

SANDFORD PARK SCHOOL



DATA PROTECTION POLICY

1 PURPOSE, SCOPE AND IMPLEMENTATION

- 1.1 The purpose of this policy is to ensure Sandford Park School meets its statutory obligations with regard to the processing of personal data. These arise most notably under the EU *General Data Protection Regulation (GDPR)* and the Irish *Data Protection Acts 1988 -2018*¹.
- 1.2 This policy, along with other school policies and codes relevant to data protection, explains what data is collected, why it is collected, for how long it will be stored and with whom it will be shared. In short, it aims to inform students, parents/guardians and staff as to how their personal data is treated.
- 1.3 The school recognises the seriousness of its obligations and has established a set of practices to safeguard personal data. The school's data protection policies and codes apply to all school staff, board of governors, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school).
- 1.4 The school aims to apply the highest standards in terms of its approach to data protection. For example, school staff will utilise a *Privacy by Design* approach when any activity that requires the processing of personal data is being planned or reviewed.²
- 1.5 As an integral part of its daily operations, the school will ensure that all data access, management and control is carried out in accordance with the principles of data protection. All who are granted access to personal data under the control of the school have a duty to observe these data protection principles. The school will provide appropriate information, training and support so that staff in particular may gain a clear understanding of these requirements.³
- 1.6 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. If at any time we propose to use Personal Data in a manner significantly different from that stated in this Policy, or otherwise disclosed to you at the time it was collected, we will notify you, and you will have a choice as to whether or not your information is processed in this new manner.
- 1.7 The *Data Controller* is the Board of Governors of Sandford Park School. The Principal is 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.

Name	Responsibility
Board of Governors	Data Controller
Principal	Implementation of Data Protection Policy
Staff	Adherence to the Data Processing Principles
Entire School Community	Awareness and Respect for all Personal Data

¹ The 2011 e-Privacy Regulations (S.I. No. 336 of 2011) applies restrictions to some data processing operations and may be relevant in particular circumstances (e.g. cookie notifications on school website). The school is also obliged to take account of other legislation and examples relevant to data processing are noted in the appendix to this policy (See "Other Legal Obligations").

² *Privacy by Design* ("Data Protection by Design") means that each new service or process that makes use of personal data must take the protection of such data into consideration from the start. This means that any action that the school undertakes that requires the processing personal data will be done with data protection and privacy in mind at every step.

³ All current and former employees of the school may be held accountable in relation to all data processed, managed and controlled by them during the performance of their duties. Employees in breach of the Data Protection rules may be found to be acting in breach of or, in certain circumstances, committing an offence under the Data Protection legislation.

2 DATA PROCESSING PRINCIPLES

The school is a *data controller* of *personal data* relating to its past, present and future staff, students, parents/guardians and other members of the wider school community. Under the *General Data Protection Regulation*, the school must be able to demonstrate compliance (**accountability**) with the data protection principles which state that personal data shall be:

- 21 processed lawfully, fairly and in a transparent manner (**lawfulness, fairness and transparency**);
- 22 collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes⁴; (**purpose limitation**);
- 23 adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (**data minimisation**);
- 24 accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (**accuracy**);
- 25 kept for no longer than is necessary for the purposes for which the personal data are processed⁵; (**storage limitation**);
- 26 processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**integrity and confidentiality**).

3 LAWFUL BASIS FOR PROCESSING PERSONAL DATA

- 3.1 When the school is processing your personal data, each one of the data processing principles (as listed in the previous section) must be observed. In addition, the school will ensure that each processing activity is based upon an appropriate lawful basis i.e. one of the following will apply:
 - (i) you have given your **consent** to processing for one or more specific purposes;
 - (ii) processing is necessary for the performance of a **contract** between you and the school;
 - (iii) processing is necessary for compliance with a **legal obligation** to which the controller is subject;
 - (iv) processing is necessary in order to protect your **vital interests** of the data subject (or the vital interests of another person);
 - (v) processing is necessary for the **performance of a task carried out in the public interest** or in the exercise of official authority vested in the controller;
 - (vi) processing is necessary for the purposes of the **legitimate interests** pursued by the controller or by a third party.
- 3.2 Some of the personal data processed by the school is categorised as “special category data” (see definitions). The school will ensure that any processing of this sensitive data will only specific circumstances (i.e., those that have been identified as lawful under Irish and/or European legislation).

