



## **Policy Statement**

The school's Data Protection Policy applies to the **personal data** held by the school's Board of Management (BoM), which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Personal 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 special categories of personal data will be protected by the school

St Killian's School operates a "**Privacy by Design**" method in relation to Data Protection. This means we plan carefully when gathering personal data so that we build in the **data protection principles** as integral elements of all data operations in advance. We audit the personal data we hold in order to

1. be able to provide access to individuals to their data
2. ensure it is held securely
3. document our data protection procedures
4. enhance accountability and transparency

## **Relationship to the School's Mission Statement**

"If this child doesn't learn the way we teach, can we teach him/her the way he/she learns, and can we extend his learning options?"

Dr. Harry Chasty

## **School Philosophy**

Each child's uniqueness is valued within the school, which fosters a secure, caring and positive environment, to enable each child to develop to their full potential.

## **Introduction**

St. Killian's provides a co-educational, inter-disciplinary educational service to children who are diagnosed with a Specific Learning Difficulty, including Dyslexia, Dyspraxia and Speech and Language Difficulties, ASD and children who have educational difficulties in one or more school based areas.

The school depends on grants provided by the Department of Education and Skills and the school operates within the regulations laid down, from time to time, by the Department.

Within the context and parameters of the Department regulations and programmes, the rights of the patron as set out in the Education Act (1998) and the funding and resources available, the school supports the principles of:

- Equality of access and participation
- Parental choice in relation to enrolment
- Respect for diversity of values, beliefs, traditions, language and ways of life.

The Department of Health and Children currently provide the services for Speech and Language and Occupational Therapy.



The psychological services are provided by National Educational Psychological Services.

## DATA PROTECTION PRINCIPLES

The school BoM 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 BoM is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

### 1. ***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 generally 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 legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly

### 2. ***Consent***

Where consent is the basis for provision of personal data, (e.g. data required to join sports team/ after-school activity or any other optional school activity) the consent must be a freely-given, specific, informed and unambiguous indication of the data subject's wishes. St Killian's will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations

### 3. ***Keep it only for one or more specified and explicit lawful purposes***

The BoM will inform individuals of the reasons they collect their data and 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

### 4. ***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

### 5. ***Keep Personal Data safe and secure***

Only those with a genuine reason for doing so may gain access to the information. Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) are encrypted and password-protected

### 6. ***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. 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



### **7. *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

### **8. *Retain it no longer than is necessary for the specified purpose or purposes for which it was given***

As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data 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. See [School Record Retention Appendix 1](#) table

### **9. *Provide a copy of their personal data to any individual on request***

Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

## **Scope**

The Data Protection legislation applies to the keeping and processing of *Personal Data*. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated

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

## ***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:

*Personal Data* means any data relating to an identified or identifiable natural person i.e. 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 (BoM)

*Data Controller* is the Board of Management of the school

*Data Protection Officer*- The role of the DPO is communicate, advise, represent and record. The purpose of the DPO is to assist an organisation to monitor internal compliance with GDPR. There is a mandatory list of tasks which are the responsibility of the DPO- these are outlined in article 39 of the GDPR. The DPO acts as a communication point with the Data Protection Commissioner and would also be contacted in the event of a Data Breach. A clear conflict of interest arises if the DPO is also the Data Controller (BOM). Currently only public bodies are required to appoint a DPO, schools except ETB are currently not required to appoint a DPO but this is an area currently under review by the Department of education.



**Data Subject** - is an individual who is the subject of personal data

**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 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 legislation places responsibilities on such entities in relation to their processing of the data. e.g. Aladdin-Online Pupil Roll, POD-Department of Education System, ESINET-Department of Education System, Accountants who process wages and payments to individuals/companies, EXCEL Spreadsheet from FSSU to assist in reporting to BOM, Financial Planning and Budgets

**Special categories of Personal Data** refers to *Personal Data* regarding a person's

- racial or ethnic origin
- political opinions or religious or philosophical beliefs
- physical or mental health
- sexual life and sexual orientation
- genetic and biometric data
- criminal convictions or the alleged commission of an offence
- trade union membership

**Personal Data Breach** – 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. This means any compromise or loss of personal data, no matter how or where it occurs

## 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 to 2018 and the GDPR legislation.

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. 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

## 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. **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. St Killian's sends, by post, a copy of a child's *Passport*, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled on request.

Where reports on pupils which have been completed by professionals, apart from St Killian's staff, are included in current pupil files, such reports are only passed to the Post-Primary school following express written permission having been sought and received from the parents of the said pupils.

