

Scoil Mhuire Community School



Data Protection Policy

The Staff, the Parents' Association, the Student Council and the Board of Management of Scoil Mhuire Community School, amongst others, were consulted during the formation of this policy.

This policy operates within the broader framework of the School Plan and other policies associated therein.

Ratified by Board of Management on: 9th October 2018

Section 8.2.3 amended - approved by the Board of Management on 9th March 2021

Proposed Policy Review date:

1st October 2021 (or sooner)

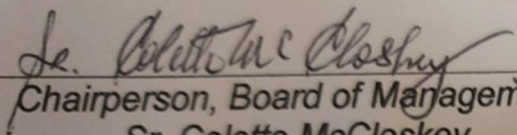
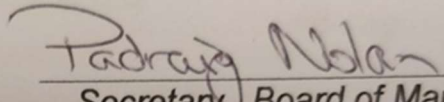
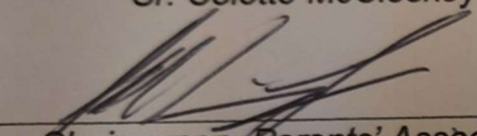
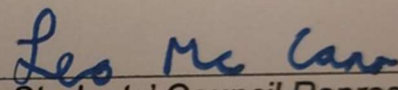
 Chairperson, Board of Management Sr. Colette McCloskey	 Secretary, Board of Management Mr Padraig Nolan
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Section 1. Introduction

The school's **Data Protection Policy** applies to the **personal data** held by the school which is protected by the Data Protection Acts 1988 to 2018.

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.

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.

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.

Data Protection 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 school community. As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 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 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 Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** The School within this policy informs 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.
- **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.
- **Keep *Personal Data* safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) should be encrypted and password protected before they are removed from the 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.
- **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.
- **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 & the Data Commissioner's 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 & the Data Commissioner's 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.

Scope

Purpose of the Policy: The Data Protection Acts 1988 to 2018 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, 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.

Other Legal Obligations

Implementation of this policy takes into account **Scoil Mhuire Community 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
- 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).
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Relationship to the School’s Mission Statement

This Policy has been developed in line with our **Mission Statement** which says;

Scoil Mhuire is a Community School consisting of Staff, Students, Parents and Management. As a centre for the formation of youth its aim is to strive for a more Christian and just society. To provide a warm and caring environment where students are taught to respect the dignity of each person and to develop their own sense of worth and self-esteem.

It seeks to provide a disciplined atmosphere in which students can work and develop their talents to the best of their abilities. All are expected to strive for excellence in all their pursuits whether academic or non- academic. Scoil Mhuire works within the curriculum of the Department of Education and Science and provides extra-curricular activities aiming at the growth of the whole person.

Students are encouraged to develop their academic, intuitive and creative gifts to enable them to live their lives to the full and contribute in a positive way to the society of which they are a part. The school continually re-examines its goals and objectives and responds in a creative way to the demands of changing times.

Scoil Mhuire Community School seeks to;

- enable each person to develop their full potential.
- provide a safe, caring and secure environment for learning.
- promote inclusion and respect for the diversity of values, beliefs, traditions, languages and ways of life in society.
- encourage reflection and learning.

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 2. Data Controller

In this section, we give you further information about us as a data controller.

- 2.1 Scoil Mhuire Community School's Board of Management is the data controller. Our address and contact details are; Scoil Mhuire Community School, Clane, Naas, Co. Kildare. Contact details; 045 868121. Scoil Mhuire Community School provides post primary level education and adult education. Our core functions are detailed in the *Deed of Trust, First Schedule-Instrument of Management and Second Schedule-Articles of Management* for Community Schools. These responsibilities are further modified and/or enhanced by the Education Act, 1998, subsequent legislation and other legal and statutory obligations as may be imposed on community schools from time to time.
- 2.2 Scoil Mhuire has developed this Data Protection Policy in order to supplement our Privacy Notice(s). This is in order to be transparent and accountable to data subjects in relation to the processing of their personal data.
- 2.3 This Policy applies to all the stakeholders of Scoil Mhuire Community School. i.e. Students, Parents, Staff, Service Providers etc.
- 2.4 In this Data Protection Policy, the following terms are given the following meanings¹:
 - 2.4.1 **"Article"** means the corresponding Article in General Data Protection Regulations. Unless the context otherwise requires, a reference in this document to a numbered Article is a reference to the Article so numbered of the Data Protection Regulation.
 - 2.4.2 **"binding corporate rules"** means personal data protection policies which are adhered to by a controller or processor established on the territory of a Member State for transfers or a set of transfers of personal data to a controller or processor in one or more third countries within a group of undertakings, or group of enterprises engaged in a joint economic activity;
 - 2.4.3 **"biometric data"** means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;
 - 2.4.4 **"child"** For the purposes of the application of the Data Protection Regulation in the State, a reference to "child" shall be taken to be a reference to a person under the age of 18 years.
 - 2.4.5 **"controller"** and/or **"data controller"** means Scoil Mhuire being the legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law
 - 2.4.6 **"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;
"consent of child in relation to information society services" (1) The age of a child specified for the purposes of Article 8 is 16 years of age. (2) For the purposes of the application of Article 8 in the State, the reference in that Article to "information society services" does not include a reference to preventative or counselling services.
 - 2.4.7 **"cross-border processing"** means either: (a) processing of personal data which takes place in the context of the activities of establishments in more than one Member State of a controller or processor in the Union where the controller or processor is established in more than one Member State; or (b) processing of personal data which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.
 - 2.4.8 **"data concerning health"** means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;
 - 2.4.9 **"enterprise"** means a natural or legal person engaged in an economic activity, irrespective of its legal form, including partnerships or associations regularly engaged in an economic activity;

¹ Definitions taken from Article 6 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 ("GDPR").

- 2.4.10 “**filing system**” or “**relevant filing system**” means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;
- 2.4.11 “**GDPR**” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
- 2.4.12 “**genetic data**” means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;
- 2.4.13 “**group of undertakings**” means a controlling undertaking and its controlled undertakings;
- 2.4.14 “**information society service**” means a service as defined in point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council;
- 2.4.15 “**international organisation**” means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries.
- 2.4.16 “**legal obligation**” means the meaning assigned to that phrase in Article 6(1)(c) GDPR: “processing is necessary for compliance with a legal obligation to which the controller is subject”
- 2.4.17 “**main establishment**” means: (a) as regards a controller with establishments in more than one Member State, the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in which case the establishment having taken such decisions is to be considered to be the main establishment; (b) as regards a processor with establishments in more than one Member State, the place of its central administration in the Union, or, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take place to the extent that the processor is subject to specific obligations under this Regulation;
- 2.4.18 “**personal data**” means any information relating to an identified or identifiable natural person (a “**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;
- 2.4.19 “**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 transmitted, stored or otherwise processed;
- 2.4.20 “**Preventative or occupational medicine**” has the meaning given to it in Article 9(2)(h) GDPR, namely that “processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3”;
- 2.4.21 “**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;
- 2.4.22 “**processor**” means an individual who, or a legal person, public authority, agency or other body that, processes personal data on behalf of a controller, but does not include an employee of a controller who processes such data in the course of his or her employment;
- 2.4.23 “**profiling**” means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;
- 2.4.24 “**pseudonymisation**” means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;
- 2.4.25 “**Public Interest**” means the definition taken from Article 6(1)(e), specifically that the 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;

- 2.4.26 “**rectification**”, of or in relation to personal data, includes, where the data concerned are incomplete, the completion of the data, whether by means of a supplementary statement or otherwise;
- 2.4.27 “**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. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;
- 2.4.28 “**relevant and reasoned objection**” means an objection to a draft decision as to whether there is an infringement of this Regulation, or whether envisaged action in relation to the controller or processor complies with this Regulation, which clearly demonstrates the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and, where applicable, the free flow of personal data within the Union;
- 2.4.29 “**representative**” means a natural or legal person established in the Union who, designated by the controller or processor in writing pursuant to Article 27, represents the controller or processor with regard to their respective obligations under this Regulation;
- 2.4.30 “**restriction of processing**” means the marking of stored personal data with the aim of limiting their processing in the future;
- 2.4.31 “**special categories of data**” means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation;
- 2.4.32 “**supervisory authority**” means an independent public authority which is established by a Member State pursuant to Article 51;
- 2.4.33 “**Substantial Public Interest**” means the definition taken from Article 9(2)(g), specifically that the processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- 2.4.34 “**supervisory authority concerned**” means a supervisory authority which is concerned by the processing of personal data because: (a) the controller or processor is established on the territory of the Member State of that supervisory authority; (b) data subjects residing in the Member State of that supervisory authority are substantially affected or likely to be substantially affected by the processing; or (c) a complaint has been lodged with that supervisory authority;
- 2.4.35 “**third party**” means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;
- 2.4.36 “**Vital interests**” means the definition taken from Article 6(1) (d), that the processing is necessary in order to protect the vital interests of the data subject or of another natural person.

[Note: Definitions are accurate at 1st October 2018, Irish Data Protection Act 2018]

Section 3. Personal Data and legal basis

In this section, we give you more information about the type of personal data we collect and the purposes for that data-collection. We also give you more information about what we do with that data, and the lawful basis relied upon. We give more detail around whether the provision of personal data is optional or required.

