

ST KIERAN'S COLLEGE KILKENNY



Data Protection Policy

Data Protection Policy

Introduction

The school's Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988, 2003 and the General Data Protection Regulation (GDPR).

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 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.

Section A

Data Protection Principles (Article 5 of GDPR)

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:

- 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. 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 furnished by the individuals 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 lawfully, fairly and transparent.
- 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.
- 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 (Article 5(1)(b)(c)).
- Keep Personal Data safe and secure: Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data that the school may have 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 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 (Article 5(1)(e)).

- 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.
- 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 (Accuracy- Article 5(1)(d)).
- Retain it no longer than is necessary for the specified purpose or purposes for which it was given: (Article 5(1)(e)) 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.
- 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. The GDPR also requires that the information be provided in concise, easy to understand and clear language.

Section B

Scope of Policy

Purpose of the Policy: The Data Protection Acts 1988, 2003 and the GDPR 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 of compliance to the GDPR, to explain those obligations to School staff, and to inform staff, students, their parents/guardians and any other relevant groups/individuals how their data will be treated, why is it required, for how long and how it is kept safe and who it is shared with.

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.

Section C

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 forms 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, St Kieran's College

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, 2003 and the GDPR.

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.

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 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.

Section D

Other Legal Obligations

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection and the GDPR. *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, 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 pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2017) 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 - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Section E

Relationship to characteristic spirit of the School (School’s mission/vision/aims)

St Kieran’s College seeks to

- enable each student to develop their full 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’ rights to privacy and rights under the Data Protection Acts.

Section F

Personal Data

The *Personal Data* records held by the school **may** include:

A. Staff records:

Categories of staff data (What information we hold): 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 to promotion posts
- Details of approved absences (career breaks, parental leave, study leave, sick leave, medical certs etc.)
- 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 the DES Child Protection Procedures).
- Teaching Council Number.

Purposes (Why we have this information and how this information is used): 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 resources management
- 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 including PPOD, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies. This information may be shared as legally appropriate with the above agencies upon request.
- and for compliance with the GDPR and other relevant legislation to the school.

Location (Where we hold the information): 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.

Security (How long do we hold information): St Kieran's College Secondary School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. St Kieran's College Secondary School will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St Kieran's College Secondary School acknowledges that high standards of security are essential for processing all personal information. This information will be kept as required by the GDPR.

B. Student records:

Categories of student data (What information we hold): 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)
- 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 – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is repeating the Leaving Certificate
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Garda vetting outcome record (where the student is engaged in work experience organised with or through the school which requires that they be Garda vetted)
- Other records e.g. records of any serious injuries/accidents etc. (Note: it is advisable to inform parents that a particular incident is being recorded).
- 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-Children First Act 2017).
- Recorded injuries or accidents.

Purposes (Why we have this information and how this information is used):

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 the 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 to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. [As part of the enrolment process parents are asked to consent to this and a record of that consent is kept on file.]
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirements for their course,

- 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 and Skills, the National Council for Special Education, TUSLA, and other Schools etc. 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
- 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.
- and for compliance with the GDPR and other relevant legislation to the school.

Location (Where we hold the information): 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.

Security (How long do we hold information): St Kieran's College Secondary School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. St Kieran's College Secondary School will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St Kieran's College Secondary School acknowledges that high standards of security are essential for processing all personal information. This information will be kept as required by the GDPR.

C. Board of management records:

Categories of board of management data (What information we hold): 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 reference's to particular individuals.

Purposes (Why we have this information and how this information is used): 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. and for compliance with the GDPR and other relevant legislation to the school.

Location (Where we hold the information): In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.

Security (How long do we hold information): St Kieran's College Secondary School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. St Kieran's College Secondary School will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St Kieran's College Secondary School acknowledges that high standards of security are essential for processing all personal information. This information will be kept as required by the GDPR.

D. Other records:

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), and/or 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):

1. Creditors

Categories of data (What information we hold): 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 (Why we have this information and how this information is used): 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 (Where we hold the information): 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.

Security (How long do we hold information): St Kieran's College Secondary School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. St Kieran's College Secondary School will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St Kieran's College Secondary School acknowledges that high standards of security are essential for processing all personal information. This information will be kept as required by the GDPR.

2. Charity tax-back forms

Categories of data (What information we hold): the school may hold the following data in relation to donors who have made charitable donations to the school:

- name
- address
- telephone number
- PPS number
- tax rate
- signature and
- the gross amount of the donation.

Purposes (Why we have this information and how this information is used):

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.