⁴ Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.

⁵ Data may be stored for longer periods if being processed for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes (subject to appropriate technical and organisational measures required to safeguard the rights and freedoms of the data subject).

4 PURPOSES FOR PROCESSING PERSONAL DATA

41 The categories of personal data and the purposes for which this data is processed are listed below. From time to time new processing requirements will arise and consequently these lists may be subject to change. This policy will be updated to reflect any such changes.

42 It is the responsibility of data subjects to inform the school where there may be changes that would affect the accuracy of their personal records (for example, a change of address etc.).

43 **Categories of student records held may include:** name, address, PPS number, date and place of birth, contact details of parents/guardians (including arrangements with regard to guardianship, custody or access), racial or ethnic origin, medical card status, first language (requirement for English language support), exemption from studying Irish, any relevant special conditions (e.g., special educational needs, health issues, etc.); information on academic records (examination results, reports, references, assessments and records from any previous school); psychological, psychiatric and/or medical assessments, attendance records, records of significant achievements, records of disciplinary issues/investigations and/or sanctions imposed; counselling and pastoral care records; Garda vetting record (where required); other records e.g., serious injuries/accidents, incidents, etc., reports to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

The purposes for processing student data may include:

- (i) to comply with legislative or administrative requirements;
- (ii) to ensure that the student meets the school's admission criteria;
- (iii) to ensure that students meet the minimum age requirements for their course;
- (iv) to meet the educational, social, physical and emotional requirements of the student;
- (v) to enable each student to develop to their full potential;
- (vi) to ensure that eligible students can benefit from the relevant additional teaching or financial supports;
- (vii) 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.
- (viii) photographs and recorded images of students may be taken (subject to your consent) to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school.;
- (ix) to ensure that any student seeking an exemption from Irish meets the criteria;
- (x) 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;
- (xi) 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.

44 **Categories of Parent/Guardian records held⁶ may include:** name, address, identity and contact details; family details; occupation; any additional information needed to fulfil the purposes outlined below; any background information necessary to allow us to ensure student welfare and safety. It is the responsibility of parents/guardians to inform the school of any update to their personal data.

The purposes for processing Parent/Guardian data may include:

- (i) to process applications for student enrolment;
- (ii) to communicate information relating to education, academic progress and support;
- (iii) to enable contact to be made in the case of emergency or in the case of school closure, or to inform parents of educational progress;
- (iv) to communicate details of school events and other relevant information, etc.
- (v) to process grant applications, fees and bursaries;
- (vi) to coordinate, evaluate, fund and organise educational programmes;
- (vii) to process appeals, resolve disputes and defend litigation, etc.
- (viii) to comply with our legal obligations as an education body.

⁶ The school does not generally operate personal files for parents or guardians. However, information about, or correspondence with parents may be held in the files for each student. This information shall be treated in the same way as any other information in the student file.

- 45 **Categories of Staff records held may include:** name, date of birth, address and contact details, PPS number; qualifications and Teaching Council status; original records of application and appointment to promotion posts; Garda vetting; occupational health records; records of workplace processes (performance management, disciplinary, grievance, complaints, etc.); details of approved absences (career breaks, parental leave, study leave, etc.); details of work record (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 reports made to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines. As well records for existing members of staff (and former members of staff), records may also relate to applicants applying for positions within the school, staff under probation and trainees.

The purposes for processing Staff data may include:

- (i) the management and administration of school business (now and in the future);
 - (ii) 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);
 - (iii) to facilitate pension payments in the future;
 - (iv) human resources management;
 - (v) recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
 - (vi) to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including inter alia complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005, the Industrial Relations Act 1990);
 - (vii) to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, the Teaching Council, and any other governmental, statutory and/or regulatory departments and/or agencies;
 - (viii) and for compliance with legislation relevant to the school.
- 46 **Categories of Board Records held may include:** contact details of each member of a Board (including former members) and records relating to decision-making by, and correspondence with a Board (where such records include personal data). These records are kept in a safe and secure manner and Board business is considered confidential to the members of the Board.