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, Tusla, the National Council for Special Education and other schools). The BoM must be 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; 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) 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 most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of Education and Training Boards), 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 by that body 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 Act 2015***, mandated persons in schools have responsibilities to report child welfare concerns to TUSLA- Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána)

## STAFF CHECKLIST-Non Exhaustive List

- Pupil personal data hard copies are stored in lockable red filing cabinet if kept in the classroom
- Pupil personal data is kept securely in pink files in office
- No pink files to be removed from the office during the school day/school operating times
- Private phone calls regarding pupils etc may be made from the Office/Principal's Office only
- Any notes on behaviour must be made and filed immediately in pink files held in office
- No files regarding school business should be kept on the teacher laptop/desktop unless encrypted
- Please use the USB-encrypted stick for all confidential information
- If completing school work on the school laptop, ensure that it is stored safely/securely
- Class teachers only should use Aladdin-Any other person using Aladdin without Principal/Deputy sanction constitutes access of third party to personal data/information
- No pupil forms etc containing personal data should be left on any desk at any time, if you need to pass on confidential information/application forms for assistive technology etc please hand directly to Principal or staff member concerned
- No information regarding pupils should be written in class diaries
- Any written notes/information may be subject to Data Request please ensure all notes are factual/brief.
- Any personal pupil information requiring printing should be sent to printer and collected immediately.
- Medical notes/information to be kept securely in First Aid room for access to First Aiders Only
- Passwords for your USB Secure Key should be written down and handed into the office to be stored in personnel files

## PERSONAL DATA

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

### 1. *Staff records:*

#### a) *Categories of staff data:*

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.
- Name and contact details of next-of-kin in case of emergency.
- Original records of application and appointment to promotion posts
- Details of approved absences (career breaks, parental leave, study leave, 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 Children First Act 2015

#### b) *Purposes:*

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, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
  - and for compliance with legislation relevant to the school.
- c) *Location and Security procedures of St Killian's:*
- a. Manual records are kept in a secure, locked filing cabinet in an administration office only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
  - b. Digital records are stored on password-protected computer with adequate encryption and firewall software in a locked office. The school has the burglar alarm activated during out-of-school hours.

## **2. Student records:**

a) *Categories of student data:*

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)
  - religious belief
  - 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) are managed in line with the accompanying policy on school photography.
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is exempt from studying Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- 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 Children First Act 2015.

*b) Purposes: The purposes for keeping student records include:*

- to enable each student to develop to his/her 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, e.g. compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school consent forms completed by parents/guardians.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirement for attendance at Primary School.
- 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 second-level educational institutions.

*c) (Location and Security procedures as above):*

### **3. Board of Management records:**

*a) Categories of Board of Management data:*

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 references to individuals.

*b) Purposes:*

To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of Board appointments and decisions.

*c) (Location and Security procedures as above):*

#### **4. Other Records: Creditors**

*a) Categories of Board of Management data:*

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

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

*b) Purposes: The purposes for keeping creditor records are:*

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.

*c) (Location and Security procedures as above):*

#### **5. Other Records: Charity Tax-back Forms**

*a) Categories of Board of Management data:*

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.

*b) Purposes: The purposes for keeping creditor records are:*

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 parents' name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the event of audit by the Revenue



Commissioners.

c) (*Location and Security procedures as above*):

## CCTV IMAGES/RECORDINGS

CCTV is installed in St Killian's.

-Cameras are installed internally covering the internal corridors and access to stair wells.

These CCTV systems may record images of staff, students and members of the public who visit the premises.

The viewing station is in the main school administration office.

Recordings are accessible by Principal, Deputy Principal and AP2 Post Holder 1.

### ***Purposes:***

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

### ***Security:***

Access to images/recordings is restricted to the Principal/Deputy Principal/Assistant Principal of the school. 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 Data Protection Acts legislation.

## EXAMINATION RESULTS

The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual and continuous assessment results and the results of Standardised Tests

### ***Purposes:***

The main purpose for which these examination results are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardian about educational attainment levels and recommendations for the future. 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 other schools to which pupils move.

### ***Location and Security procedures***

As above

## 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:



- Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education and Skills' pupil online database.
- Child Protection Procedures
- Anti-Bullying Procedures
- Code of Behaviour
- Enrolment Policy
- ICT Acceptable Usage Policy
- Assessment Policy
- Special Educational Needs Policy
- Critical Incident Policy
- Attendance Policy
- Intimate Care Policy
- Administration of First Aid Policy

## PROCESSING IN LINE WITH A DATA SUBJECT'S RIGHTS

Data in this school will be processed in line with the data subject's rights. Data subjects have a right to:

- Know what personal data the school is keeping on them
- Request access to *any data* held about them by a data controller
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended
- Ask to have data erased once it is no longer necessary or irrelevant.