Location (Where we hold the information): 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.

Security (How long do we hold information): St Kieran's College Secondary School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. St Kieran's College Secondary School will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St Kieran's College Secondary School acknowledges that high standards of security are essential for processing all personal information. This information will be kept as required by the GDPR.

3. CCTV images/recordings

Categories (What information we hold): CCTV is installed in St Kieran's College, externally i.e. perimeter walls/fencing and internally as detailed in the CCTV Policy. These CCTV systems may record images of staff, students and members of the public who visit the premises.

Purposes (Why we have this information and how this information is used):

Safety and security of staff, students and visitors and to safeguard school property and equipment.

Location (Where we hold the information): Cameras are located externally and internally as detailed in the CCTV Policy. Recording equipment is located in the Principal's office and the Deputy Principal's office.

Security (How long do we hold information): Access to images/recordings is restricted to Principal and the Deputy Principal. Tapes, DVDs, hard disk recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts 1988 and 2003.

4. Examination results

Categories (What information we hold): The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual, continuous assessment, mock- examinations results and state examination results.

Purposes (Why we have this information and how this information is used): The main purpose for which these examination results and other records are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardians about subject choices and levels. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies.

Location (Where we hold the information): 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.

Security (How long do we hold information): St Kieran's College Secondary School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. St Kieran's College Secondary School will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St Kieran's College Secondary School acknowledges that high standards of security are essential for processing all personal information. This information will be kept as required by the GDPR.

5. October Returns

Categories: At the beginning of each academic year (and for 1st year or transferring students, on enrolment) parents/guardians and students are asked to provide the school with certain information so that the School can make returns to the Department of Education and Skills ("DES") referred to as "October Returns". These October Returns will include sensitive personal data regarding personal circumstances which are provided by parents/guardians and students on the basis of explicit and informed consent. The October Return contains individualised data (such as an individual student's PPS number) which acts as an "identifier" for the DES to validate the data that belongs to a recognised student. The DES 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. The data will also be used by the DES for statistical, policy-making and research

purposes. However the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has a data protection policy which can be viewed on its website (www.education.ie). The DES has also published a “Fair Processing Notice” to explain how the personal data of students and contained in October Returns is processed. This can also be found on www.education.ie (search for Circular Letter 0047/2010 in the “Circulars” section).

Purposes (Why we have this information and how this information is used): The school asks parents/guardians and students to complete October Returns for the purposes of complying with DES requirements to determine staffing and resource allocations and to facilitate the orderly running of the school. The main purpose of the October Returns is for the DES to determine whether the student qualifies for English language support and/or additional resources and support to meet their particular educational needs. The October Returns are submitted to the DES electronically. The DES has their own policy governing the security of the data sent to them by all post-primary schools. The co-operation of each student and/or their parents/guardians in completing the October Return is greatly appreciated as the school’s aim is to ensure that each student is assisted in every way to ensure that s/he meets his/her full potential.

Location (Where we hold the information): 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.

Security (How long do we hold information): St Kieran’s College Secondary School stores all personal information in controlled access, centralised databases (including computerised and manual files) in the school offices. St Kieran’s College Secondary School will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction. St Kieran’s College Secondary School acknowledges that high standards of security are essential for processing all personal information. This information will be kept as required by the GDPR.

Section G

Links to other policies and to curriculum delivery

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

The following policies may be among those considered:

- Child Safeguarding Statement
- Anti-Bullying Policy
- Code of Behaviour
- Admissions Policy
- CCTV Policy
- Substance Use Policy
- ICT Acceptable Usage Policy

Section H

Processing in line with data subject's rights

Data in this school will be processed in line with the data subjects' rights.

Data subjects have a right to:

- (a) Request access to any data held about them by a data controller
- (b) Prevent the processing of their data for direct-marketing purposes
- (c) Ask to have inaccurate data amended
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Dealing with a data access requests

Access request

Under Section 3 of the Data Protection Acts and GDPR, 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. The individual must make this request in writing and the data controller will accede to the request within one month.

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.

Section 4 access request

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 one month
- Fee may apply within reason for any copies after the first copy
- 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.