	Type of personal data	Purposes and whether providing the data is optional or required.	Legal basis
	STUDENT DATA		
1.	Identity and contact details		
	<ul style="list-style-type: none"> • name • address and contact details (to include phone numbers and email addresses) • family details (In the case of students who are under 18 years at the time of enrolment, we collect the name, address, and contact details of parents/guardians). • gender • date of birth 	<p>Optional or required?</p> <p>Required: Without this information, we cannot identify you, or contact you, or enrol you in order to deliver educational services to you.</p> <p>Purposes: Scoil Mhuire Community School adds this personal data to their system in order to add them to the academic register, contact the student about their course, allocate the student to a particular class/programme group, to contact parents/guardians:</p> <ul style="list-style-type: none"> • in case of an emergency (ill-health or injury), • to notify you of school closure (e.g. adverse weather conditions), • to notify parents/guardians of their child's non-attendance or late attendance, • to notify parents/guardians of any other issues relating to their child's welfare or conduct in school, • to communicate with you in relation to your child's social, emotional and educational progress • for other administrative and management tasks. <p>Pursuant to section 9(g) of the Education Act 1998, we will communicate all matters related to a student's progress with his/her parent/guardian until such time that s/he attains 18-years-of-age and</p>	<p>Legal obligation: specifically, section 20 Education Act 1998 that requires a school register to be established and maintained, being a register of all students attending that school.</p> <p>Compliance with a Legal Obligation: in exercise of Scoil Mhuire's official functions and to ensure that Scoil Mhuire Community School is in a position to discharge its duty of care to the student.</p> <p>Under section 9(g) of the Education Act 1998, all schools are under a duty to <i>"ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education."</i></p> <p>Public Interest/Substantial Public Interest: Specifically in respect of education for those under 18 years old, that a child's right to education is recognised under international law: UN Convention on the Rights of the Child: Article 28: "State Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in</p>

		<p>thereafter until s/he completes their Leaving Certificate unless instructed otherwise by the student. Said communications may include written, oral and electronic communications so as to notify the recipient about other events, <i>e.g.</i> parent teacher meetings, sports days, school concerts/events, arrangements for academic registration, class details, start dates, book lists, subject-selection, school trips etc.</p>	<p>particular: (a) Make primary education compulsory and available free to all, (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; Specifically, in respect of education for those over 18 years, the substantial public interests in giving individuals a second chance to obtain education and training and to “promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education” (section 6(d) Education Act 1998), to enhance their future career and personal development opportunities, facilitate greater social inclusion, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.</p> <p>Vital interests: To enable parent/guardians to be contacted in the case of emergency etc. or to inform parents of their child’s educational progress or to inform parents of school events etc.</p>
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2.	Application information		
	<ul style="list-style-type: none"> • Application Form • Student Transfer Forms (applications to transfer from one second-level school to another). <p>These Forms require the applicant to provide the following types of personal data:</p> <ul style="list-style-type: none"> • Name • Address • Date of birth • Contact details (including postal address, mobile phone number, email address etc.). • Parent/guardians' contact details (if applicant is under 18 years) including postal address, mobile phone number, email address etc. • For established Schools: position in family and whether other siblings already in the school. • Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student. • Other relevant information required in order to ascertain whether the student meets the published Admissions Policy operated by the Scoil Mhuire Community School and/or otherwise meets the acceptance criteria for the course/programme. 	<p>Optional or required?</p> <p>Required: We cannot deal with your application, or determine whether you meet the admissions criteria set out in the admissions policy and/or otherwise meets the eligibility requirements if we do not have this information.</p> <p>Purposes: Scoil Mhuire Community School publishes its admissions policy and/or programme of available courses, together with any relevant eligibility requirements. In addition, in certain limited situations, students apply to transfer from one post-primary school to another, in which case the student (or his/her parent/guardian) submits a Student Transfer Form. Prospective students (and/or their parents if the prospective student is under 18 years old), are invited to submit an Application Form to our school if they are interested in attending. Scoil Mhuire Community School processes these Application Forms to establish whether each applicant meets the admissions criteria set out in the admissions policy and/or</p>	<p>Compliance with a Legal Obligation: In the case of an established school (primary and post-primary), Youthreach centres, other centres of education³, processing is necessary for compliance with a legal obligation to which the controller is subject, specifically, that collecting of personal data relating to the admissions/enrolment process is required per Section 9(m) Education Act 1998⁴, Section 15(2)(d) Education Act 1998⁵, and Section 19 Education Welfare Act 2000⁶.</p> <p>Contract: In the case of further education, adult education, processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</p> <p>Public Interest/Substantial Public Interest: Specifically (a) in respect of education for those under 18 years old, that a child's right to education is recognised under international law⁷ and (b) in respect of</p>

² As defined in section 2(1) Education Act 1998

³ As defined in section 2(1) Education Act 1998

⁴ Requires that a school establish and maintain an admissions policy which provides for maximum accessibility to the school.

⁵ Requires the board to publish the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the admission to and participation by students with disabilities or who have other special educational needs, and to ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected, having regard to the characteristic spirit of the school.

⁶ Provides that the Board of Management shall not refuse to admit a student except where such refusal is in accordance with the admission policy of the school concerned.

⁷ UN Convention on the Rights of the Child: Article 28: "State Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all,

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

		<p>otherwise meets the eligibility requirements. Successful applicants are offered placements and the enrolment process then begins. The completed Application Forms are placed on the student's file. The personal data is then used by Scoil Mhuire Community School for the enrolment process, including communicating to the student about their start date, course details, book list/reading list, information about fees, information about grants and scholarships, and other information relating to registration and course administration. For further information see "Enrolment information" below.</p>	<p>education for those over 18 years, the substantial public interests in giving individuals a second chance to obtain education and training and to "<i>promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education</i>"⁸, to enhance their future career and personal development opportunities, facilitate greater social inclusion, on the basis of Union or Member State which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.</p>
3.	Enrolment information		
	<p>Once the school has accepted the student's application, and has offered the student a place, in addition to retaining the information set out in the "Application Form" section above, the following personal data is collected:</p> <ul style="list-style-type: none"> • Emergency contact details (and the details re their relationship to the student) • Details of any relevant medical information and details of the student's GP (to be contacted in case of emergency) • Details of any court orders or other arrangements in place governing access to or custody of the child. 	<p>Optional or required?</p> <p>Required: We cannot meet our statutory obligation to deliver appropriate education to students and/or we cannot satisfy our duty of care to the student without this information.</p> <p>Purposes: to ensure we know who to contact in case of an emergency, to ensure that we have any relevant information as may be necessary to preserve the student's health, to meet the child's medical/care needs, to ensure that the child is released to the care of the correct person at the end</p>	<p>Compliance with a Legal Obligation: in exercise of Scoil Mhuire's official functions and to ensure that Scoil Mhuire Community School is in a position to discharge its duty of care to the student.</p> <p>Compliance with a Legal Obligation: to vindicate the student's right to an inclusive education per Education for Persons with Special Educational Needs Act 2004.</p>

(c) Make higher education accessible to all on the basis of capacity by every appropriate means,
(d) Make educational and vocational information and guidance available and accessible to all children;
(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates".

⁸ Section 6(d) Education Act 1998.

	<ul style="list-style-type: none"> Details of any special needs/medical needs that need to be accommodated, e.g. medical assessment, psychological assessment/report. Details of whether the student has been in receipt of learning support. Details of whether the student been granted resource teaching hours and/or special needs assistance hours by the NCSE. Details of whether the student received EAL (English as an Additional Language) support. These are required for the purposes of making application to the DES for allocation of resources to support the student in his/her learning. Information on previous academic record Details re whether the student is exempt from studying Irish (e.g. received primary school up to 11 years of age outside Ireland, evidence of disability, student from abroad etc.). Further details on exemptions and the documentation required to be exhibited to obtain same are available at www.education.ie/en/Parents/Information/Irish-Exemption Consent to standardised testing (for the purposes of assessing literacy/numeracy progress, for Reasonable Accommodation in State Examinations, for assisting in referrals to NEPS, and for career guidance etc. 	<p>of the School day, to apply for resources for the student, to deliver education appropriate to the needs of the student, to ascertain whether the student is exempt from the study of Irish (and to arrange the student's timetabling accordingly), to assess the student's educational progress and apply for appropriate accommodation and/or therapeutic support where required.</p>	<p>Public Interest/Substantial Public Interest: see (2) above.</p> <p>Vital interests: To enable the school to respond appropriately to the needs of the student in order to protect the student's vital interests.</p>
4.	At Enrolment Stage		
(a)	CCTV images	<p>Optional or required?</p> <p>Required: for the purposes outlined in our CCTV Policy, a copy of which is available at www.scoilmhuireclane.ie</p> <p>Purposes: CCTV is in operation on the exterior of the school building, certain internal common areas and corridors within the premises. The purposes of CCTV are set out in the CCTV Policy.</p>	<p>Vital Interests: specifically, the right of Scoil Mhuire Community School to protect its property and equipment, and its duty to ensure a safe place of work and study for all who come on to the premises.</p> <p>Public interest/substantial public interest, specifically to ensure that the property of Scoil Mhuire Community School is protected, deter crime, to detect/investigate/prosecute crime, and to take appropriate action to protect staff and students.</p>

