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Data Protection and Record Keeping Policy

Scope of policy

The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on school staff, parents and students.

Data: means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system).

Relevant filing system: means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily accessible.

Personal data: means data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

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

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

Staff need to be aware of the various pieces of information held in the school, the purpose for collecting such information and of the procedures for managing documents. Furthermore, the school needs to comply with requirements laid down by various pieces of legislation including

- The Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts)
- Section 9(g) of the [Education Act, 1998](#): the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in his or her education.

- Section 20 of the [Education \(Welfare\) Act, 2000](#): the school must maintain a register of all students attending the school. *Attendance at school has a bearing on a pupil's attainment levels.*
- 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 and maintain a record of reasons why students failed to attend. Furthermore, the Board of Management must inform the Educational Welfare Officer in writing, where a pupil is suspended for a period in excess of 6 days/or where a pupil is absent in excess of 20 school days in a school year/or where in the opinion of the principal the student is not attending regularly
- Section 28 of the Education (Welfare) Act, 2000, requires principals (Data Controllers)
 1. To communicate to a school, to which a student is transferring, any problems relating to school attendance which the pupil concerned had and any other appropriate matters relating to the pupil's educational progress
 2. To keep a record of the pupil's attendance and the reasons for failure to attend
 3. To inform the Educational Welfare Officer in writing, where a pupil is suspended for a period in excess of 6 days/or where a pupil is absent in excess of 20 school days in a school year/or where in the opinion of the principal the student is not attending regularly
- Teaching is informed by pupil learning needs and the recording of pupil attainment is a cornerstone of good teaching.
- The school's existing procedures need to be clarified to ensure that the school complies with the spirit as well as the letter of the law e.g. accountability and transparency

Relationship to characteristic spirit of the school

Ardee Educate Together N. S. seeks to enable each child to develop their potential in a caring environment where the talents of each child are valued. The school promotes respect for the diversity of values, beliefs, traditions, languages and ways of life in society. This work can best be done where there is a high level of openness and co-operation between staff, parents and pupils.

Aims

By introducing this policy the school aims

- To record the educational progress that a pupil is making thereby enabling parents and teachers to support the child's learning.
- To report to parents in a meaningful way on the educational progress of their children
- To establish clear, practical procedures that will enable parents/guardians (or past pupils who have reached the age of 18) to access records relating to educational progress.
- To ensure that this access is available within the capacity of the school to administer it.

- To establish a clear understanding, shared by management, staff and parents, as to the type of records that are maintained and how such records should be made available.
- To ensure that the school complies with legislative requirements while awaiting the issue of guidelines as to the 'prescribed manner' referred to in Section 9 (g) of the Education Act
- To ensure that, is so far as possible, the school complies with legislative requirements/principles of good practice while awaiting the issue of guidelines.
- To ensure that the school complies with the Data Protection Acts.
- To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts (see below).
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

Guidelines

A. Details of all personal data which will be held, the format in which it will be held, the purpose(s) for collecting the data and the arrangements for the safe storage of the data in each case.

Staff records - all records will be stored in a secure filing cabinet. Access will be confined to the Principal, Chairperson of Board of Management and secretary.

These records may include:

Name, address and contact details, PPS number, names of next of kin, bank details etc. These records may be kept in a manual record (personal file within filing system), computer record (database) or both. Records of this nature are required to comply with health and safety legislation, to process payments etc.

- Original records of application and appointment kept in a manual record within the school's filing system - to help school maintain record of qualifications etc.
- Record of appointments to posts of responsibility kept in a manual record within the school's filing system - to ensure accurate communication of responsibilities and seniority of post-holders;
- Details of approved absences (career breaks, maternity leave, parental leave, study leave etc.) kept in a manual record within the school's filing system - required by the Department of Education and Science;
- Details of work record (qualifications, classes taught etc.) kept in a manual record within the school's filing system - to facilitate personal and professional development within the school and to comply with school policy re movement of teachers from class to class;
- Details of sick leave including certified and non-certified sick leave. These records will include dates of absence and doctor's certificates (where supplied). All doctor's certificates are to be maintained within the school and may be required by the Chief Medical Officer. Dates covered by the certificate will also be recorded on the outside of the envelope;
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress kept in a manual record within the school's filing system - to comply with agreed procedures;
- Records of disciplinary procedures (verbal warnings, written warnings etc.) - to comply with agreed procedures;

Note: a record of grievances or disciplinary procedures may be maintained which

is distinct from and separate to individual personnel files. All such records will be stored in a secured filing cabinet at all times and access will only be available to the Principal and the Chairperson of the Board of Management. Where any such records are maintained on computer they will be in an encrypted file.

