

# *Scoil Cholmáin, Corkbeg, Whitegate, Co. Cork*

*Roll Number – 11992I*

*Tel: (021) 4661622*

*Email: office@whitegatens.ie*

*Website: www.whitegatens.ie*

## **Data Protection Policy**

### **Rationale**

The Board of Management of Scoil Cholmáin, Whitegate N.S, 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 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.

This Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003. The policy applies to all School Staff, the Board of Management, Parents/Guardians applicants for staff positions within the school. The Board of Management of Scoil Cholmáin, Whitegate N.S has put practices in place to ensure that confidential information is protected in compliance with relevant legislation.

### **Purpose of Policy**

- This Data Protection policy is necessary to ensure that Scoil Cholmáin, Whitegate N.S has proper procedures in place in relation to accountability and transparency, protection of personal data and that the school complies with relevant legislation in relation to the above.
- The Data Protection Acts 1988 and 2003 apply to the keeping and processing of Personal Data in both manual and electronic form.
- It is good practice to record pupil progress so as to identify learning and teaching needs.
- It is a legislative requirement to keep certain records such as attendance and report to Tusla as needed. It is important that the policy provides clear guidelines in respect of record keeping and reporting.

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- This policy is necessary to clarify the types of records maintained and the procedures relating to making them available to the relevant bodies
- To provide a proper recording and reporting framework on the educational progress of pupils
- To establish clear guidelines on making these records /reports available to parents and past pupils who are over 18.
- This policy aims to help transparency by identifying how the school expects personal data to be treated (or “processed”). It helps to clarify what data is collected, why it is collected, for how long it will be stored and with whom it will be shared.
- The Irish Data Protection Act (2018) and the European General Data Protection Regulation (2016) are the primary legislative sources. As such they impose statutory responsibilities on the school as well as providing a number of fundamental rights (for students, parents/guardians and staff and others) in relation to personal data.
- The school recognises the seriousness of its data processing obligations and has implemented a set of practices to safeguard personal data. Relevant policies and procedures apply to all school staff, boards of management, trustees, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school).
- Any amendments to this Data Protection Policy will be communicated through the school website and other appropriate channels, including direct communication with data subjects where this is appropriate. We will endeavour to notify you if at any time we propose to use Personal Data in a manner that is significantly different to that stated in our Policy, or, was otherwise communicated to you at the time that it was collected.
- 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. Formally, the statutory responsibility of Controller is assigned to the Board of Management. The Principal is assigned the role of coordinating the implementation of this Policy and for ensuring that all staff who handle or have access to Personal Data are familiar with their responsibilities.

***Name***

***Responsibility***

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Board of Management

Email: [office@whitegatens.ie](mailto:office@whitegatens.ie) Website: [www.whitegatens.ie](http://www.whitegatens.ie)  
Data Controller

Principal Implementation of Policy

All Staff Adherence to the Data Processing Principles

Entire School Community Awareness and Respect for all Personal Data

## ***Data Protection Principles Underpinning Policy***

The Board of Management is the data controller of personal data relating to its past, present and future staff, students, parents/guardians and other members of the school community. The school therefore must comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- *Obtaining and Processing Personal Data Fairly:* Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the school, parents/guardians etc.), the information is generally furnished by the individuals in question and with full consent. All such data is treated in accordance with the Data Protection Acts and terms of this Data Protection Policy.
- *Keeping Data 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.
- *Processing Data 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 and will only be disclosed on a need to know basis.
- *Keeping Personal Data safe and secure:* Only those with a genuine reason for doing so may gain access to the information. Sensitive 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 should be encrypted and password protected before they are removed from the premises

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- *Keeping 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. Once informed the school will make the necessary changes to the relevant records. The Principal may delegate another staff member to make these alterations, however a written note must be required from the individual to allow these alterations to be made.
- *Ensuring that the data is adequate, relevant and not excessive:* Only the necessary amount of information required to provide an adequate service will be gathered and stored.
- *Retaining information no longer than is necessary for the specified purpose/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 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.
- *Providing 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.

## **Definition of Data Protection Terms**

In order to properly understand the school's obligations, the following key terms should be understood by all relevant school staff of Scoil Cholmáin, Whitegate N.S

- *Data-* This means information in a form that can be processed. It includes both automated (electronic) and manual data.
- *Relevant Filing System-* This means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to

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individuals, so that specific information relating to a particular individual is readily, quickly and easily accessible.

- *Personal Data*- This means data relating to a living individual who is or can be identified either from 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 which is the Board of Management of Scoil Cholmáin, Whitegate N.S.
- *Sensitive Personal Data*-This refers to Personal Data regarding to the following:
  - A person's racial or ethnic origin, political options or religious or philosophical beliefs
  - Membership of a trade union
  - Physical or mental health condition
  - 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*- This is the Board of Management of Scoil Cholmáin, Whitegate N.S.