	At enrolment stage, the following is also sought on the basis of Consent:		
(b)	Parental/student preferences regarding direct marketing contacts (e.g. promotions, etc.). If they chose to receive such direct marketing, then we will collect mobile phone numbers and/or email addresses for direct marketing purposes.	Optional or required? Optional: you are not required to submit this personal data to us if you do not wish to be contacted for direct marketing. Purposes: this is so that we know whether we can contact you for the purposes of direct marketing.	Consent: You can give explicit consent to the processing of your personal data for direct marketing if you wish, but this is purely optional. Where you give consent, that consent can be withdrawn at any time.
(c)	Photographs and recorded images of students (including at school events and noting achievements), but excluding CCTV recordings (dealt with above).	Optional or required? Optional: you are not required to submit this personal data to us if you do not wish to do so. Purposes: From time to time, photos and recorded images will be processed at school events. Photographs, and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, operate the school App, record school events, and to keep a record of the history of the school. We ask you for your consent to take your photograph (or the photographs of your child, where appropriate) or your consent to any other form of visual or audio recording (e.g. video, audio etc.) (but excluding CCTV recordings that are dealt with separately below. For further information, please also see our CCTV Policy, a copy of which is available at www.scoilmhuireslane.ie)	Consent: You are asked to give your explicit consent to the processing of those personal data. This consent can be withdrawn at any time.
5.	Information transferred from primary school		
	Education Passport (end-of-year 6 th Class Report card for transferring to post-primary school),	Optional or required? Required: this is required under the Education (Welfare) Act 2000. We cannot deliver appropriate education to students and/or we cannot satisfy our duty of care to the student without this information.	Compliance with a Legal Obligation: specifically, that processing the personal data is required pursuant to section 20(5)(b) Education (Welfare) Act 2000 ⁹ .

		<p>Purposes: The Education Passport is prepared by primary schools as the end-of-year 6th Class Report card for transferring to post-primary school. The NCCA template states: <i>“to support your child’s move to post-primary school, we will send a copy of this report card to his/her new school. We will do so after the post-primary principal has confirmed your child’s enrolment for the new school year”</i>. The protocols supporting this process are set out in DES Circulars 42/2015 and 34/2016.</p>	
6.	Student data (including special category data) shared with the Department of Education and Skills via POD & P-POD		
	<p>The following personal data is transferred to DES:</p> <ul style="list-style-type: none"> • Forename and surname; • PPS number • Mother’s birth name • Student’s date of birth • Class (teacher/class name) • Current Standard (e.g. 1st Year etc). • Gender • Address including Eircode • Nationality • Enrolment Date • Enrolment Source • Leaving date • Leaving destination • If the student is in a class for students with Special Educational needs, and if so the level of integration of the student, if any, in mainstream class settings • If the student is in a special class, and if so the type of special class, 	<p>Optional or required?</p> <p>Required. However, if this personal data is not provided by the parent/guardian, then the pupil will not be counted for the school’s capitation payment and teacher allocation (unless the parent submits a written letter of objection, in which case a partial record will be created for that pupil on POD and that pupil will be counted for capitation purposes. For further information, please see www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0038_2016.pdf)</p> <p>Purpose: For each primary and post-primary student, personal data is requested by the Department of Education and Skills - POD, P-POD etc: The Department of Education and Skills requires Scoil Mhuire Community School to provide student data information to the Department of Education and Skills¹⁰. The</p>	<p>Legal obligation and Public interests/substantial public interests: specifically, that Scoil Mhuire Community School is properly resourced and obtains all grant payments and teacher allocations to which it is eligible in order to deliver appropriate education to students. A specified body (which includes an established school) may share any prescribed information with the Department of Education and Skills or the HEA per section 262(6)(a) Social Welfare Consolidation Act 2005. The list set out herein is the “prescribed” information for the purposes of section 266 Social Welfare Consolidation Act 2005 and S.I.317/2015 (“Social Welfare (Consolidated Claims, Payments and Control) Amendments (No.4) (Sharing of Information) Regulation 2015, amending Article 189 of the Social Welfare</p>

⁹ Section 20(5) Education Act 1998: The principal of a recognised school shall, on receiving a notification under subsection (3) in relation to a child, notify the principal of the school first-mentioned in that subsection of—(a) any problems relating to school attendance that the child concerned had while attending the second-mentioned school referred to therein, and (b) such other matters relating to the child’s educational progress as he or she considers appropriate.

¹⁰ Post-Primary Schools, see Circular 0023/2016 available at www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0023_2016.pdf.

	<ul style="list-style-type: none"> • If the student is in a special school and if so the category of capitation grant that is paid in respect of that student, • Is a new entrant, is repeating a year (and if so, why) • If the student is a short-term placement and if so the duration for which he/she is enrolled • Whether the student boards at his/her school • Irish Exemption (if any, and if so the reason for same) • Learning support (including type) • Mainstream or special class • Whether the Pupil's mother tongue is English or Irish* • Ethnic/Cultural background* • Religion* <p>* The items marked * are optional, and parents/guardians do not have to supply this information if they do not consent.</p>	<p>Department of Education and Skills uses this data to monitor educational progress as pupils move through the primary education system and on to post-primary. The returns provide the Department of Education and Skills with the information needed to develop and evaluate educational policy, to calculate teacher allocation, capitation, grant payments for schools, to determine resource allocation, for statistical analysis and reporting in the areas of social inclusion and integration of students in the education system, and for planning purposes. Scoil Mhuire Community School collects personal data to be transferred to the Department of Education and Skills via the Post-Primary Online Database ("P- POD") systems).</p>	<p>(Consolidated Claims, Payments and Control) Regulations 2007 S.I.142/2007</p> <p>Explicit Consent: In respect of the following classes of personal data: "Whether the Pupil's mother tongue is English or Irish, Ethnic/Cultural background, Religion, the student's parent/guardian is asked to give their explicit consent to the processing of those personal data.</p> <p>Important note to Students and parents: if a student or parent wishes to object to their data being shared with the Department of Education and Skills via the P-POD system, they should write to the School notifying them of their objection. For further information, see Department of Education and Skills Circular 37/2016, page 2 (paragraph 2(a)).</p>
7.	Section 29 Appeals under the Education Act 1998		
	<p>Section 29 Appeals documentation (permanent exclusion, suspension, refusal to enrol etc). The type of personal data that will be processed as part of this process will include those documents as recommended in the NEWB document: "Developing a Code of Behaviour: Guidelines for Schools", available at:</p> <p>www.tusla.ie/uploads/content/guidelines_school_codes_eng.pdf</p>	<p>Optional or required?</p> <p>Required: This is a statutory process outlined at section 29 Education Act 1998. Where a parent makes a section 29 Appeal, by progressing with the appeal the parent acknowledges and understands that the personal data relating to them/their child shall be transferred by Scoil Mhuire Community School to the Department of Education and Skills for the purposes of their administering the appeal, convening the section 29 hearing etc.</p> <p>Purposes: Section 29 Appeals documentation (permanent exclusion, suspension, refusal to enrol</p>	<p>Compliance with a Legal Obligation: specifically, section 29 Education Act 1998.</p> <p>Public Interest/Substantial Public Interest: Specifically the public interest/substantial public interest of</p> <ul style="list-style-type: none"> • vindicating a child's right to education and ensuring that any decision to expel, suspend, or refusal to enrol, is lawful and proportionate. • to ensure that other students do not have their learning seriously disrupted by misbehaviour of other students.

		<p>etc). By submitting an appeal, a parent/guardian understands and acknowledges that their personal data and that relating to their child data will be transferred to the DES and processed by that committee for the purposes of hearing their appeal and issuing its determination.</p>	<ul style="list-style-type: none"> To ensure that another student's misbehaviour/dangerous behaviour does not cause distress, anxiety, or pose a threat to the physical safety of other students and staff. <p>Vital interests: specifically, to ensure that students and staff are not subjected to potentially dangerous or violent behaviour from another student.</p>
8.	<p>Student data (including special category data) sought under the Programme Learner Support System (PLSS)</p>		
	<p>PLSS: When you apply to attend a Scoil Mhuire course/programme or one funded through SOLAS</p> <p>When you apply to attend one of these courses/programmes, personal data and information that you provide will be held by one or more of the following entities (SOLAS, the Higher Education Authority, ITEC, the Department of Education and Skills, Quality and Qualifications Ireland(QQI), ECDL the Department of Social Protection, CSO):</p> <ul style="list-style-type: none"> PPSN First Name Last Name Gender Date of Birth Address County Email address Mobile Phone Nationality Country of Birth 	<p>Optional or required? Required.</p> <p>Purpose: it is necessary to process personal data you provide in connection with your application to and attendance on a course/programme including one funded through SOLAS:</p> <ol style="list-style-type: none"> To contact you about the application. To administer the application and to assess your eligibility for a programme funded through SOLAS in a particular academic year. To follow up with you after the application is received, as required. Maintenance of your learner record (including personal and course details). Management of course processes (including commencement, completion, progressions). Providing advice and support through the ITEC provider Guidance Services, where available. To contact you after the course completion in order to measure course impact in relation to your further education and training participation and/or employment. 	<p>Legal obligation: European Social Fund Regulation (EU) 1304/2013 of the European Parliament and of the Council 17 December 2013 ("ESF Regulation"). Under the ESF Regulation, SOLAS (under the aegis of the DES) has responsibility for coordinating FET provision in Ireland. SOLAS has a number of statutory obligations under the ESF Regulation which confers reporting and operational functions on SOLAS. In order to receive funding, SOLAS must evaluate FET provision for the purposes of reporting to the European Commission on the benefits and uses of ESF co-funding which Ireland has received. An aim of the ESF Regulation is to ensure that the societal and FET needs of various groups within society are catered to. The European Commission requires annual reports to evaluate the provision of ESF co-funding (i.e. the effectiveness and advantages) and to ensure that no group in society is being discriminated against. To do</p>