Student records: These may include:

- Information which may be sought and recorded at enrolment, including:
 - name, address and contact details, PPS number
 - names and addresses of parents/guardians and their contact details
 - religious belief
 - racial, ethnic or national origin
 - membership of the Traveller community, where relevant
 - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
 - Information on previous academic record
 - Psychological assessments
 - Previous attendance records (if transferring from another school)

All details outlined above are required to complete the register, which is a legal document within the school or to comply with legislation outlined in the Education (Welfare) Act 2000.

- **Records kept relating to the progress of that student in his or her education including:**
 - **Annual Report:** *An annual written report on each child's attainment levels/progress in each subject will be posted to parents on a standardised form each June. Copies will be sent to both parents, if possible, on request, where parents live separately. They will include comments by teachers. The results of standardised tests in the format of a STEN score will be included for all students from 1st to 6th classes. The standard report card may not be suitable for some students with Special Educational needs and the teachers may devise some suitable method for informing parents in such instances. All reports will be signed by the relevant class teacher and by the Principal. Copies of reports will be retained in the school in a store while students are enrolled in the school. They will be retained in other secure storage until past pupils reach 21 years.*
 - **Standardised Tests:** *Results of standardised tests in the format of a class record will be kept until children reach 21 years of age. The most recent test paper will be retained for one school year while the students are still in the school.*
 - **Teacher-designed Tests:** *Results of Teacher Designed tests will be retained by class teachers while students are still in their class. These may be passed on to the receiving teacher at the beginning of the next school year but will generally not be retained for longer than two school years. Teachers may share these results with parents at parent teacher meetings.*
 - **Screening Tests:** *The MIST screening test is administered to all Senior Infant pupils. The results are retained while the students remain in the school.*
Diagnostic Tests: *The Special Education Teachers may use Diagnostic tests with a number of students. Generally there will be parental consent for these tests and the results will be shared with parents.*

- **Individual Pupil Profiles**

- **Samples of Pupil's Work:** *Teachers will retain certain samples of students work each year. Some of these may be passed on with the child as they progress through the school and some may be sent home by the teacher at the end of the school year.*
- **IEPs / IPLPs:** *Where pupils are receiving support as part of a group the SETs will outline at the beginning of each term the work they hope to do with the group. Where students are receiving support on a one-to-one basis parents, class teacher, SET, parents and the Principal may be involved in drafting an Individual Education Plan.*
- **Records of attendance / absence:** *Roll Books are stored in each classroom and class teachers are required to maintain a daily record of attendance. All Roll books are retained indefinitely in the school. Explanations for absences which parents are required to send to the school are duly dated and stored by the class teachers in a specific folder. Reports are made to the Educational Welfare Service, under terms of Education Welfare act. Notes from parents will usually be shredded annually. However, where a student's attendance record is a cause for concern these notes may be retained for a longer period and may be shared with an Educational Welfare Officer.*
- **Psychological Assessments:** *Reports following psychological assessments are kept in the filing cabinet in the school office. The Principal and the class teacher or SET who have responsibility for the child have access to the report.*
- **Referrals for Learning Support/ Visiting Teacher Service/ Resource Teacher for Travellers or other supplementary teaching and communications relating to this e.g. a record of parents' decision not to allow the child to attend at learning support or resource teaching, are kept by the Special Education Teacher. Records of the progress of pupils with learning difficulties and disabilities will be stored in the relevant SET's classroom. These records will be archived following the student's transfer to another school and retained within the school unit the student reaches 21 years.**
- **Enrolment Form:** *Enrolment forms contain sensitive personal information which would fall under the terms of data protection legislation. These documents are retained in the school while the pupil is enrolled. They are retained within the school's secure, manual filing system. These records will be archived following the student's transfer to another school and retained within the school until the student reaches 21 years.*
- **Record of child's breaches of code of behaviour:** *Where a child is significantly in breach of the Code of Behaviour specific incidents will be recorded. This record is retained in the School office. These records will be archived following the student's transfer to another school and retained within the school until the student reaches 21 years.*
- **Records of any serious injuries/accidents** *are retained in the specific incident book which is retained in the School Office. These records will be archived following the student's transfer to another school and retained within the school until the student reaches 21 years.*
- **Indemnity form for administration of medicine:** *In certain specified cases children may require medication during school hours (See Administration of Medicines Policy). Indemnity forms are stored in the filing cabinet in the School office.*

Parents'/Guardians' records: These may include:

- Name, address and contact details of parents/guardians - required to support a child's enrolment and for emergency contact purposes;
- Religious beliefs - to assist with after school faith formation classes.
- Nationality/ethnic origin - to ensure the school has the information necessary to put any additional supports required in place;
- Membership of the Traveller community - to ensure the school has the information necessary to put any additional supports required in place;
- Occupations - required to fill one of the fields in the school register;
- Number of children in family - sometimes has significance in educational attainment;
- Marital status - to support the school in its efforts to promote equality.

Board of Management records: These may include:

- Name, address and contact details of each member of the board of management;
- Records in relation to appointments to the board;
- Minutes of board of management meetings and correspondence to the board which may include references to particular individuals.

