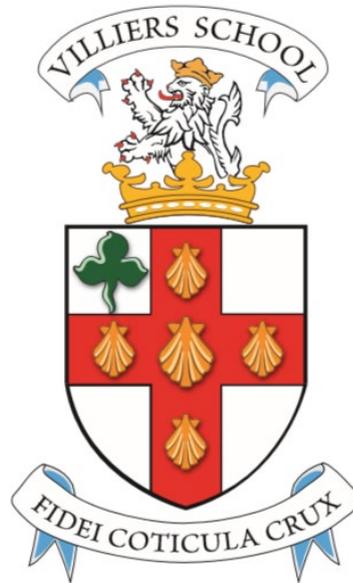


Villiers School



DATA PROTECTION POLICY

In compliance with General Data Protection Regulation (GDPR)

May 2022

1. INTRODUCTION

This Data Protection Policy applies to personal data held by the School and which is protected by the General Data Protection Regulation (GDPR).

This policy applies to, the Board of Governors, the Board of Management, all School staff, parents (including guardians), students and others (including prospective or potential students and their parents 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 the GDPR and relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by Villiers School.

Article 5 of the GDPR sets out principles relating to the processing of personal data. These include:

1. The processing of personal data must be lawful, fair and transparent.
2. Personal data is collected for specified, explicit and legitimate purposes.
3. Personal data held must be adequate, relevant and limited.
4. Personal data held must be accurate.
5. Personal data is retained and stored for no longer than is necessary.
6. Personal data is processed in a manner that is safe, secure and confidential.

The School will process all data in compliance with these principles as outlined in the GDPR¹.

2. RATIONALE

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, 1988 and 2003.

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 technology enables the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased.

The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the Head 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.

3. LEGAL OBLIGATIONS

Implementation of this policy takes into account the School's legal obligations and responsibilities. Some of these are directly relevant to data protection.

- Under Section 9(g) of the Education Act, 1998, the parents of a student, or in the case of a student who has reached the age of 18 years, the student, must be given access to records kept by the school relating

¹ The full text of the GDPR, and the detail of Article 5 can be found at :
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

to the progress of the student in their education.²

- Under Section 20 of the Education (Welfare) Act, 2000, Villiers 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, Villiers 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 to certain prescribed bodies (the Department of Education, the Child and Family Agency (Tusla), the National Council for Special Education, other schools, third level institutions or other centres of education) provided the School is satisfied that it will be used for a "relevant purpose".
- 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 include Special Educational Needs Organisers (SENOs) such information as may from time to time be reasonably requested.
- The Freedom of Information Act 1997, 2014 (and subsequent amendments) provides a qualified right to access to information held by public bodies. 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) 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 pupils attending the school) to be given to a health authority for the purposes of general health provision.
- Under the Children First Act 2015 and Department of Education Child Protection Procedures for Primary and Post Primary Schools 2017, the School is obliged to report suspected child abuse or neglect to TUSLA (or in the event of an emergency to An Garda Síochána).
- The School will make returns to the Department of Education ("DE") referred to as "October Returns" using the Post Primary On-line Database. These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians on the Pupil Details Form. The October Returns contain individualised data (such as an individual student's PPS number) which acts as an "identifier" for the DE to validate the data that belongs to a recognised student. The DE also transfers some of this data to other government departments and other State bodies to comply with legislation, such as transfers to the Department of Social Protection pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts.

² For the purposes of clarity, standard School Reports issued by Villiers are considered to be "records kept by the school relating to the progress of the student in their education." State examination results, issued directly to students, and other standardised test scores may be considered data requiring the consent of the data subject should they be "capable of understanding their own rights to privacy and data protection" as indicated by the Irish Office of the Data Protection Commissioner, Access Rights and Responsibilities A guide for Individuals and Organisations, available at <https://dataprotection.ie/documents/AccessGuidance.pdf>

Irish Office of the Data Protection Commissioner Guidance

Implementation of this policy also takes into account the School's obligations and responsibilities to students who are data subjects. In particular, the Irish Office of the Data Protection Commissioner's guidance is that:

Legal guardians can make an access request on behalf of a child. However, once a child is capable of understanding their rights to privacy and data protection, the child should normally decide for themselves whether to request access to data and make the request in their own name.

Where an organisation receives an access request from a legal guardian on behalf of a child who has had direct interaction with that organisation, and/or where that child is capable of understanding their own rights to privacy and data protection, the organisation must take account of the child's rights in deciding how to respond to the access request.

(Access Rights and Responsibilities A guide for Individuals and Organisations, available at <https://dataprotection.ie/documents/AccessGuidance.pdf>)

4. PERSONAL DATA

The Personal Data records held by the school may include:

A: Student Records

Categories of student data:

These may include:

- information sought and filed on an Entrance Form or a Medical Form, or Confidential Teacher Questionnaire Form
These records may include:
 - name, address, contact details and PPS number
 - date and place of birth
 - names and addresses of parents/guardians and contact details (including any special arrangements with regard to guardianship, custody or access)
 - religious affiliation
 - whether pupils (or their parents) are medical card holders
- academic record: subjects studied, class assignments, examination results, official school reports, records of significant achievements, previous academic record or references
- information collated and compiled during the course of the student's time in the school including: psychological, psychiatric and/or medical assessments
 - attendance records
 - photographs and recorded images of students
 - records of significant achievements
 - subject exemptions or special student needs
 - records of disciplinary issues/investigations and/or sanctions imposed
 - records of meetings or interactions with teachers for the purposes of academic progress, pastoral care or general welfare
 - records of meetings or interactions with boarding staff

- medical records
- photographs and articles recording student endeavour and success which may appear on electronic media such as School website, School social Media, Red Sokz (student magazine), notice board, 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 DE Child Protection Procedures).