	<ul style="list-style-type: none"> Follow Up Consent Parental Consent for Persons Under 18 Years of Age Parental Details for Persons Under 18 Years of Age <p>Sensitive information about you such as ethnic or cultural background, living circumstances may be requested by a data controller, which you may freely decide to give or not – this is an entirely optional disclosure</p> <p>Please refer to www.clanesm.com for additional information in this area.</p>	<p>8. To track, evaluate and assess the outcomes of the courses/programmes.</p> <p>9. To comply with European Union monitoring and reporting requirements.</p> <p>10. To check/verify the accuracy of your personal data: to support efficient processing of the application, Scoil Mhuire Community School may need to check the accuracy of personal information you provide with external data sources. For example, if you have achieved certifications previously from another institution, the programme provider may need to contact the other institution(s) for confirmation of any qualifications obtained.</p>	<p>this, a complete data set must exist which captures the multiple variables of personal data (e.g. gender, employment status, age, education level and household situation) to form representative of examples for the purposes of reporting on and evaluating the provision of ESF co-funding.</p> <p>Article 125(d) states that SOLAS (as managing authority) shall, 'establish a system to record and store in computerised form data on each operation necessary for monitoring, evaluation, financial management, verification and audit, <u>including data on individual participants</u> in operations, where applicable' (emphasis added).</p>
9.	Academic progress and other personal data gathered during the student's time in the School/education centre		
(a)	<ul style="list-style-type: none"> Academic progress and results, State exam results, Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results), Continuous assessment and end of term/year reports, 	<p>Optional or required?</p> <p>Required: We cannot meet our statutory obligation to deliver appropriate education to students and/or we cannot satisfy our duty of care to the student without this information.</p> <p>Purposes: Scoil Mhuire Community School processes this personal data in order to deliver education to students, and to evaluate students' academic progress, to register the student for State Examinations (Junior Cycle, Leaving Certificate) to submit the students' work to the recognised accrediting body etc.</p>	<p>Compliance with a Legal Obligation: specifically, Education Act 1998; European Social Fund Regulation (EU) 1304/2013 of the European Parliament and of the Council 17 December 2013. Programme for Employability, Inclusion and Learning 2014-2020</p>

(b)	Attendance records including Registers and Roll books etc.	<p>Optional or required?</p> <p>Required: We are required to collect this data (and in certain situations, transfer this data to TUSLA) pursuant to the Education (Welfare) Act 2000.</p> <p>Purposes: Scoil Mhuire Community School monitors attendance records. Schools are required to make statutory notifications to the Education Welfare Officer (TUSLA) in certain circumstances, such as where the student is suspended for 6 days or more, where the student is absent for an aggregate period of 20 school days during the course of the year, and/or if the Principal is of the opinion that the student is not attending school regularly.</p>	<p>Compliance with a Legal Obligation: specifically, section 21 Education (Welfare) Act 2000¹².</p> <p>Public Interest/Substantial Public Interest: specifically the public interest/substantial public interest of ensuring that students are attending their course, to increase the number of young people staying in full-time education, to improve the number of students successfully completing education courses, and to have a positive impact on retention for young people at risk of early school leaving.</p>
(c)	Records of school tours/trips, including permission slips, itinerary reports, any documents required by Irish Border Control/INIS ¹³ .	<p>Optional or required?</p> <p>Required: Although going on school tours/trips etc is generally optional (unless it is a field trip and is a core part of the course) if the student does choose to attend, then we require this information in order to make appropriate travel/transportation arrangements, arrange appropriate supervision ratios, engage in responsible planning for the event.</p> <p>Purposes: From time to time, students will be invited to go on tours or trips arranged by Scoil Mhuire Community School. Where a student wishes to do so, personal data will be processed for the purposes of organising that trip, arranging travel plans, insurance etc.</p>	<p>Explicit Consent: as stated, going on these school tours/trips etc is generally optional. The data subject (and/or their parent/guardian) has given explicit consent to the processing of those personal data.</p>

¹² 21.—(1) The principal of a recognised school shall cause to be maintained in respect of each school year a record of the attendance or non-attendance on each school day of each student registered at that school. (2) A record maintained under subsection (1) shall specify the following, that is to say: (a) where a student attends at the school concerned on a school day, the fact of his or her attendance, or (b) where a student fails to so attend, the fact of his or her failure and the reasons for such failure. (3) A record to which this section applies shall be maintained at the recognised school concerned and shall be in such form as may be specified by the Board.

¹³ <http://www.inis.gov.ie/en/INIS/Pages/travel-with-children>

(d)	Garda vetting form & outcome on students on work experience	<p>Optional or required?</p> <p>Required: Although engaging in work placements is generally not mandatory, if a student wishes to engage with these programmes, statutory vetting may be required. The statutory process for vetting is set down in National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (as amended).</p> <p>Purposes: 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.</p>	<p>Explicit Consent: the data subject (and/or their parent/guardian) has given explicit consent to the processing of that personal data.</p>
(e)	Information about language spoken (for language support) and eligibility for Irish exemption.	<p>Optional or required?</p> <p>Required: Information is gathered about the language spoken by the student. Without this, Scoil Mhuire Community School will not know how to meet the student's needs and to deliver appropriate education.</p> <p>Purpose: This is collected to ensure the student has access to language support (where necessary) and can apply for Irish exemption if eligible.</p> <p>Important Note: Separately to this, if the student is a post-primary student, the Department of Education and Skills asks Schools to return information about whether the pupil's mother tongue is English or Irish as part of POD/P-POD. This is only provided by the student's parents on an optional basis. For further information, see (6) above.</p>	<p>Interest/Substantial Public Interest: specifically, the public interest/substantial public interest of ensuring that students receive all learning supports and exemptions for which they are eligible in order to ensure that they fulfil their potential to the fullest extent possible.</p>

(f)	<p>Special needs data, educational support records, medical data etc.</p> <p>Scoil Mhuire Community School collects information relating to any special educational needs, psychological assessments/reports, information about resource teaching hours and/or special needs assistance hours, etc.</p> <ul style="list-style-type: none"> • Psychological assessments, • Special Education Needs' files, reviews, correspondence • Individual Education Plans, • Notes relating to inter-agency meetings, • Medical information (including details of any medical condition and/or medication/treatment required) • Disclaimers (signed by students undergoing beauty treatments), • Psychological, psychiatric and/or medical assessments 	<p>Optional or required?</p> <p>Required: Information is gathered about the student special educational needs and/or other medical and/or care needs. Without this, Scoil Mhuire Community School will not know what resources need to be put in place in order to meet the student's needs and to deliver appropriate education in-keeping with its statutory obligations under Education for Persons with Special Educational Needs Act 2004.</p> <p>Purpose: This is in order to assess their needs, determine whether resources can be obtained and/or made available to support those needs, and to develop individual education plans. Schools are also required to share this personal data with Special Educational Needs Organisers ("SENs") employed by the National Council for Special Education (the statutory agency established under the Education for Persons with Special Educational Needs Act 2004. 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 ("SENs")) such information as the Council may from time to time reasonably request.</p>	<p>Compliance with a Legal Obligation: specifically, the Education Act 1998 and the Education for Persons with Special Educational Needs Act 2004.</p> <p>Public Interest/Substantial Public Interest: specifically, to give "<i>practical effect to the constitutional rights of children, including children who have a disability or who have other special educational needs as they relate to education</i>"¹⁴, and to provide that, "<i>as far as practicable and having regard to the resources available, there is made available to students a level and quality of education appropriate to meeting</i>" their needs and abilities¹⁵, and to promote "<i>equality of access to and participation in education and to promote the means whereby students may benefit from education</i>"¹⁶. This is order to ensure that people with special educational needs have the same right to avail of and benefit from appropriate education in an inclusive and supportive environment¹⁷.</p>
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¹⁴ Section 6(a) Education Act 1998.

¹⁵ Section 6(b) Education Act 1998.

¹⁶ Section 6(c) Education Act 1998.