## **Other Legal Obligations**

- Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached 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.

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- 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 the school to which a student is transferring.
- Under Section 21 of the Education Welfare Act 200, 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 such as the DES, Tusla, the NCSE, other schools, other centres of education provided that Scoil Cholmáin, Whitegate N.S is satisfied that it will be used for a "relevant purpose"
- Under Section 14 of the Education for Persons with Special Needs Act 2004, the school is required to furnish to the NCSE and its employees such as "SENs" such information as the Council may request.
- The Freedom of Information Act 1997 provides a qualified right to access information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. It is important to note that if the school has furnished information to a body such as the DES that these records could be disclosed if a written request is made to that body
- Under Children First: National Guidance for the Protection and Welfare of Children 2011, Boards of Management and Staff have responsibilities to report child abuse to TUSLA or the Garda Síochána where necessary.

## ***Personal Data Breaches***

*Definition of a Personal Data Breach:* A personal data breach is defined as 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.

## *Consequences of a Data Breach*

- A breach can have a significant adverse effect on individuals, which can result in physical, material or non-material damage. This can include discrimination, identity theft or

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fraud, financial loss, damage to reputation, loss of confidentiality etc. Children, because of their age, may be particularly impacted.

- In addition to any detrimental impact on individual data subjects, a data breach can also cause serious damage to the school. This can include reputational damage as well as exposing the school to other serious consequences, including civil litigation.
- It should be noted the consequences of a data breach could include disciplinary action, criminal prosecution and financial penalties or damages for the school and participating individuals.

## *Responding to a Data Breach*

- The school will always act to prioritise and protect the rights of those individuals whose personal data is affected.
- As soon as the school becomes aware that an incident has occurred, measures will be taken to assess and address the breach appropriately, including actions to mitigate any possible adverse effects.
- Where the school believes that there is a risk to the affected individuals, the school will (within 72 hours of becoming aware of the incident) submit a report to the Data Protection Commission.
- Where a breach is likely to result in a high risk to the affected individuals, the school will inform those individuals without undue delay.

## *Data Subject Rights*

Your Rights Personal Data will be processed by the school in a manner that is respectful of the rights of data subjects. Under GDPR these include

1. the right to information
2. the right of access
3. the right to rectification
4. the right to erasure (“right to be forgotten”)
5. the right to restrict processing
6. the right to data portability
7. the right to object

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8. the right not to be subject to automated decision making
9. the right to withdraw consent
10. the right to complain.

## *Right to be Informed*

You are entitled to information about how your personal data will be processed. We address this right primarily through the publication of this Data Protection Policy. We also publish additional privacy notices/statements which we provide at specific data collection times, for example, our Website Data Privacy Statement is available to all users of our website. Should you seek further clarification, or information that is not explicit in our Policy or Privacy Statements, then you are requested to forward your query to the school.

## *Right of Access*

You are entitled to see any information we hold about you. The school will, on receipt of a request from a data subject, confirm whether or not their personal data is being processed. In addition, a data subject can request a copy of their personal data. The school in responding to a right of access must ensure that it does not adversely affect the rights of others.

## *Right to rectification*

If you believe that the school holds inaccurate information about you, you can request that we correct that information. The personal record may be supplemented with additional material where it is judged to be incomplete.

## *Right to be forgotten*

Data subjects can ask the school to erase their personal data. The school will act on such a request providing that there is no compelling purpose or legal basis necessitating retention of the personal data concerned.

## *Right to restrict processing*



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Data subjects have the right to seek a restriction on the processing of their data. This restriction (in effect requiring the controller to place a “hold” on processing) gives an individual an alternative to seeking erasure of their data. It may also be applicable in other circumstances such as where, for example, the accuracy of data is being contested.

## *Right to data portability*

This right facilitates the transfer of personal data directly from one controller to another. It can only be invoked in specific circumstances, for example, when processing is automated and based on consent or contract.

## *Right to object*

Data subjects have the right to object when processing is based on the school’s legitimate interests or relates to a task carried out in the public interest (e.g. the processing of CCTV data may rely on the school’s legitimate interest in maintaining a safe and secure school building). The school must demonstrate compelling legitimate grounds if such processing is to continue.

## *Right not to be subject to automated decision making*

This right applies in specific circumstances (as set out in GDPR Article 22).

## *Right to withdraw consent*

In cases where the school is relying on consent to process your data, you have the right to withdraw this at any time, and if you exercise this right, we will stop the relevant processing.

## *Limitations on Rights*

While the school will always facilitate the exercise of your rights, it is recognised that they are not unconditional: the school may need to give consideration to other obligations.

## *Right to Complain*

(i) If you are concerned about how your personal data is being processed, then please address these concerns in the first instance to the Principal who is responsible for operational oversight of this policy.