### ***Data Processors***

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place. Aladdin's third party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract.

### ***Personal Data Breaches***

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay. If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

### ***Dealing with a data 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

Request must be responded to within one month. An extension may be required e.g. over holiday periods

No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive

No personal data can be supplied relating to another individual apart from the data subject

## PROVIDING INFORMATION OVER THE PHONE



An 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:

- Ask that the caller put their request in writing
- Refer the request to the Principal for assistance in difficult situations
- Not feel forced into disclosing personal information

## IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES

The BoM is the data controller and the Principal implements the Data Protection Policy, 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

## MONITORING THE IMPLEMENTATION OF THE POLICY

The implementation of the policy shall be monitored by the Principal, staff and the Board of Management

## REVIEWING AND EVALUATING THE POLICY

The policy will be reviewed and evaluated after 2 years. On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or TUSLA), legislation and feedback from parents/guardians, students, school staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of school planning.

Signed: Sean Oakes

*For and behalf of Board of Management*

Date: Ratified April 2020

## Appendix 1

### Records Retention Schedule

Student Records	Duration	Comments
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# ST KILLIAN'S SCHOOL DATA PROTECTION POLICY 2020-2022



Registers/Roll Books	Indefinitely	Indefinitely. Archive when class leaves + 2 years
<b>Records relating to pupils/students</b>		
<b>Enrolment Forms</b>	Student reaching 18 years + 7 years	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
<b>Student transfer forms</b> (Applies from primary to primary; from one second-level school to another)	If a form is used- Student reaching 18 years + 7 years	As above
Disciplinary notes	Never destroy	Never destroy
Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)	Student reaching 18 years + 7 years	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
End of term/year reports	Student reaching 18 years + 7 years	As above
Records of school tours/trips, including permission slips, itinerary reports	Never destroy	Never destroy
Scholarship applications e.g. Gaeltacht, book rental scheme	Student reaching 18 years + 7 years	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
<b>Sensitive Personal Data Students</b>		
Psychological assessments	Indefinitely	Never destroy
Special Education Needs' files, reviews, correspondence and Individual Education Plans	Indefinitely	Never destroy
Accident reports	Indefinitely	Never destroy
Child protection records	Indefinitely	Never destroy
Section 29 appeal records	Student reaching 18 years + 7 years	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Enrolment/transfer forms where child is not enrolled or refused enrolment	Student reaching 18 years + 7 years	As above
Records of complaints made by parents/ guardians	Depends entirely on the nature of the complaint.	Depends entirely on the nature of the complaint. If it is child-safeguarding, a complaint relating to teacher-handling, or an accident, then retain indefinitely. Never destroy. If it is a complaint of a more mundane nature (e.g. misspelling of child's name, parent not being contacted to be informed of parent-teacher meeting) or other minor matter, then student reaching 18 years + 7 years (6 years in which to take a claim, and 1 year for proceedings to be served on school)
<b>Staff Records</b>	<b>Primary</b>	
<b>Recruitment process</b> Note: these suggested retention periods apply to unsuccessful candidates only. They do NOT apply to successful candidates, or candidates who are/were also employees already within your school applying for another post/position. For successful candidates, or candidates who are/were also employees already within your school applying for another post/position, see retention periods set out below.	✓	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Applications & CVs of candidates called for interview	✓	As above
Database of applications	✓	As above
Selection criteria	✓	As above
Applications of candidates not shortlisted	✓	As above
Unsolicited applications for jobs	✓	As above
Candidates shortlisted but unsuccessful at interview	✓	As above
Candidates shortlisted and are successful but do not accept offer	✓	As above
Interview board marking scheme & board notes	✓	As above
Panel recommendation by interview board	✓	As above
<b>Staff personnel files (whilst in employment)</b>	<b>Primary</b>	
E.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training etc.		Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Application &/CV	✓	As above
Qualifications	✓	As above
References	✓	As above
Interview: database of applications (the section which relates to the employee only)	✓	As above