The purposes for processing Board data:

- (i) The Board of Governors maintains records of Board appointments and decisions and to comply with the Education Act 1998.
- 47 **Financial Records** This information is required for routine management and administration of the school's financial affairs, including the payment of fees, invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.
- 48 **CCTV Records** The school holds records in the form of recorded CCTV images.⁷ This use of this data is carefully regulated through a separate school *Policy on CCTV* which defines the purposes of processing as follows:
- (i) to protect the school properties and associated assets;
 - (ii) to increase personal safety of staff, students and visitors and reduce the fear and incidence of crime;
 - (iii) to assist the school in dealing with serious breaches of school discipline;
 - (iv) to protect members of the public and private property;
 - (v) to assist in identifying, apprehending and prosecuting offenders;
 - (vi) to support the Gardaí in a bid to deter and detect crime.

⁷ To facilitate the processing of access requests for CCTV records, data subjects are asked to provide specific details of time and location. The Board of Governors must satisfy itself that there is a legitimate reason for such a request to be made. The school will always endeavour to respond to any access request within the stipulated time period. However, no Data Subject can be given access to an image which includes another person. Consequently, images must be treated to prevent identification. (see CCTV Policy at www.sandfordparkschool.ie)

5 RECIPIENTS

- 5.1 **Transfers of Personal Data to other recipients:** In all circumstances where it may be responsible for the transfer of personal data to other bodies, the school will confirm that there is a legal basis to justify this sharing (for example the data subject's consent or another lawful basis) as well ensuring that there are appropriate access and security procedures in place.
- 5.2 **Transfers made to Controllers** Most data transfers to other bodies arise as a consequence of a legal obligation that is on the school, and the majority of such recipients (e.g. the DES) are *Data Controllers* in their own right. As such their actions will be governed by national and European data protection legislation as well their own organisational policies.
- 5.3 **Transfers to the Department of Education & Skills** the school is required to provide student data to the Department of Education and Skills (DES). This transfer of data is primarily made at the beginning of each academic year ("October Returns") using a secure Post-Primary Online Database (P-POD) system. The October Returns contain 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). Where the "October Returns" include sensitive personal data regarding personal circumstances then explicit and informed consent is sought from students/parents/guardians.
- 5.4 **Transfers onwards from DES:** The Department of Education and Skills transfers some student data onwards to other government departments and 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 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).
- 5.5 **Transfers to student support and welfare bodies:** student data may be shared with a number of public state bodies including National Educational Psychological Service (NEPS psychologists support schools and students); National Council for Special Education (the NCSE role is to support schools and students with special education needs); Túsła Child and Family Agency (the school is required to share student attendance with Túsła);
- 5.6 **Legal requirements** the school (where appropriate, particularly in relation to Child Protection and safeguarding issues) may be obliged to seek advice and/or make referrals to Túsła (Túsła, the Child and Family Agency, is the State agency responsible for improving wellbeing and outcomes for children). The school may share personal data with An Garda Síochána where concerns arise in relation to child protection. The school will also report matters of alleged criminal acts, criminal behaviour, criminal damage, etc., to allow prevention, detection and investigation of offences. Where there is a lawful basis for doing so, personal data may also be shared with the Revenue Commissioners and the Workplace Relations Commission. The school may also be obliged to share personal data with the Health and Safety Authority, for example, where this is required as part of an accident investigation.
- 5.7 **Other Schools and Universities/Colleges/Institutes** where the student transfers to another educational body, or goes on an exchange programme or similar, the school may be asked to supply certain information about the student, such as academic record, references, etc.
- 5.8 **Transfers to facilitate student involvement in external activities:** data may be shared with work placement providers and employers where this is appropriate and necessary to support students engaged in work experience or similar programmes. Student data may be shared with sporting, arts and other bodies to facilitate participation in competition, events, awards, recognition of achievement, work placements etc.
- 5.9 **Transfers to Professional Advisors** data may be shared with the school's insurers where this is appropriate and proportionate; some data may be shared with legal advisors, (solicitors, etc.), financial advisors (pension administrators, accountants, etc.) and others such as school management advisors; this processing will only take place where it is considered appropriate and necessary.
- 5.10 **Transfers made to Processors** Some of the school's operations may require support from specialist service providers. For example, the school may use remote IT back-up and restore services to maintain data security

and integrity. In cases where we use specialist data processors, we will always prioritise your data privacy through, for example, ensuring that appropriate security guarantees have been provided and that there is a signed processing agreement in place.