¹⁷ Education for Persons with Special Educational Needs Act 2004

(g)	<p>Child protection, child welfare, counselling and pastoral care records.</p> <ul style="list-style-type: none"> • Child protection records • Other records relating to child welfare and safeguarding • Notes of guidance counsellor • Psychological service notes • Referrals to/records relating to therapeutic services and other interventions • Minutes, notes and other records concerning Student Support Team/Pastoral Care Team Meetings • Meitheal meetings convened by TUSLA under Child Care Act 1991, Children Act 2001, and the Child and Family Agency Act 2013 	<p>Optional or required? Required: This information is processed pursuant to Scoil Mhuire Community School's legal obligations including its duty of care, and those statutory duties set out under Children First 2015, the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, DES Circular 0081/2017 and Child Protection Guidelines.</p> <p>Purpose: Schools and their staff have legal responsibilities to report actual or suspected child abuse or neglect to the Child & Family Agency ("TUSLA") and to An Garda Síochána. Scoil Mhuire Community School also provide students with access to guidance counselling services and/or psychological services to provide supports to students, resolve behavioural, motivational, emotional and cognitive difficulties through assessment and therapeutic intervention, to engage in preventative work etc. This personal data (and special category personal data) may be shared with third parties for the purpose of the school complying with its legal obligations and/or in the student's vital interest.</p>	<p><u>In relation to child protection and child safeguarding etc:</u> Compliance with legal obligation: Specifically, section 14 Children First Act 2015, section 2 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and DES Circular 0081/2017 and Child Protection Guidelines.</p> <p>Substantial public interest: specifically, the duty of care owed by the school to the student and other children, and the substantial public interest in safeguarding children (particularly children at risk), ensuring high standards of child welfare, and ensuring children's physical and emotional needs are met. To meet the educational, social, physical and emotional requirements of the student.</p> <p><u>In relation to the guidance counsellor, psychological services. Student Support Meetings:</u> Vital interests: to protect the student's vital interests, specifically to obtain all necessary support to assist them and support them where they are experiencing issues with mental health, wellbeing, addiction, abuse etc.</p> <p>Legal obligation: in exercise of the school's official functions and to ensure that Scoil Mhuire Community School is in a position to discharge its duty of care to the student and to other students and staff.</p> <p>Public interest/substantial public interest: specifically to vindicate the student's right to participate in education, to assist them in exercising that right, to support students at risk of dropping out to obtain all necessary supports to stay in education or training, to enhance their future career and personal development opportunities, to facilitate greater social inclusion.</p>
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(h)	<p>Internal school processes (including anti-bullying processes and disciplinary processes)</p> <ul style="list-style-type: none"> • Records of complaints made by parents/guardians and others. • Records relating bullying investigations. • Records relating to Code of Behaviour, expulsion, suspension etc. 	<p>Optional or required?</p> <p>Required: This information is processed pursuant to the school's duty of care to its students, and to comply with relevant Circulars issued by the Department of Education and Skills from time to time, and in order for the school to deliver an efficient and appropriate service.</p> <p>Purpose: Scoil Mhuire Community School have adopted an agreed Code of Practice as part of its Code of Behaviour for dealing with complaints made by parents/guardians of a student or by a student (over 18) years. In addition, Scoil Mhuire Community School has a process in place to address bullying in accordance with the Department of Education and Skills Circular 45/2013, and to record any incidents and accidents. The data collected in these processes may be transferred to the State Claims Agency and/or legal advisors as appropriate where required for disputes resolution, fact verification, and for litigation purposes.</p>	<p>Legal obligation: in relation to matters relating to bullying and/or complaints of bullying, specifically the Anti-Bullying Procedures for Primary and Post-Primary Schools per Circular 0045/2013.</p> <p>Substantial public interest: specifically</p> <ul style="list-style-type: none"> • The substantial public interest in fostering a positive environment for parents, staff, to ensure that complaints are resolved in a prompt and satisfactory manner. • The duty of care owed by the school to the student and other children, and the substantial public interest in responding to complaints made against public bodies, to resolve issues relating to the welfare and wellbeing of children (particularly in relation to bullying), • To ensure high standards of child welfare and ensuring children's physical and emotional needs are met. • To meet the educational, social, physical and emotional requirements of the student. • vindicating a child's right to education • to ensure that other students do not have their learning seriously disrupted by misbehaviour of other students. • To ensure that another student's misbehaviour/dangerous behaviour does not cause distress, anxiety, or pose a threat to the physical safety of other students and staff. <p>Vital Interests: specifically the right of Scoil Mhuire Community School to protect its property and equipment, and its duty to ensure a safe place of work and study for all who come on to the premises.</p>
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(i)	Accident and injury reports <ul style="list-style-type: none"> • Accident reports Incident Report Forms • Notifications to the State Claims Agency and exchanges with legal advisors. 	Optional or required? Required: Without this information the school cannot properly comply with its duty to operate a safe environment for students and staff, its duty to identify and mitigate any potential risks, and its duty to report incidents/accidents to its insurance company. Purpose: The school has process in place to address complaints made by parents/guardians, to address bullying in accordance with the Department of Education and Skills Circular 45/2013, and to record any incidents and accidents. This may be transferred to the State Claims Agency and/or legal advisors as appropriate.	Vital interests: the processing is necessary in order to protect the vital interests of the data subject or of another natural person (to include other students and staff etc.). Public interest: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Scoil Mhuire Community School. Substantial public interest: in respect of special category personal data, specifically, the duty of care owed by Scoil Mhuire Community School to the student, other students, staff, and the substantial public interest in Scoil Mhuire Community School monitoring data about accidents/incidents (in particular, to ensure that any identified risk is removed or mitigated to prevent reoccurrence), the substantial public interest in Scoil Mhuire Community School reporting same to the State Claims Agency and/or legal advisors.
(j)	Financial information, fees etc. <ul style="list-style-type: none"> • Information relating to payment of student fees. • Scholarship/Grant applications (including Gaeltacht, book rental scheme etc.). 	Optional or required? Required: Without this information, we cannot process applications, receive payment of fees (e.g. course fees, school trips etc.). Purpose: This information is processed in order to process applications, receive payment of fees (e.g. course fees, school trips etc.). After completion of the payments, the documentation is retained for audit and verification purposes.	Exercise of official authority vested in the controller: the authority of the school to administer and facilitate the collection and/or transfer of payments related to the education being provided by the school. Public interest: the 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 school.

EMPLOYEE DATA			
1.	Employees, Volunteers, Board Members, Committee members etc.		
	Contact information and details <ul style="list-style-type: none"> • Name • address and contact details • emergency contact details • gender • date of birth 	Optional or required? <p>Required: Without this information, we cannot contact you about employment applications/appointment processes.</p> <p>Purpose: To contact employees, volunteers and board members. To issue employment contracts and/or letters of appointment. To comply with employment law requirements regarding issuance of statement of terms and conditions, adding you to the payroll system etc.</p>	<p>Contract: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment.</p> <p>Legal obligation: the processing is necessary for a legal obligation, specifically the obligations imposed on Scoil Mhuire Community School as an employer and/or under other relevant sectoral Circulars and legislation.</p> <p>Public interest, substantial public interest: the 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 school.</p>
2.	Employee application, recruitment and promotions documents		
	<ul style="list-style-type: none"> • CVs and applications (including unsolicited) • Selection criteria, • Interview Board Marking Scheme, • Interview Board marking sheet, • Interview Board Formal Notes, • Database of applications of candidates unsuccessful at interview, • Panel Recommendations by Interview Board, • Interview Process Assessment Board Report, • details of qualifications (including Teaching Council documentation), • References, • Letters of invitation to interview, correspondence relating to outcome (including responses to requests for feedback). 	Optional or required? <p>Required: Without this information, we cannot administer the selection and recruitment process.</p> <p>Purpose: To administer the selection and recruitment process, to convene interviews, to recruit staff, to inform participants of the outcome of the recruitment process, to issue letters of offer, to deal with request for feedback. For verification and dispute resolution purposes. To defend litigation.</p>	<p>Contract: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment.</p> <p>Legal obligation: the processing is necessary for a legal obligation, specifically the obligations imposed on Scoil Mhuire Community School as an employer and other relevant sectoral Circulars and legislation.</p> <p>Public interest, substantial public interest: the processing is necessary for the</p>

			performance of a task carried out in the public interest or in the exercise of official authority vested in Scoil Mhuire Community School and to ensure that recruitment is being conducted in fair and proper manner.
3.	Pre-employment vetting		
	Pre-employment checks: Garda vetting outcome and/or Teaching Council vetting document	<p>Optional or required?</p> <p>Required.</p> <p>Purpose: To comply with National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016. This processing is carried out only under the control of official authority (the National Vetting Bureau) and under Irish law (specifically, the 2012-2016 Acts referred to above) providing for appropriate safeguards for the rights and freedoms of data subjects.</p>	<p>Legal obligation: the processing is necessary for a legal obligation, specifically the vetting legislation, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 -2016, and all associated DES Circulars and guidance regarding vetting procedures and child protection.</p> <p>Public interest, substantial public interest: the 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 school, specifically to ensure those working in Scoil Mhuire Community School are suitable to work with children and/or vulnerable adults.</p>
4.	Pre-employment Medical records		
	<ul style="list-style-type: none"> • Occupational health referrals • Occupational health reports • Medical Records • Correspondence with data subject and clinicians • Any documentation regarding reasonable accommodation 	<p>Optional or required?</p> <p>Required to comply with DES occupational health requirements and for access to the occupational pension scheme.</p> <p>Purpose: To assess a person's fitness for a particular post or occupation having regard to the requirements of that post, to ensure they can perform the tasks associated with the role, to safeguard occupational health, to advise on reasonable accommodation, to comply with the following DES requirements: Occupational Health Advice on Medical Fitness to Teach (Published July 2008, revised October 2011) Occupational Health Service for Teachers and Special Needs Assistants – Standard Operating</p>	<p>Contract: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment.</p> <p>Legal obligation: the processing is necessary for a legal obligation, specifically the obligations imposed on the school as an employer under the Safety Health and Welfare at Work Act 2005, DES Circulars and manuals, and other relevant sectoral legislation.</p>