# ST KILLIAN'S SCHOOL DATA PROTECTION POLICY 2020-2022



Selection criteria	✓	As above
Interview board marking scheme & board notes	✓	As above
Panel recommendation by interview board	✓	As above
Recruitment medical	✓	As above
Job specification/ description	✓	As above
Contract/Conditions of employment	✓	As above
Probation letters/forms	✓	As above
POR applications and correspondence (whether successful or not)	✓	As above
Leave of absence applications		As above
Job share	✓	As above
Career Break	✓	As above
Maternity leave	✓	As above
Paternity leave	✓	Retain for 2 years following retirement/resignation or duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater.)
Parental leave	✓	Must be kept for 8 years - Parental Leave Act 1998 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Force Majeure leave	✓	Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Carers leave	✓	Must be kept for 8 years - Carer's Leave Act 2001 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years
Working Time Act (attendance hours, holidays, breaks)	✓	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school). There is a statutory requirement to retain for 3 years
Allegations/complaints	✓	Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). <b>Please note</b> the relevant DES Circular re Disciplinary Procedures in relation to the period of time for which a warning remains "active" on an employee's record.
Grievance and Disciplinary records	✓	As above
<b>Occupational Health Records</b>	Primary	
Sickness absence records/certificates	✓	Re sick leave scheme (1 in 4 rule) ref DES C/L 0060/2010 Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Occupational health referral	✓	Retain for 10 years, or the duration of the employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), whichever is the greater (unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy).
Correspondence re retirement on ill-health grounds	✓	As above
Accident/injury at work reports	✓	Retain for 10 years, or duration of employment plus 7 years (6 years plus 1 year for proceedings to be served against the school) whichever is the greater (unless sickness absence relates to an accident/injury incident sustained in relation to or connection with individual's duties within the school, in which case do not destroy.)
Medical assessments or referrals	✓	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless Medmark assessment relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Sick leave records (sick benefit forms)	✓	In case of audit/refunds, Current year plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
<b>Superannuation /Pension /Retirement records</b>	Primary	
Records of previous service (incl. correspondence with previous employers)	✓	DES advise that these should be kept indefinitely.



# ST KILLIAN'S SCHOOL DATA PROTECTION POLICY 2020-2022



Pension calculation	✓	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Pension increases (notification to Co. Co.)	✓	As above
Salary claim forms	✓	As above
<b>Government returns</b>	<b>Primary</b>	
Any returns which identify individual staff/pupils,		<b>Depends upon the nature of the return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DES guidelines. If it relates to information on students, e.g. October Returns, Annual Census etc., keep in line with "Student Records" guidelines above.</b>
<b>Board of Management Records</b>	<b>Primary</b>	
Board agenda and minutes	✓	Indefinitely. These should be stored securely on school property
School closure	✓	On school closure, records should be transferred as per <a href="#">Records Retention in the event of school closure/amalgamation</a> . A decommissioning exercise should take place with respect to archiving and recording data.
<b>Other school based reports/minutes</b>	✓	
Principal's monthly report including staff absences	✓	Indefinitely. Administrative log and does not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".
<b>Financial Records</b>	<b>Primary</b>	
Audited Accounts	✓	Indefinitely
Payroll and taxation	✓	Revenue Commissioners require that records be kept for at least six years after the end of the tax year. Records must be made available for inspection by authorised officers of the Revenue Commissioners or of the Dept. of Social Protection. Note: The DES requires of schools that "pay, taxation and related school personnel service records should be retained <b>indefinitely</b> within the school. These records can be kept either on a manual or computer system.
Invoices/back-up records/receipts	✓	Retain for 7 years
<b>Promotion process</b>	<b>Primary</b>	
<b>Posts of Responsibility</b>	✓	<b>Retain indefinitely on master file as it relates to pay/pension etc. (See DES guidelines)</b>
Calculation of service	✓	Retain indefinitely on master file
Promotions/POR Board master files	✓	Retain indefinitely on master file
Promotions/POR Boards assessment report files	✓	Retain original on personnel file in line with retention periods in "Staff Records" retention guidelines above
POR appeal documents	✓	Retain original on personnel file, and copy of master & appeal file. Retain for duration of employment + 7 years (6 years in which to take a claim, plus 1 year to serve proceedings on school). Copy on master and appeal file.
Correspondence from candidates re feedback	✓	Depends upon nature of feedback. If feedback is from unsuccessful candidate who is not an employee within the school, keep in line with retention periods in "Staff Records" above. If feedback is from successful candidate or from unsuccessful candidate who is already an employee within the school, keep in line with "Staff personnel while in employment" above.



## Appendix 2

Information for Staff with regard to pupil record keeping.

Please ensure that the following are filed throughout the year into the pink folders:

- Copies of all IEPs
- Parent/Teacher Meeting Sheets
- Complaints/Parental Concerns raised
- Incident Reports
- Any communications with other professionals
- Medical Notes
- Records of any phone calls/ meetings with parents

At the end of the year in blue folders:

- File test results
- First sheet of red folder for each month-and any unusual/important red folder records
- Behaviour logs/Tick sheets
- Care needs tick sheets

Hand on to next class:

Any relevant information including pupil behaviour support file/risk assessments as necessary.

At the end of pupil time in St Killian's place the following also into pink folders:

- Care needs sheets
- Pupil Behaviour Support File