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(ii) A matter that is still unresolved may then be referred to the school's Data Controller (i.e., the Board of Management) by writing to the Chairperson c/o school.

(iii) Should you feel dissatisfied with how we have addressed a complaint or concern that you have raised, you have the right, as a data subject, to bring the matter to the attention of the Irish Data Protection Commission.

## ***Relationship of Policy to the Ethos of Scoil Cholmáin, Whitegate N.S***

The Board of Management of Scoil Cholmáin, Whitegate N.S seeks the following:

- To enable each student to develop his/her full potential
- To provide a safe and secure environment for learning
- To promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.
- To achieve the above goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us.

## ***Personal Data***

The Personal Data records held by a school may include staff records.

## ***Staff Records***

(a) **Categories of staff data:** As well as existing and former members of staff, these records also relate to applicants applying for positions within the school, trainee teachers, teachers under probation. These records may include the following:

- Name, address and contact details, PPS No.
- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of CPD and CVs.
- Teacher Registration no.

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- Date of Birth
- Details of work record(qualifications, classes taught, subjects etc)
- 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 DES Child Protection Procedures)

(b) **Purposes:** Staff records are kept for the following purposes:

- Records to be kept for the management and administration of the school 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
- Recording promotions made and changes of 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 with its responsibilities under the Safety, Health and Welfare At Work Act 2005
- To enable the school to comply with the requirements set down by the DES, The Revenue Commissioners, the NCSE, Tusla , the HSE and any other government, statutory and/or regulatory departments and/or agencies.
- To comply with legislation relevant to the school

(C) **Location:** In a secure, locked filing cabinet 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.

(d)**Security:** Records are kept either manually or electronically- e.g manual record (personal file within a relevant filing system), computer record (database) or both. Manual data to be

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locked as specified above in section (c) and computer records to be protected by firewall software, encryption and password protection.

## *Student Records*

(a) ***Categories of Student Data:*** These may include the following:

-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 the following:

- Name, address, contact details and PPS no.
- Date and place of birth
- Names and addresses of parents/guardians and their contact details including information with regard to special arrangements to do with guardianship, custody or access)
- Religious belief
- Racial or ethnic origin
- Membership of a Traveller Community, where relevant
- Information on Medical Cards or Medical Information
- Psychological/clinical/Occupational Therapy/Speech and language reports
- Information on First Language-need for language support
- Any relevant special conditions-special needs, health issues etc.
- 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.
- Administration of Medicine Indemnity Form
- Accident Report Book/File with children's names and details of events
- Records kept by staff in relation to bullying/code of behaviour

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- Attendance Records
- Photographs and recorded images of students including school events and noting achievements
- Whether the student is repeating the year or has an exemption from Irish
- Records of disciplinary issues/investigations and/or sanctions imposed.
- Records of any serious injuries/accidents
- Records of any reports the school 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)
- Copies of School Reports (Kept on Aladdin (computer) and manually.
- Pupil Profiles

(b) **Purposes:** The following are the purposes for keeping student records:

- 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 supports
- To enable parents/guardians to be contacted in the case of emergency or school closure or school events
- To meet the educational, social, physical and emotional requirements of the student
- Photographs and recorded images of students are taken to celebrate school achievements, establish school website, record school events and keep a history of the school. Such records are taken and used in accordance with this policy.
- To ensure that students meet the school's admission criteria.
- To ensure that any student seeking an exemption from Irish meets the criteria in order to obtain such an exemption from the authorities

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(c) **Location:** Information should be locked in a secure, locked filing cabinet that only personnel who are authorised to use data can access.

(d) **Security:** Manual records are to be kept secure within a relevant filing system locked as described above. Information kept on computers should be protected by Firewall Software, passwords and Laptops must be adequately encrypted. A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies such as the HSE or NEPS Psychologists etc. This is apart from the reporting of results to the DES which is a legislative requirement.

## **Length of Time that Data should be kept**

**Records should be stored in the school until the past pupil reaches the age of 25 years.**

**SEN Reports must be kept indefinitely**

## **Board of Management records, Scoil Cholmáin, Whitegate N.S**

(a) **Categories of Data:** These may include the following:

- 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 of Management 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 of Management appointments and decisions.

(c) **Location:** These records are to be kept in a secure, locked filing cabinet in the school that only personnel who are authorised by the Principal to use the data can access it.

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(d) **Security:** Records which are kept manually must be locked securely in a filing cabinet within a filing system. Information kept on computers should be protected by Firewall Software, password and encrypted adequately

## **Other Records**

The school will hold other records relating to individuals. These will be kept if in manual format in a personal file within a relevant filing system, if kept on computer ( database) then the computer/laptop must be adequately protected by Firewall Software, password and an appropriate level of encryption.