		<p>Procedures Manual (Publicised June 2015)</p> <p>Necessary for the purposes of accessing the occupational pension scheme; identifying pre-existing conditions in event of alleged work-related injury and litigation; for verification and dispute resolution purposes; for the purposes of litigation.</p>	<p>Public interest, substantial public interest:</p> <p>the 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 Scoil Mhuire Community School, and to ensure that employees are fit for work and to ensure occupational health is preserved.</p> <p>Employment: the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of Scoil Mhuire Community School and/or the data subject in the field of employment authorised by law and/or a collective agreement providing for appropriate safeguards for the fundamental rights and the interests of the data subject.</p>
5.	Employment terms, personnel files, payroll/salary details		
	<ul style="list-style-type: none"> • Contract for service or terms and conditions of employment, • general job description, • letter of appointment, • probation letters/forms, • "POR" applications and correspondence (whether successful or not), • details of Calculation of service, • promotions/POR assessment reports files, • Files relating to staff training, including Continuous Professional Development, PMDS, details of conferences/workshops attended, health and safety training, manual handling training etc. • Records of previous service (incl. correspondence with previous employers) 	<p>Optional or required?</p> <p>Required: Without this information, we cannot issue the employment contract, deal with your appointment/promotion, comply with other HR requirements etc.</p> <p>Purpose: To issue employment contracts and/or letters of appointment. To comply with employment law requirements.</p>	<p>Legal obligation: the processing is necessary for a legal obligation, specifically the Terms of Employment (Information) Acts 1994-2014.</p> <p>Public interest, substantial public interest:</p> <p>the 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 school, specifically to ensure that IR/HR is administered properly and effectively, and to ensure all staff are appropriately trained.</p> <p>Employment: the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the school and/or the data subject in the field of employment authorised by law and/or a collective agreement providing for appropriate safeguards for the fundamental rights and the interests of the data subject.</p>

6.	IR/HR workplace processes and litigation		
	<ul style="list-style-type: none"> • Disciplinary records and performance management records • Records relating to meetings relating to HR • Allegations/complaints • Industrial relations correspondence, minutes of meeting, reports, • Dignity at Work case files • Grievance case files and records, • Employee Assistance Programme referral letters • OHS: referral letters, management report, assessment, absence records etc. • Files relating to Workplace Relations Commission hearings (including ERS process), Labour Court hearings/appeals, Labour Court IR recommendations, Court processes etc. 	<p>Optional or required?</p> <p>Required: Without this information, we cannot issue the employment contract, deal with your appointment/promotion, comply with other HR requirements etc.</p> <p>Purpose: To issue employment contracts and/or letters of appointment. To comply with employment law requirements.</p>	<p>Legal obligation: to comply with the Industrial Relations Act 1990 Code of Practice on Grievance and Disciplinary Procedures (Declaration) Order 2000 (prepared by the Labour Relations Commission under section 42 Industrial Relations Act 1990), and to comply with DES Circular 71/2014.</p> <p>Public interest, substantial public interest: the 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 school, specifically to ensure (and demonstrate) that the school is being run in a proper manner, to properly address under-performance, disciplinary, grievance, bullying, harassment, and other work-related issues in the public sector in line with the nationally agreed procedures.</p>
7.	Records relating to leave and service		
(a)	<ul style="list-style-type: none"> • Leave of absence applications • Job share • Career Break • Maternity leave, (including records relating to maternity protection health and safety leave, the Maternity Pay Scheme), adoptive leave, paternity leave, parental leave, force majeure leave, carer's leave records • Working Time Act records (attendance hours, holidays, breaks) • Annual Leave Records • Records documenting employee's authorisation for non-statutory payroll deductions • Salary claim forms • Records documenting calculation and payment of payroll payments (including salary and overtime) • Records documenting adjustment on promotion of employee, documents relating to approval for incremental 	<p>Optional or required?</p> <p>Required: required for employment purposes.</p> <p>Purpose: To process the payment of salary, benefits, expenses claims, paid- and unpaid-leave, and other emoluments. To issue payslips in the required form. To comply with the Payment of Wages Act and the Organisation of Working Time Act. For occupational pension purposes. Required for the calculation of increments and seniority. For organisational administration, verification and dispute resolution purposes, to defend litigation, for accounting and audit purposes.</p>	<p>Legal obligation: Organisation of Working Time Act 1997 Payment of Wages Act 1991 Maternity Protection Acts 1994 and 2004 Maternity Protection (Health and Safety Leave Remuneration) Regulations S.I.20/1995 S.I.51/2006 (Maternity Protection Act 1994 (Extension of Periods of Leave) Order 2006 Parental Leave Acts 1998 and 2006 S.I.81/2013 EU (Parental Leave) Regulations 2013 Carer's Leave Act 2001 Paternity Leave and Benefit Act 2016 And in order for the school to comply with all the DES Circulars issued extending or implementing the above.</p>

	<ul style="list-style-type: none"> credit, and incremental approvals Superannuation (Pension) Calculations Superannuation Files Records documenting payment of employer and employee contributions to pension schemes Expenses records and reimbursement records Payroll Listings 		Public interest, substantial public interest: the 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 school.
(b)	Pensions (For current and former staff) <ul style="list-style-type: none"> Final Pensions benefit calculations Service history Any records re a pensions adjustment order (to include information relating to the spouse/former spouse) Any correspondence relating to pensions 	Optional or required? Required Purpose: So that the retired person has access to a pension scheme.	Contract: the processing is necessary for the performance of a contract to which the data subject is party.
8.	Occupational health and sick-leave documents		
	<ul style="list-style-type: none"> Pre-employment medical assessment Sickness absence records Sick certificates Absence records Occupational health referrals, Medical assessments Correspondence re retirement on ill-health grounds Other records documenting the operation of the public-service Sick Pay Scheme 	Optional or required? Required: if the employee wants paid sick leave. Purpose: To process the payment of salary for staff on sick leave, to administer applications for critical illness leave and Temporary Rehabilitation Remuneration, to refer staff to occupational health specialists, to manage occupational health, to make reasonable accommodation, to comply with DES Circulars relating to occupational health/sick leave and specifically to comply with the DES "Occupational Health Service for Teachers and SNAs Standard Operating Procedures Manual", to process applications relating to retirement on grounds of ill health, for verification and dispute resolution purposes, to defend litigation, for accounting and audit purposes.	Legal obligation: Safety Health and Welfare at Work Act 2005, the Labour Court recommendations LCR20335 (19 th July 2012) and LCR 20667 (20 th December 2013) re sick-leave arrangements in the public service, Public Service Management (Recruitment and Appointments) (Amendment) Act 2013, and the regulations made thereunder, specifically, S.I.124/2014 and S.I.384/2015 sets out the terms for the granting of sick leave in the public service. In the school, these are implemented by way of the following DES Circulars: <ul style="list-style-type: none"> 0053/2015 (registered teachers) 0054/2015 (SNAs) 0063/2015 (all staff in school other than registered teachers and SNAs) Public interest, substantial public interest: the 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 school.

9.	Health and safety documents		
	<ul style="list-style-type: none"> • Accident reports, Incident Report, documents re injuries • Forms, notifications to State Claims Agency, insurance company, and/or HAS • Hazard Report Forms • DSE Display Screen Assessments • Pregnant Employee Assessment Forms • Manual Handling Risk Assessment • Inspection Checklists H&S Head Office & Safety Rep • Internal Audits and Reviews • Fire Drills Log • Accident Statistics • Copies of Safety Training Materials + record of who received training • Safety Inspections (HSA) 	<p>Optional or required? Required for occupational health, and health and safety.</p> <p>Purpose: To comply with the employer's duty of care to staff and others, to comply with all relevant health and safety legislation, to ensure occupational health.</p>	<p>Legal obligation:</p> <ul style="list-style-type: none"> • Duty of care, • Safety, Health and Welfare at Work Act 2005 and all the regulations made thereunder (including all relevant Safety Health and Welfare at Work (General Application) Regulations 2007 • Fire Services Act 1981
11.	Governance documents relating to the school		
	<ul style="list-style-type: none"> • Register of Appointment as a Board member • Records of declarations from board members, spouses, children etc. • Register of Members Interests • Agendas & Minutes • Correspondence and Reports considered at Board Meetings • Attendance Sheets • Records documenting training & development of Board • Board's deliberations, other relevant material • Expenses records and reimbursement records. 	<p>Optional or required?</p> <p>Required</p> <p>Purpose: For verification and audit purposes.</p>	<p>Legal obligation:</p> <ul style="list-style-type: none"> • Ethics in Public Office Acts 1995 • Standards in Public Office Act 2001 <p>Public interest, substantial public interest: the 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 school.</p>

	MISCELLANEOUS		
1.	Applicants to procurement processes / frameworks		
	<ul style="list-style-type: none"> • Name • Contact information • Qualifications • Employer • Employment status • Job title / role • Employee reference number • Personal statements • References • Testimonials 	Required: to enable the competition process between competitor suppliers.	Legal obligation: Public procurement legislation, including, but not limited to, Directive 2014/24/EU on public procurement (goods, services and works).
2.	Applicants for employment		
	<ul style="list-style-type: none"> • Name • Contact information • Qualifications (including Teaching Council documentation) • Employer • Personal statements • CVs and applications (including unsolicited) • Selection criteria • Letters of invitation to interview, correspondence relating to outcome (including responses to requests for feedback). • Interview Board Marking Scheme • Interview Board Marking Sheet • Interview Board Formal Notes • Database of applications of candidates unsuccessful at interview 	Required: to enable the competition process between competitor applicants and to establish that the applicant has the requisite qualifications, experience and/or other criteria specified for the role.	Legal obligation: Employment law legislation, including, but not limited to the Employment Equality Acts (as amended) and the Equal Status Acts (as amended).