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 enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their student's educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- to provide student support in boarding
- to ensure that the student meets the school's admission criteria
- to ensure that students meet minimum age requirements for courses
- to ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities
- to furnish documentation/ information about the student to the Department of Education, the National Council for Special Education, Tusla, and other Schools in compliance with law and directions issued by government 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.
- to facilitate school trips
- to celebrate school and pupil achievements, to record in media and social media sites such as Red Sokz, the school magazine, yearbooks, the school website, twitter, alumni and friends facebook page, newslink, local media, national media
- To record school events, and to keep a record of the history of the school.

Location:

Pupil records are held in both manual and electronic form. Such files are kept in secure filing cabinets which only personnel authorised to use the data can access or in electronic form that is password protected. Employees are required to maintain the confidentiality of any data to which they have access.

B: Parent Records

The School does not keep personal files for parents or guardians. However, contact details and information or correspondence with, parents may be included in the files for each student. This information shall be treated in the same way as any other information in the student file and may be accessed similarly.

The School keeps financial records which include records of fee statements and payment history. These records are administered by the Bursar's office and are treated as strictly confidential. Parents are entitled to contact the school to seek details of their financial record, and shall be facilitated in such a way that the financial record of no other parent or family is divulged.

The School is fully audited each year and as part of this process all financial information, including fee statements, are made available to the School auditors. This information is treated as strictly confidential by the auditors.

C: Staff records

Categories of staff data: As well as existing and former members of staff, these records may also relate to applicants for positions within the School and student teachers. These staff records may include:

- name, address, contact details and PPS number
- copy of employment contract
- original records of application and appointment to posts
- details of absences
- details of work record
- payroll records
- 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) may have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding procedures (subject to the DE Child Protection Procedures for Primary and Post Primary Schools 2017).

Purposes:

Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- facilitating the payment of staff, and calculations other benefits/ entitlements
- facilitating the payment of taxes to the Revenue Commissioners
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities
- enabling 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)
- enabling the school to comply with requirements set down by the Department of Education, the Revenue Commissioners, the National Council for Special Education, Tusla, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- complying with legislation relevant to the school.

Location:

Staff records are held in both manual and electronic form. Such files are kept in secure filing cabinets which

only personnel who are authorised to use the data can access or in electronic form that is password protected. Employees are required to maintain the confidentiality of any data to which they have access.

D: Board of Management Records:

Categories of Data: Minutes of Board meetings shall record attendance, items discussed and decisions taken, and will be kept safely and securely. Board of Management business shall be considered confidential to the members of the Board of Management.

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 decisions.

E: Board of Governor Records

Minutes of Board meetings, and all sub-committees of the Board shall record attendance, items discussed and decisions taken, and will be kept safely and securely. Board of Governor business shall be considered confidential to the members of the Board of Governors.

Purposes: To enable the Board of Governors to operate in accordance to the will of Hannah Villiers for the purposes of patronage and for the proper management and financial control of Villiers School.

F: Creditor and Supplier Records:

Categories of data: the school may hold some or all of the following information about creditors (some of whom are self-employed individuals):

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid.

Purposes: This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

Location: In a secure, locked filing cabinet or stored securely electronically, so that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

5. CCTV IMAGES AND RECORDINGS

CCTV is installed in Villiers. The CCTV systems may record images of staff, students and members of the public who visit the campus.

Purposes: for the safety and security of staff, students and visitors and to safeguard pupil property, school property and equipment.

Location: Cameras are located in corridor and public areas within School buildings. Cameras are also placed outside buildings covering building entrances and roadways.

Security: Access to images/recordings is restricted to the Head, Deputy Head, maintenance staff and personnel authorised by the Head or Deputy Head. Recordings are retained for approximately 14 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána.

6. 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.

7. 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:

Name	Responsibility
Board of Management:	Data Controller
Headmistress:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Boarding Personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

8. DATA ACCESS REQUESTS

Individuals are entitled to a copy of their personal data, preferably on written request, in compliance with Article 15 of the GDPR.

Where a subsequent or similar request is made soon after a request has just been dealt with the School may charge a fee to cover administrative costs.

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.

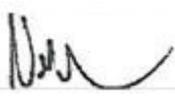
Such consent must be given in writing to the Head of the School. Data will be carefully redacted to omit references to any other individual and where it has not been possible to redact the data to ensure that the third party is not identifiable the school will refuse to furnish the data to the applicant.

In compliance with GDPR organisations refuse to grant an access request where such a request is deemed manifestly unfounded or excessive.

9. REVIEW

Approved by the Board of Management June 2018 and reviewed and ratified in February 2020 and in May 2022.

Signed: 
Headmistress
Date: 30th May 2022

Signed: 
Chairperson of the Board of Management
Date: 30th May 2022

Appendix One: 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:

Data means information in a form that can be processed. It includes both *automated data* (e.g. electronic data) and *manual data*. *Automated data* means any information on computer, or information recorded with the intention that it be *processed* by computer. *Manual data* means information that is kept/recorded as part of a *relevant filing system* or with the intention that it 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, quickly and easily accessible.

Personal Data means data relating to 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 i.e. the school.

Sensitive Personal Data refers to *Personal Data* regarding a person's

- racial or ethnic origin, political opinions or religious or philosophical beliefs
- membership of a trade union
- physical or mental health or condition or sexual life
- commission or alleged commission of any offence or
- any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

Data Controller for the purpose of this policy is the Board of Management, Villiers School.

Appendix Two: Data Retention Schedule

Data will be both retained and purged according to current legislative requirements.