Section I

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:

Name	Responsibility
Board of management:	Data Controller
Principal:	Implementation of Policy
Secretary:	Data Input (PPOD and OLCS)
Principal:	Data Approval (OLCS)
Teaching personnel:	Awareness of responsibilities
Administrative personnel:	Security, confidentiality
IT personnel:	Security, encryption, confidentiality

Section J

Data Breach

A data breach occurs where the security or integrity of personal data is compromise. This can occur through misappropriation; loss or theft of data or equipment; unauthorised individuals gaining access; a deliberate attack on systems; equipment failure; human error of malicious acts such as hacking, viruses or deception. Under the GDPR, breach notification will become mandatory in all member states where a data breach is likely to “result in a risk for the rights and freedoms of individuals”. This must be done within 72 hours of first having become aware of the breach. Schools/ETBs are required to justify any delays to the ODPC by way of reasoned justification. Data processors will also be required to notify their customers, the controllers, “without undue delay” after first becoming aware of a data breach.

Section K

Ratification and 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.

Section L

Monitoring the implementation of the policy

The implementation of the policy shall be monitored by the principal and the board of management.

Section M

Reviewing and evaluating the policy

The policy should be reviewed and evaluated at certain pre-determined times and as necessary. On-going review and evaluation should take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the NEWB, GDPR), legislation and feedback from parents/guardians, students, school staff and others. The policy should be revised as necessary in the light of such review and evaluation and within the framework of school planning.

CCTV Policy

St Kieran's College

INTRODUCTION

Closed Circuit Television Systems (CCTVS) are installed in St Kieran's College. New CCTV systems will be introduced in consultation with staff, the board of management and the parents' association. Where systems are already in operation, their operation will be reviewed regularly in consultation with staff, the board of management and the parents association.

1. PURPOSE OF POLICY

The purpose of this policy is to regulate the use of Closed Circuit Television and its associated technology in the monitoring of both the internal and external environs of the premises under the remit of St Kieran's College.

CCTV systems are installed (both internally and externally) in premises for the purpose of enhancing security of the building and its associated equipment as well as creating a mindfulness among the occupants, at any one time, that a surveillance security system is in operation within and/or in the external environs of the premises during both the daylight and night hours each day. CCTV surveillance at St Kieran's College is intended for the purposes of:

- protecting the school buildings and school assets, both during and after school hours
- promoting the health and safety of staff, pupils and visitors
- preventing bullying
- reducing the incidence of crime and anti-social behaviour (including theft and vandalism)
- supporting the Gardai in a bid to deter and detect crime
- assisting in identifying, apprehending and prosecuting offenders; and
- ensuring that the school rules are respected so that the school can be properly managed

2. SCOPE

This policy relates directly to the location and use of CCTV and the monitoring, recording and subsequent use of such recorded material. Where classes and activities are carried out in rented premises, St Kieran's College will ensure that CCTV systems, where installed, are operated only in a way that is compatible with the provisions of this policy.

3. GENERAL PRINCIPLES

St Kieran's College as the corporate body has a statutory responsibility for the protection of its property, equipment and other plant as well as providing a sense of security to its employees, students and invitees to its premises. *St Kieran's College* owes a duty of care under the provisions of Safety, Health and Welfare at Work Act 2005 and associated legislation and utilises CCTV systems and their associated monitoring and recording equipment as an added mode of security and surveillance for the purpose of enhancing the quality of life of the school community by integrating the best practices governing the public and private surveillance of its premises. The use of the CCTV system will be conducted in a professional, ethical and legal manner and any diversion of the use of CCTV security technologies for other purposes is prohibited by this policy e.g. CCTV will not be used for monitoring employee performance.

Information obtained through the CCTV system may only be released when authorised by the Principal, following consultation with the Chairperson of the Board of Management. Any requests for CCTV recordings/images from An Garda Síochána will be fully recorded and legal advice will be sought if any such request is made (see "Access" below). If a law enforcement authority, such as An Garda Síochána, is seeking a recording for a specific investigation, An Garda Síochána may require a warrant and accordingly any such request made by An Garda Síochána should be requested in writing and the school will immediately seek legal advice.

CCTV monitoring of public areas for security purposes will be conducted in a manner consistent with all existing policies adopted by the school, including Dignity at Work Policy, Codes of Practice for dealing with complaints of Bullying & Harassment and Sexual Harassment and other relevant policies, including the provisions set down in equality and other educational and related legislation.

This policy prohibits monitoring based on the characteristics and classifications contained in equality and other related legislation e.g. race, gender, sexual orientation, national origin, disability etc.

Video monitoring of public areas for security purposes within school premises is limited to uses that do not violate the individual's reasonable expectation to privacy.

Information obtained in violation of this policy may not be used in a disciplinary proceeding against an employee of the school or a student attending one of its schools/centres.