	<ul style="list-style-type: none"> Panel Recommendations by Interview Board Interview Process Assessment Board Report References 		
3.	PME and other Work Placements		
	<ul style="list-style-type: none"> Name Contact information Qualifications University / Educational Institution Personal statements References Vetting 	<p>Required: to facilitate and administer work placement and to ensure standards of teaching and learning are maintained. To comply with National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016. This processing is carried out only under the control of official authority (the National Vetting Bureau) and under Irish law (specifically, the 2012-2016 Acts referred to above) providing for appropriate safeguards for the rights and freedoms of data subjects.</p>	<p>Legal obligation: Public interest, substantial public interest: the 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 school, specifically to ensure that work placement is administered properly and effectively, and to ensure all student teachers are appropriately trained.</p> <p>Legal obligation: the processing is necessary for a legal obligation, specifically the vetting legislation, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 -2016, and all associated DES Circulars and guidance regarding vetting procedures and child protection.</p>

Section 4. Recipients of the Personal Data

We share and transfer student data to other data controllers. In this section we give you further information about the types of recipients or categories of recipients of your personal data. Please note that this list is not exhaustive, and we will transfer personal data to other third parties where required or permitted by law. Furthermore, **please note that Scoil Mhuire Community School reserves the right to contact appropriate third parties in the event of an emergency.**

4.1 **Parents / guardians:** Scoil Mhuire Community School shares information on educational progress and child welfare with a student's parent/guardian where the student is under 18 years and thereafter until s/he completes their Leaving Certificate unless instructed otherwise by the student.

- (a) **Educational Progress:** Section 9(g) Education Act 1998 provides that: *"A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to — [...] (g) ensure that parents of students, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education"*. Section 22(2) states that the Principal and teachers shall *"(b) regularly evaluate students and periodically report the results of the evaluation to the students and their parents"*.
- (b) **Freedom of Information Act 2014:** 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
- (c) **Data Access Request:** Where requested Scoil Mhuire Community School will consider an access-request made by a parent/guardian on behalf of their child pursuant to Article 15 GDPR. In considering such a request, Scoil Mhuire shall have regard to the fact that the right to access to one's personal data is the right of the data subject themselves, and in this regard the guidance of the UK's Information Commissioner's Office: *"Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong to anyone else, such as a parent or guardian"*¹⁹. Scoil Mhuire shall also have regard to the guidance of the Irish Office of the Data Protection Commissioner²⁰: *"Legal guardians can make an access request on behalf of a child. However, once a child is capable of understanding their rights to privacy and data protection, the child should normally decide for themselves whether to request access to data and make the request in their own name. Where an organisation receives an access request from a legal guardian on behalf of a child who has had direct interaction with that organisation, and/or where that child is capable of understanding their own rights to privacy and data protection, the organisation must take account of the child's rights in deciding how to respond to the access request"*. The school shall have regard to the UN Convention on the Rights of the Child²¹, and in particular balance the following interests:
 - Article 16(1) of which provides that *"no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour"*.
 - Article 5 *"rights and duties of parents ... to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention"*.

In considering such parental requests, the school shall have regard to the best interests of the child, the age of the child, their evolving capacity and level of maturity. Where the child's age and maturity has reached a point where he/she would have a reasonable expectation of having an input into what happens to their personal data and would reasonably expect to be consulted about to whom their data are released, the school shall consult with the child in an age-appropriate way (if it is appropriate in the circumstances)

¹⁸ S.I.218/2016 at regulation 6 thereof.

¹⁹ ICO Subject Access Request Code of Practice, available at: www.ico.org.uk/media/1065/subject-access-code-of-practice.pdf

²⁰ Access Rights and Responsibilities A guide for Individuals and Organisations, available at <https://dataprotection.ie/documents/AccessGuidance.pdf>

²¹ Available at www.ohchr.org/Documents/ProfessionalInterest/crc/pdf

and to take the child's views into consideration. This is to ensure that the voice of the child is heard in matters relating to his/her personal affairs where it is age-appropriate to do so. Scoil Mhuire Community School will consider the following factors²² when determining a request for records made by a parent/guardian on behalf of their child:

- i. Where possible, the child's level of maturity and their ability to make decisions like this
- ii. The nature of the personal data.
- iii. Any court orders relating to parental access or responsibility that may apply.
- iv. Any duty of confidence owed to the child or young person.
- v. Any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment
- vi. Any detriment to the child or young person if individuals with parental responsibility cannot access this information.
- vii. Any views the child or young person has on whether their parents should have access to information about them
- viii. Any child who is capable of forming his or her own views on whether their parent(s) should have access to information about them shall have their views ascertained and the data controller shall give due weight to those views having regard to all the circumstances including the age and maturity of the child and any other relevant considerations such as the child's safety, health, welfare, and wellbeing.

(d) **Emergency Contact:** Where the parent/guardian has been nominated as the student's Emergency Contact, as per section 4.4 below.

4.2 **Other Schools and Universities/Colleges/Institutes:** where the student leaves the school and transfers to another educational setting or goes on exchange programme or similar. We may be asked to supply certain information about the Student, such as academic record, references, etc.

4.3 **Student support team/Pastoral Care team meetings:** Scoil Mhuire Community School routinely hold student support meetings which are designed to identify students in need of additional supports and to put plans in place as to how best to meet the student's needs. This is generally for the following purposes:

- (a) supporting the student in motivation and learning, and encouraging school completion,
- (b) supporting the student where there are substance abuse or addiction issues at home,
- (c) supporting the student through a difficult period, e.g. grief, loss, bullying, abuse at home;
- (d) supporting the student exhibiting self-harm and/or engaging in suicidal thoughts,
- (e) addressing challenging behaviour;
- (f) resolving behavioural, motivational, emotional and cognitive difficulties;
- (g) engaging with therapeutic and psychological services to obtain supports to students, through assessment and therapeutic intervention (including to obtain access to the Child and Adolescent Mental Health Service (CAMHS)).
- (h) engaging in preventative work (drugs, alcohol, criminal behaviour, anti-social behaviour, etc.).

These meetings are generally held in the school building and are attended by the following types of personnel within the school: Principal of School, Deputy Principal, Guidance Counsellor, Pastoral Care Team personnel, Special Educational Needs department (where appropriate) Year-Head (where appropriate). The school recognises that a co-ordinated inter-agency approach will be required in order to take a student-focused approach to addressing these complex issues: Accordingly, the school may invite the following types of third parties to participate in such meetings:

- the student's parent/guardian (where the student is under 18 years)
- TUSLA (social worker, child protection team, and school completion programme team)
- An Garda Síochána (including Garda Juvenile Liaison Officer, and other juvenile/youth diversion programme personnel)

²² Factors (i) – (vii) being taken from the UK Information Commissioner's Office: "Subject Access Code of Practice – Dealing with requests from individuals for personal information available at <https://ico.org.uk/media/1065/subject-access-code-of-practice.pdf>

- Neighbourhood youth initiative projects, and/or youth project workers and other voluntary groups working in the sector
- Local Drugs Task Force
- HSE
- Foróige
- Local Drug Prevention and Education Project workers.

These Student Support meetings/Pastoral Care Team meetings are designed to support the student's best interests. The outcome of these meetings may result in the student being referred on for specific assessments and/or therapeutic treatments (e.g. CAMHS, NEPs etc.).

Where the student is under 18 years, their parent/guardian will be informed that these meetings are taking place and shall be furnished with appropriate information to explain the capacity in which third parties attend these meetings.

While each of the third parties engaging in these Student Support Meetings may hold their own files and/or personal data relating to the student (which would be governed by the data protection policy of the organisation which they represent), Scoil Mhuire Community School will be the data controller in respect of the official minutes produced at the conclusion of any such of these meetings.

4.4 **Emergency Contact:** Emergency contact information is gathered and retained for the purpose of communicating information about the data subject to said Emergency Contact in situations affecting or potentially affecting the data subject's vital interests. Such circumstances include, but are not limited to, perceived health risks and/or injury to the data subject, emergency situations etc.

4.5 **Sharing student data with Department of Education Student data, and Data-sharing with the Department of Education and Skills for POD, P-POD etc.:** The Department of Education and Skills requires Scoil Mhuire Community School to provide student data information to the Department of Education and Skills²³.