All Board of Management records are maintained indefinitely in the school. They will be stored securely within the filing cabinet in the school office.

B. Details of arrangements in place to ensure compliance with the eight rules of data protection

The school at all times will have arrangements in place to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

1. Obtain and process information fairly;
2. Keep it only for one or more specified, explicit and lawful purpose/s;
3. Use and disclose it only in ways compatible with these purposes;
4. Keep it safe and secure;
5. Keep it accurate, complete and up-to-date;
6. Ensure that it is adequate, relevant and not excessive;
7. Retain it for no longer than is necessary for the purpose or purposes;
8. Give a copy of his/her personal data to that individual on request.

The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under rules 1 and 3 above is not defined in the Data Protection Acts. However, guidance material published on the Data Protection Commissioner's website states the following:

"As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."

Administration of Records

The Principal will have control of all records retained within the school. The Principal is generally responsible for handling requests for access to records.

Only personnel as outlined above will have access on a regular basis to the various records held. Class teachers may share access to their records of student progress with parents at the annual parent teacher meeting or at other scheduled meetings during the year. Where parents of students currently enrolled in the school require access to records relating to a previous school year they must request this in writing allowing a minimum of two weeks' notice to allow the school collate the requested records.

Access to Records

Under Section 20 of the [Education \(Welfare\) Act, 2000](#), each school principal must maintain a register with the names of all children attending that school. When a child is transferring from the school, the principal must notify the principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate. Under Section 28 of the Act, schools may supply personal data, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:

- The Minister for Education and Science (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
- The National Council for Special Education (NCSE)
- The National Educational Welfare Board (NEWB)
- Each school recognised in accordance with section 10 of the Education Act, 1998
- Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.

In certain exceptional circumstances (e.g. when required by law) personal data will be disclosed to third parties, including the Department of Education and Science, the NEWB, Gardaí, in legal proceedings, HSE personnel etc.

Data can generally be disclosed to an individual himself/herself or with his/her consent.

School Personnel

Teaching staff will have access to records pertaining to children in their class. The secretary may have copies of various school records (see above) stored in the filing cabinet.

Outside Agencies

Parents/guardians will have access to all written, school records pertaining to their child/ren. Past pupils who have reached 18, may also request to see copies of records

pertaining to them. To facilitate this, the school will retain records until past pupils reach 21 years.

Education Welfare Officers may request information regarding pupil attendance or pupil behaviour.

Second Level Schools may request information regarding pupils who have transferred to their school. The school will only transfer information when they are satisfied that the child has enrolled in the particular second level school. Where psychological reports or other sensitive information is requested the school will generally require the written consent of the parents/guardians.

Health Board: The school provides information regarding pupils who have enrolled in the school. This is to facilitate testing which the HSE carries out in the school with parental permission. For access to educational records from the school the HSE must make a request in writing and parental consent may also be requested.

Requesting access to records

To make an access request, any individual (or outside agency) must:

- Apply in writing
- Give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
- For current records one weeks' notice will be required;
- For archived records four weeks' notice will be required. (Please be aware that these time frames do not include school holiday periods when post, emails etc. are not checked.)

The Data Controller is responsible for ensuring that following a request for access to records, that all records are made available, including manual and electronic files. Where no information is held on an individual, the data controller will inform the individual within 40 days.

Any errors or omissions identified will be rectified, once notified to the data controller, within 40 days of a request being made.

Note A: Access requests by students

- Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts.
- Students under 18 years of age can be given access to their personal information, depending on the age of the student and the nature of the record i.e. it is suggested that:
- if the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
- if the record is of a sensitive nature, it would be prudent to seek parental/guardian consent

- if a student has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent should be sought.

Note B: Exceptions to note:

- Schools should note that data protection regulations prohibit the supply of:
 - health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such data is to be communicated only by, or after consultation with, an appropriate "health professional", normally the patient's own doctor
 - personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. The regulations apply to social work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

Success Criteria

The practical indicators of the success of this policy will include:

- *Systematic compilation of uniform records by staff*
- *Systematic reporting to parents on educational progress in place*
- *Parents/pupils can access records without undue disruption of teaching time. (especially important in the case of teaching principals)*
- *Storage of records is manageable*

Roles and Responsibility

The secretary will have responsibility in conjunction with the Principal for the safe storage of all dated records. All teachers have responsibility for the safe storage of their own personal records of pupil assessment. Parents will be informed of their rights to access data relating to their child's progress.

Timetable for Review

This policy will be reviewed as a matter of course. It will be amended sooner should legislation or National Guidelines require some amendments.

Ratification and Communication

The Board of Management officially ratified this policy at its meeting on

Signed: _____
Chairperson

Date: _____

Appendix 1

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

The information collected on this form will be held by Ardee Educate Together N. S. in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is for administration and to facilitate the school in meeting the student's educational need.

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

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

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

Signed Parent/Guardian: _____

Signed Student: _____