All CCTV systems and associated equipment will be required to be compliant with this policy following its adoption by the Board of Management. Recognisable images captured by CCTV systems are "personal data." They are therefore subject to the provisions of the Data Protection Acts 1988 and 2003.

4. JUSTIFICATION FOR USE OF CCTV

Section 2(1)(c)(iii) of the Data Protection Acts requires that data is "adequate, relevant and not excessive" for the purpose for which it is collected. This means that St Kieran's College needs to be able to justify the obtaining and use of personal data by means of a CCTV system. The use of CCTV to control the perimeter of the school buildings for security purposes has been deemed to be justified by the board of management. The system is intended to capture images of intruders or of individuals damaging property or removing goods without authorisation.

CCTV systems will not be used to monitor normal teacher/student classroom activity in school.

In other areas of the school where CCTV has been installed, e.g. hallways, stairwells, locker areas, the Principal has demonstrated that there is a proven risk to security and/or health & safety and that the installation of CCTV is proportionate in addressing such issues that have arisen prior to the installation of the system.

5. LOCATION OF CAMERAS

The location of cameras is a key consideration. Use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy would be difficult to justify. St Kieran's College has endeavoured to select locations for the installation of CCTV cameras which are least intrusive to protect the privacy of individuals. Cameras placed so as to record external areas are positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property.

CCTV Video Monitoring and Recording of Public Areas in St Kieran's College may include the following:

- ***Protection of school buildings and property:*** The building's perimeter, entrances and exits, lobbies and corridors, special storage areas, cashier locations, receiving areas for goods/services
- ***Monitoring of Access Control Systems:*** Monitor and record restricted access areas at entrances to buildings and other areas
- ***Verification of Security Alarms:*** Intrusion alarms, exit door controls, external alarms
- ***Video Patrol of Public Areas:*** Parking areas, Main entrance/exit gates, Traffic Control
- ***Criminal Investigations (carried out by An Garda Síochána):*** Robbery, burglary and theft surveillance

6. COVERT SURVEILLANCE

St Kieran's College will not engage in covert surveillance.

Where An Garda Síochána requests to carry out covert surveillance on school premises, such covert surveillance may require the consent of a judge. Accordingly, any such request made by An Garda Síochána will be requested in writing and the school will seek legal advice.

7. NOTIFICATION – SIGNAGE

The Principal will provide a copy of this CCTV Policy on request to staff, students, parents and visitors to the school. This policy describes the purpose and location of CCTV monitoring, a contact number for those wishing to discuss CCTV monitoring and guidelines for its use. The location of CCTV cameras will also be indicated to the Board of Management. Adequate signage will be placed throughout the grounds to indicate that CCTV is in operation. Adequate signage will also be prominently displayed at the entrance to St Kieran's College property.



WARNING

CCTV cameras in operation

Images are being monitored and recorded for the purpose of crime-prevention, the prevention of anti-social behaviour, the prevention of bullying, for the safety of our staff and students and for the protection of St Kieran's College and its property. This system will be in operation 24 hours a day, every day. These

images may be passed to An Garda Síochána

This scheme is controlled by St Kieran's College.

For more information contact 056-7761707

Appropriate locations for signage will include:

- at entrances to premises i.e. external doors, school gates
- reception area

8. STORAGE & RETENTION

Section 2(1)(c)(iv) of the Data Protection Acts states that data "shall not be kept for longer than is necessary for" the purposes for which it was obtained. A data controller needs to be able to justify this retention period. For a normal CCTV security system, it would be difficult to justify retention beyond a month (28 days), except where the images identify an issue – such as a break-in or theft and those particular images/recordings are retained specifically in the context of an investigation/prosecution of that issue.

Accordingly, the images captured by the CCTV system will be retained for a maximum of 28 days, except where the image identifies an issue and is retained specifically in the context of an investigation/prosecution of that issue.

The images/recordings will be stored in a secure environment. Access will be restricted to authorised personnel. Supervising the access and maintenance of the CCTV System is the responsibility of the Principal/Deputy Principal. The Principal may delegate the administration of the CCTV System to another staff member. In certain circumstances, the recordings may also be viewed by other individuals in order to achieve the objectives set out above (such individuals may include the Gardai, the relevant Year Head, other members of the teaching staff, representatives of the Department of Education and Skills, representatives of the HSE and/or the parent of a recorded student). When CCTV recordings are being viewed, access will be limited to authorised individuals on a need-to-know basis.

9. ACCESS

Access to the CCTV system and stored images will be restricted to authorised personnel only.