- 5.11 **Transfers to Service Providers (Processors)** Before the school appoints another party (company or individual) to provide any form of third party services then a rigorous evaluation will have been undertaken of suitability and capabilities. If any access by this party to personal data is envisaged, the school will ensure that the appropriate data protection arrangements have been fully agreed and understood. Examples of third party services where this may be a requirement: (i) IT support (ii) cloud storage (iii) student database software (iv) payroll software.
- 5.12 **Transfers Abroad** In the event that personal data may be transferred outside the European Economic Area (EEA) the school will ensure that any such transfer, and any subsequent processing, is carried out in strict compliance with recognised safeguards or derogations (i.e., those approved by the Irish Data Protection Commission).

6 DATA RETENTION AND SECURITY

- 6.1 **Retention Period** Personal data is kept in a form which permits the identification of data subjects for no longer than is necessary for the purposes for which it is being processed.⁸ Some personal data may be stored for longer periods insofar as the data is being processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.
- 6.2 When deciding on appropriate retention periods, the school's practices is informed by the advice published by the relevant bodies (notably the Department of Education and Skills, the Data Protection Commission, and the school management advisory bodies).
- 6.3 **Data Security** We store all data in a secure manner respecting our obligations under GDPR and the Irish Data Protection Act 2018. Whenever personal data is processed by the school, technical and organisational measures are implemented to safeguard the privacy of data subjects. This means that we employ appropriate security measures to protect personal data from access by unauthorised persons and to guard against unlawful processing, accidental loss, destruction and damage. We take our security responsibilities seriously, employing the most appropriate physical and technical measures, including staff training and awareness. These security procedures are subject to regular review.
- 6.4 Where the school appoints another party (company or individual) to process data on its behalf, the school will ensure that a written processing agreement is in place. The school will only appoint companies (or individuals) who have provided the necessary guarantees on implementation of appropriate technical and organisational measures to process personal data securely.
- 6.5 **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.
- (i) Depending on the circumstances a data breach can have a serious impact on any individuals whose personal data is affected. In such circumstances the school's priority will always be to protect the privacy of the data subjects. As soon as the school becomes aware that an incident has occurred, measures will be taken to assess and address it appropriately, including measures to mitigate its possible adverse effects.
 - (ii) Where the school believes 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 also inform those individuals without undue delay.
 - (iii) In addition to any detrimental impact on individual data subjects, a data breach has the potential to damage the school. It should be noted that, its impact may potentially include disciplinary action, criminal prosecution and financial penalties or damages for the school and the individuals involved.

⁸ Data subjects are free to exercise a "right to erasure" at any time (also known as the "right to be forgotten", see under *Data Subject Rights*).

7 DATA SUBJECTS' RIGHTS

- 7.1 Personal Data in Sandford Park School will be processed at all times in line with the rights of data subjects. These rights include:
- (i) the right to information
 - (ii) the right of access
 - (iii) the right to rectification
 - (iv) the right to erasure (“right to be forgotten”)
 - (v) the right to restrict processing
 - (vi) the right to data portability
 - (vii) the right to object
 - (viii) the right to withdraw consent
- 7.2 **Limitations on Rights** While the school as data controller will always respect these rights, it must be understood that they are not unconditional. Rights need to be applied alongside other factors and obligations (that arise as a consequence of Data Protection and/or other legal considerations).⁹
- 7.3 **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 Privacy Statement is available to all users of our website. Should you require 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.
- 7.4 **Right to Object and Right to Withdraw Consent:** Much of our processing of personal data is necessary because of the “public interest” tasks we undertake as a school. Other processing may be reliant on our legitimate interests (e.g., the operation of CCTV). In such cases you have a right to object. In other cases where we may be relying on your consent, you have the right to withdraw this at any time.¹⁰
- 7.5 **Right to Rectification and Right to Erasure:** If you believe that we hold inaccurate information about you, you can request that we correct that information. You may also request that your personal data should be deleted. Where you are seeking rectification of incorrect information maintained by the school, please notify the school and a form may be supplied to you for this purpose. You should however note that the right to rectify or delete personal data is not absolute.¹¹
- 7.6 **Right of Access** An individual’s right to seek a copy of their personal data is established under the GDPR. A data subject wishing to make an access request should apply preferably in writing to the Principal.
- (i) On receipt of a request, the school will need to confirm (a) that the request is valid and (b) that sufficient information to locate the data requested has been supplied (particularly if CCTV footage/images are to be searched). Where appropriate the school will contact the data subject if further details are needed.¹²
 - (ii) The school is obliged to confirm the identity of anyone making an access request and may request appropriate official proof of identity (e.g. photographic identification such as a passport or driver’s licence).¹³
 - (iii) The school will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.
 - (iv) The school will ensure that all automated (i.e. digital) files and all relevant manual files (those that are held within a filing system part or are intended to form part of a filing system) are checked for personal data in respect of which the access request is made.