The following is a list of some examples of this type of data:

## **Creditors**

(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
- Address
- Contact Details
- PPS no.
- Tax Details
- Bank Details
- Amount Paid

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

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(c) **Location:** This data should be kept in a secure, locked filing cabinet that only personnel who are authorised to use this data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:** This data is kept in a personal file within a filing system, locked and secure as stated above. If information is kept on a computer/laptop then this must be protected by Firewall Software, password and encryption.

## **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
- Address
- Telephone no.
- PPS no.
- Tax Rate
- Signature
- Gross Amount of the Donation

(b) **Purpose:** Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim tax relief, the donor must complete a CHY2 form and send it to the school. The information requested on the appropriate certificate is the parent's name, address, PPS no., tax rate, phone no., signature and gross amount of the donation. This information is retained by the school in the case of an audit by the Revenue Commissioners.

(c) **Location:** This information should be stored in a locked filing cabinet, in a personal file within a filing system where only authorised staff can access.



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(d) **Security:** If information is stored manually then this information should be stored as stated above (locked in a cabinet within a filing system) and if stored on a computer then the computer or laptop must be adequately protected by Firewall Software, password and encryption.

## **CCTV Images/Recordings**

(a) **Categories:** CCTV is installed in Scoil Cholmáin, Whitegate N.S and may record images of staff, students, parents and members of the public who visit the premises.

(b) **Purposes:** The purpose of this information is to provide safety and security to the staff, students and visitors and to safeguard the school property and equipment.

(c) **Location:** There are two CCTV cameras located at the gable end of the original school, one facing the front gate/ entrance to the school and the other facing the back of pitch near the shed.

(d) **Security:** Access to images /recordings is restricted to the Principal and Deputy Principal . This information is retained for 28 days except if required for an investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána in line with section 8 Data Protection Acts 1988 and 2003.

## **Assessment Results/Teacher Designed Tasks**

(a) **Categories:** Scoil Cholmáin , Whitegate N.S will hold data comprising assessment results in respect of its students. These include class assessments, teacher designed tests, portfolios, behaviour checklists and plans, diagnostic and screening tests. Consent slips to avail of SEN Support.

(b) **Purposes:** The main purpose of keeping assessment results is to monitor a student's progress and to inform teaching and learning in the school. The data may also be used for reporting purposes to the DES, NCSE and relevant State Bodies in line with legislative requirements.

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(c) **Location:** These are to be manually kept within a filing system, locked with restricted access. They may also be stored on a computer/laptop if there is adequate protection and restricted access. The data kept in this format must be protected by Firewall Software, password and encryption. Employees are requested to maintain the confidentiality of any data to which they have access.

(d) **Security:** Information on Assessment Results if stored manually should be locked in a filing cabinet within a filing system and under restricted access. If stored electronically (database) then this must be protected by Firewall Software, password and adequate encryption.

## **Data Subject Rights**

Data in Scoil Cholmáin, Whitegate N.S will be processed in line with the data subject's rights.

Data subjects have a right to the following:

- Request access to any data held about them by the data controller which is the Board of Management of Scoil Cholmáin, Whitegate N.S.
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended or erased.
- Prevent processing that is likely to cause damage or distress to themselves or anyone else

## **Dealing with Data Requests**

### **Section 3 of the Data protection Acts.**

Under Section 3 of the Data Protection Acts, an individual has a right to be informed whether the school holds data/information about them and be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing (Using the **Data Request Form**) and the data controller will accede to the request within 21 days.

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## **Section 4 of the Data Protection Acts.**

Under Section 4 individuals are entitled to a copy of their personal data upon 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. This written request must be responded to within 40 days. No personal data can be supplied to an individual relating to another individual.

## **Rectifying/Erasing Personal Data**

Individuals are entitled to have personal data amended/erased using the **Personal Data Erasure/Rectification Request Form**

## **Providing Information over the phone**

The staff of Scoil Cholmáin, Whitegate N.S are reminded to be careful about disclosing any personal data held by the school over the phone. The following steps should be followed:

- The staff should check the identity of the caller to ensure that information is only given to a person who is entitled to that information
- The staff member should suggest that the caller put their request in writing if the employee is not sure about the identity of the caller.
- Refer the request to the Principal especially in difficult situations. No employee should feel forced into disclosing personal information.

## **Ratification**

This Data Protection Policy has been ratified by the Board of Management.

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

*Scoil Cholmáin, Corkbeg, Whitegate, Co. Cork*

*Roll Number – 11992I*

*Tel: (021) 4661622*

*Email: office@whitegatens.ie*

*Website: www.whitegatens.ie*

Chairperson of Board of Management

Date \_\_\_\_\_

It will be reviewed in the second term 2024 or before this if legislation affects this statement's content.