In relevant circumstances, CCTV footage may be accessed:

- By An Garda Síochána where St Kieran's College (or its agents) are required by law to make a report regarding the commission of a suspected crime; or
- Following a request by An Garda Síochána when a crime or suspected crime has taken place and/or when it is suspected that illegal/anti-social behaviour is taking place on St Kieran's College property, or
- To the HSE and/or any other statutory body charged with child safeguarding; or
- To assist school management in establishing facts in cases of unacceptable student behaviour, in which case, the parents/guardians may be informed; or
- To data subjects (or their legal representatives), pursuant to an access request where the time, date and location of the recordings is furnished to St Kieran's College, or
- To individuals (or their legal representatives) subject to a court order.
- To the school's insurance company where the insurance company requires same in order to pursue a claim for damage done to the insured property.

Requests by An Garda Síochána: Information obtained through video monitoring will only be released when authorised by the Principal following consultation with the Chairperson of the Board of Management. If An Garda Síochána request CCTV images for a specific investigation, An Garda Síochána may require a warrant and accordingly any such request made by An Garda Síochána should be made in writing and the school should immediately seek legal advice.

Access requests: On written request, any person whose image has been recorded has a right to be given a copy of the information recorded which relates to them, provided always that such an image/recording exists i.e. has not been deleted and provided also that an exemption/prohibition does not apply to the release. Where the image/recording identifies another individual, those images may only be released where they can be redacted/anonymised so that the other person is not identified or identifiable. To exercise their right of access, a data subject must make an application in writing to the school Principal. The school must respond **within one month**.

Access requests can be made to the following: Mr Adrian Finan, Principal, St Kieran's College.

A person should provide all the necessary information to assist in locating the CCTV recorded data, such as the date, time and location of the recording. If the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data and may not be handed over by the school.

In giving a person a copy of their data, the school may provide a still/series of still pictures, a tape or a disk with relevant images. However, other images of other individuals will be obscured before the data is released.

10. RESPONSIBILITIES

The Principal will:

- Ensure that the use of CCTV systems is implemented in accordance with the policy set down by St Kieran's College
- Oversee and co-ordinate the use of CCTV monitoring for safety and security purposes within St Kieran's College
- Ensure that all existing CCTV monitoring systems will be evaluated for compliance with this policy
- Ensure that the CCTV monitoring at St Kieran's College is consistent with the highest standards and protections
- Review camera locations and be responsible for the release of any information or recorded CCTV materials stored in compliance with this policy
- Ensure that monitoring recorded tapes are not duplicated for release
- Ensure that the perimeter of view from fixed location cameras conforms to this policy both internally and externally
- Approve the location of temporary cameras to be used during special events that have particular security requirements and ensure their withdrawal following such events. NOTE: [Temporary cameras do not include mobile video equipment or hidden surveillance cameras used for authorised criminal investigations by An Garda Síochána].
- Give consideration to both students and staff feedback/complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment
- Ensure that all areas being monitored are not in breach of an enhanced expectation of the privacy of individuals within the school and be mindful that no such infringement is likely to take place
- Co-operate with the Health & Safety Officer of St Kieran's College in reporting on the CCTV system in operation in the school
- Ensure that external cameras are non-intrusive in terms of their positions and views of neighbouring residential housing and comply with the principle of "Reasonable Expectation of Privacy"
- Ensure that monitoring tapes are stored in a secure place with access by authorised personnel only
- Ensure that images recorded on tapes/DVDs/digital recordings are stored for a period not longer than twenty eight days and are then erased unless required as part of a criminal investigation or court proceedings (criminal or civil) or other bona fide use as approved by the Chairperson of the Board
- Ensure that camera control is solely to monitor suspicious behaviour, criminal damage etc. and not to monitor individual characteristics

- Ensure that camera control is not infringing an individual's reasonable expectation of privacy in public areas
- Ensure that where An Garda Síochána request to set up mobile video equipment for criminal investigations, legal advice has been obtained and such activities have the approval of the Chairperson of the Board.

11. IMPLEMENTATION & REVIEW

The policy will be reviewed and evaluated from time to time. On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, An Garda Síochána, Department of Education and Skills, Audit units (internal and external to the school/ETB) the C&AG (in the case of ETBs), national management bodies, legislation and feedback from parents/guardians, students, staff and others.

The date from which the policy will apply is the date of adoption by the Board of Management. Implementation of the policy will be monitored by the Principal of the school.