⁹ See GDPR Articles 12-23 for a full explanation of these rights and their application.

¹⁰ If you withdraw your consent the school will stop processing your personal data (unless we have another compelling lawful basis for processing your data). If you exercise your right to object, the school will give consideration to this objection. Processing may continue where the Board of Management (as Data Controller) demonstrates that there are compelling legitimate grounds. You have the right to make a complaint to the Data Protection Commission about a refusal.

¹¹ Where the school declines to rectify or delete the personal data as you have instructed, the school may propose to supplement your personal record, pursuant to GDPR Article 16. You have the right to make a complaint to the Data Protection Commission about a refusal.

¹² The school may ask the data subject to complete an *Access Request Form* in order to facilitate efficient processing of the request.

¹³ Where a subject access request is made via a third party (e.g. a solicitor) the school will need to be satisfied that the third party making the request is entitled to act on behalf of the individual. It is the third party’s responsibility to provide evidence of this entitlement.

- (v) The school will seek to ensure that the information is supplied promptly and within the advised timeframes. Where the school is unsure as to what information to disclose, the school reserves the right to seek professional and/or legal advice.¹⁴
- (vi) Where the access request relates to CCTV footage, all necessary information such as the date, time and location of the recording should be provided in writing to assist the school in dealing with the request.¹⁵
- (vii) Where a parent/guardian makes a personal data access request on behalf of their child (a student aged under 18 years), the right of access is a right of the data subject (i.e. it is the student's right).¹⁶ This means that the access request documentation will be sent to the address at which the child is registered on the school's records. The documentation will not be sent to, or addressed to, the parent/guardian who made the request.¹⁷

7.7 **Responding to Rights Requests** The school will provide information on action taken without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The school will inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.¹⁸

7.8 **Right to Complain:** Any concern about any aspect of data protection in Sandford Park School should be addressed in the first instance to the Principal who is responsible for operational oversight of this policy. A matter that remains unresolved may then be addressed to the school's Data Controller (i.e. the Board of Governors) by writing to the Chairperson c/o the school. If a data subject is not satisfied with the response from the Board of Governors, then the matter may be referred to the Irish Data Protection Commission www.dataprotection.ie.

¹⁴ Decisions around responding to data access requests will need to give due regard to rights and responsibilities that derive from other legislation, not least Article 42A of the Irish Constitution which recognises and affirms the natural and imprescriptible rights of all children. Examples of other factors that might need to be considered include: any court orders relating to parental access or responsibility that may apply; any duty of confidence owed to the child or young person; any consequences of allowing those with parental responsibility access to the child's or young person's information (particularly important if there have been allegations of abuse or ill treatment); any detriment to the child or young person if individuals with parental responsibility cannot access this information; and any views the child or young person has on whether their parents should have access to information about them.

¹⁵ Where a CCTV image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data. In providing a copy of personal data, the school may provide the materials in the form of a still/series of still pictures. Other people's images will be obscured before the data is released. If other people's images cannot be obscured, then it may not be possible to release the images/recordings.

¹⁶ Aside from Data Protection legislation, schools are also governed by other legislation, including the Education Act 1998 (as amended). Under the Education Act 1998 parents/guardians of children under the age of 18 years are statutorily entitled to information relating to their child's educational progress.

¹⁷ Where a parent/guardian is unhappy with this arrangement, the parent/guardian may make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent/guardian, a copy of the order should be given to the school by the parent/guardian and the school can release the data on foot of the court order.

¹⁸ Information shall be provided provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the school will either charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or refuse to act on the request.

APPENDIX I: DEFINITIONS AS THEY PERTAIN TO THIS POLICY

For the purpose of this policy the following definitions apply:

personal data means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

sensitive personal data refers to special categories personal data (revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation); and personal data relating to criminal convictions and offences.

controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;

processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

consent of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

recipient means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not;

personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

APPENDIX II: OTHER LEGAL OBLIGATIONS

The provisions of this policy take cognisance of the school's legal obligations and responsibilities in areas directly relevant to data protection, as outlined below:

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 (2011)* published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).