APPENDIX 1 – DEFINITIONS

Definitions of words/phrases used in relation to the protection of personal data and referred to in the text of the policy;

CCTV – Closed-circuit television is the use of video cameras to transmit a signal to a specific place on a limited set of monitors. The images may then be recorded on video tape or DVD or other digital recording mechanism.

The Data Protection Acts – The Data Protection Acts 1988 and 2003 confer rights on individuals as well as responsibilities on those persons handling, processing, managing and controlling personal data. All school staff must comply with the provisions of the Data Protection Acts and GDPR when collecting and storing personal information. This applies to personal information relating both to employees of the organisation and individuals who interact with the organisation

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

Personal Data – 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.

Access Request – this is where a person makes a request to the organisation for the disclosure of their personal data under Section 3 and/or section 4 of the Data Protection Acts and GDPR.

Data Processing - 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 Subject – an individual who is the subject of personal data.

Data Controller - a person who (either alone or with others) controls the contents and use of personal data.

Data Processor - 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 Acts place responsibilities on such entities in relation to their processing of the data.

APPENDIX 2 - PRIVACY IMPACT ASSESSMENT

Before a school installs a new CCTV system, it is recommended that a documented privacy impact assessment is carried out. A school which properly conducts such an assessment is less likely to introduce a system that contravenes the provisions of the Data Protection Acts 1988 & 2003 and GDPR. This is an important procedure to adopt as a contravention may result in action being taken against a school by the Office of the Data Protection Commissioner, or may expose a school to a claim for damages from a student.

Some of the points that might be included in a Privacy Impact Assessment are:

- What is the school purpose for using CCTV images? What are the issues/problems it is meant to address?
- Is the system necessary to address a pressing need, such as staff and student safety or crime prevention?
- Are the CCTV cameras intended to operate on the outside of the premises only?
- Is it justified under the circumstances?
- Is it proportionate to the problem it is designed to deal with?
- Is it intended that CCTV cameras will operate inside of the building?
- Are internal CCTV cameras justified under the circumstances?
- Are internal CCTV cameras proportionate to the problem they are designed to deal with?
- What are the benefits to be gained from its use?
- Can CCTV systems realistically deliver these benefits? Can less privacy-intrusive solutions, such as improved lighting, achieve the same objectives?
- Does the school need images of identifiable individuals, or could the system use other images which are not capable of identifying the individual?
- Will the system being considered deliver the desired benefits now and remain suitable in the future?
- What future demands may arise for wider use of images and how will they be addressed?
- Is the school the data controller for the entire CCTV system (bearing in mind that some schools under the PPP are managed for operational purposes by management companies, in which case specific legal advice may need to be sought)?
- Where a management company is in place, is the school satisfied that it complies with the Data Protection Acts with regard to the processing of images of staff, students and visitors to your school captured on any CCTV systems under its management?
- What are the views of those who will be under CCTV surveillance?
- What could be done to minimise intrusion for those whose images may be captured, particularly if specific concerns have been expressed?
- How have staff, students and visitors been assured by the School that they will not be monitored and that the CCTV system will be used only for the stated purposes?
- Does the school's policy on the use of CCTV make it clear that staff (teaching and non-teaching) will not be monitored for performance or conduct purposes?
- Have the views of staff & students regarding the location of cameras been taken into account?
- Can the location of each internal camera be justified in accordance with the overall purpose for the use of the CCTV system?

- Has appropriate signage been erected at the location of each internal camera indicating that recording is taking place and outlining the purpose of such recording?
- Who will have access to the system and recordings/images?
- What security measures are in place to protect the CCTV system and recordings/images?
- Are those who will have authorised access to the system and recordings/images clear about their responsibilities?
- Are the camera monitors kept out of view of staff, students and visitors and is access to the camera monitors restricted to a limited number of staff on a 'need to know' basis?
- Is the room which houses the camera monitors and the CCTV system securely locked when unattended?
- Does the school have a procedure in place to ensure that recordings/images are erased or deleted as soon as the retention period (28 days) has expired?
- Does the school have a procedure in place for handling requests for access to recordings/images from An Garda Síochána?
- Will appropriate notices be in place to ensure that individuals know that they are being monitored?
- Does the school have a data protection policy? Has it been updated to take account of the introduction of a CCTV system?
- Does the school have a procedure in place to handle access requests seeking a copy of images recorded by the CCTV system (within the statutory timeframe of forty days)?
- Has the right of access been communicated to staff, students and visitors?
- Has the school communicated its policy on the use of CCTV to staff, students and visitors and how has this been done?
- How are new students and new staff informed of the school's policy on the use of CCTV?