4.5.1 Scoil Mhuire Community School collects personal data to be transferred to the Department of Education and Skills via the Post-Primary Online Database ("P-POD") system. The school uses the data provided on the enrolment forms to complete the "**October Returns**" for the purposes of complying with DES requirements to determine staffing and resource allocations. 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.

4.5.2 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 Department of Education and Skills uses this data for its own internal processes, including monitoring educational progress as pupils move through the primary education system and on to post-primary. The returns provide the Department of Education and Skills with the information needed to develop and evaluate educational policy, to calculate teacher allocation, capitation, grant payments for schools, to determine resource allocation, for statistical analysis and reporting in the areas of social inclusion and integration of students in the education system, and for planning purposes. The details of the personal data submitted to the DES via P-POD

²³ Post-Primary Schools, see Circular 0023/2016 available at www.education.ie/Circulars-and-Forms/Active-Circulars/cl0023_2016.pdf. Further information available at www.education.ie/en/Schools-Colleges/Services/Returns/Post-Primary-Online-Database-P-POD-Project/

are outlined at Section 3 of this Policy. Certain parts of the items are optional, and parents/guardians do not have to supply this information if they do not consent (see further Section 3).

4.5.3 The DES transfers some of this personal data to other Government departments and other State bodies, such as transfers to the Department of Employment Affairs and 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).

4.5.4 If a parent/guardian objects to their child's personal data being submitted to the Department of Education and Skills via the POD/P-POD system, they submit a written objection to the School (see Department of Education and Skills Circular 37/2016, page 2 (paragraph 2(a))).

4.6 **Sharing student data with the Department of Education and Skills for NEPS:** The National Educational Psychological Service is a service provided by the DES. NEPS employ psychologists who work with primary and post-primary school students. NEPS works with students, parents, and teachers to help children and deliver a range of services. For further information, see <https://www.education.ie/en/Schools-Colleges/Services/National-Educational-Psychological-Service-NEPS-/Information-for-Parents.html>

4.7 **Sharing staff data with the Department of Education and Skills:** Scoil Mhuire Community School shares data with the Department of Education and Skills relating to:

- (a) **Staff and staff levels:** staffing levels are calculated on the basis of aggregated returns made by the school.
- (b) **Information regarding disability:** this is reported (on an aggregated, anonymised basis) to the Department of Education and Skills on the target for employment of persons with disability under the Disability Act 2005.
- (c) **The Inspectorate:** section 13 Education Act 1998 (as amended) created the Inspectorate, being comprised of the chief inspector and such inspectors as the Minister for Education considers appropriate. It is the function of the inspectorate to visit recognised schools and centres for education in order to evaluate the organisation and operation of those schools and centres and the quality and effectiveness of the education provided in those schools or centres, including the quality of teaching and effectiveness of individual teachers; evaluate the education standards in such schools or centres; assess the implementation and effectiveness of any programmes of education which have been devised in respect of individual students who have a disability or other special educational needs; and report to the Minister (or to the board of management, patron or such other bodies as may be prescribed) on these and other appropriate matters. As part of their inspection, the Inspector may require to see personal data relating to staff and/or students in order to conduct their assessment. Recognised schools and centres are required to cooperate with the Inspectorate, and section 13(12A) of the Education Act 1998 (as amended) creates an offence of obstructing or interfering with the inspectorate in the course of their role.
- (d) **Section 29 Committees:** where there has been a decision to (a) permanently exclude a student from the school, or (b) suspend a student from the school for a cumulative period of 20 school days in any one school year, or (c) refuse to enrol a student in the

school, section 29 Education Act 1998 outlines that an appeal can be made against that decision. Circular letter M48/01 outlines the Appeal Procedures under Section 29 of the Education Act, 1998 applies. In the case of a school the parent (or student, if they are over 18 years) can make an application to the Secretary General of the Department of Education and Skills. The DES establishes an Appeals Committee to hear the section 29 Appeal, and the data relating to the suspension/expulsion/refusal to enrol the student (as appropriate) is submitted to that Appeals Committee in order for them to hear all the evidence and reach a decision. The documentation submitted to the section 29 Appeals Committee can include:

- Records relating to Code of Behaviour (complaints, investigations, minutes, letters etc.)
- CCTV showing incidents that are alleged to have breached the Code of Behaviour (for further information, please see the CCTV Policy).
- Any other data as may be relevant to the Appeal.

Parents (and students over the age of 18 years) are furnished with a copy of the relevant section 29 documentation, and in advance of lodging their appeal they acknowledge and understand that the school will share and transfer data to that Appeals Committee in order for them to hear the Appeal and adjudicate on the matter.

4.8 TUSLA:

4.8.1 **Child protection, child safeguarding, child welfare and social work:** Schools are required to seek advices from and/or make referrals to the statutory bodies established for law enforcement and child protection if they suspect any form of child abuse or receive a disclosure of child abuse. These obligations are set down in section 14 Children First Act 2015, section 2 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and DES Circular 0081/2017 and the accompanying Child Protection Guidelines. Where child protection, child safeguarding, and/or child welfare matters arise, the school may be asked to participate in child protection conferences (all party meetings between TUSLA, the School and other bodies). The school will also share and transfer personal and sensitive personal data to TUSLA in respect of members of staff and/or third parties (a student's parent, another family member) where the concern/disclosure relates to an alleged wrongdoing on their part. Pursuant to the Protection for Persons Reporting Child Abuse Act 1998 and the Children First Act, 2015, a person is protected from civil liability for informing TUSLA and/or An Garda Síochána of his/her suspicion that (a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or (b) a child's health, development or welfare has been or is being avoidably impaired or neglected, (unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it TUSLA and/or An Garda Síochána).

4.8.2 **Meitheal support groups:** TUSLA co-ordinated inter-agency response to assessing the needs of children and families that have come to the attention of social work practitioners (including because of child welfare or safety concerns).

4.8.3 **EWO/NEWB: attendance, suspensions, and expulsions etc.:**

- (a) **Attendance:** Pursuant to the Education (Welfare) Act 2000, recognised schools and centres are required to collect data relating to students' attendance. Section 21 states that the principal of a recognised school shall cause to be maintained a record of the attendance or non-attendance on each school day of each student registered at that school; it further provides that where a student fails to so attend school, the register should state the fact of his or her failure and the reasons for such failure. Where the student is absent from school for an aggregate number of 20 school days during a school year (or where the principal forms the opinion that the student is not attending school regularly) the Principal is statutorily required to inform the Education Welfare Officer of this in writing.
- (b) **Suspension:** Where a student is suspended from a recognised school for a period of not less than 6 days, (or 20 days cumulatively over a school year, per (a) above), the Principal is required to inform the Education Welfare Officer of this in writing, per section 21 Education (Welfare) Act 2000.

- (c) **Expulsion:** pursuant to section 24 Education (Welfare) Act 2000, where it is decided that a student should be expelled from a school, the School is required to notify the Educational Welfare Officer of this fact “and the reasons therefor” in writing.

4.9 **An Garda Síochána:**

4.9.1 **Child abuse and child protection:** per section 2 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. See further (4.8.1) above.

4.9.2 **Other criminal matters:** Scoil Mhuire Community School will report matters of alleged criminal acts, criminal behaviour, criminal damage etc. to An Garda Síochána in order for the Gardaí to prevent, detect and investigate of offences, and pursuant to the school’s duty of care to all students, staff, and others.

4.10 **NCSE: SENOs etc.:** Special Educational Needs Organisers (“SENOs”) are employed by the National Council for Special Education (a statutory body established by section 19 of the Education for Persons with Special Educational Needs Act 2004). A SENO deals with applications for additional teaching and Special Needs Assistant support for children with special educational needs from all schools. The SENO assists in allocation of resources. The statutory role of the SENO is set out in section 26 of the Education for Persons with Special Educational Needs Act 2004, and it is their role to obtain from the school copies of any medical reports and/or assessments, Individual Education Plans, and/or such other documentation relating to the needs of the student with special educational needs. Pursuant to section 26(6), the board of management, principal, teachers and other members of staff of a school are statutorily required to give all such assistance as may reasonably be required by the special educational needs organiser in the performance by him or her of his or her functions. When parents and/or clinicians are furnishing copies of medical reports and/or assessments to the school in order to ensure their child/patient obtains all necessary supports and assistance, they do so on the fully informed basis that same will be disclosed to the SENO in order to obtain those supports, resources, and other assistance for the student.

4.11 **HSE:** the school may be asked by the HSE to circulate HSE information materials about a vaccination programme or similar public health issues, particularly relating to particular ages/groups of students. This is generally so that the HSE can invite them to participate in vaccination programmes or other public health initiatives. When parents receive the information leaflets, the parent/guardian engages directly with the HSE and (if they wish) consent to the provision of information to the HSE by the completion and returning of the relevant documents to the HSE. Participation in the vaccine/programme is entirely a matter for the parents, and for them to pursue directly with the HSE. The school may offer the HSE temporary facilities within the school premises in order to comply with section 32 of the Health Act 1953 (“affording of facilities for health examination of children at schools”). In certain instances, Scoil Mhuire Community School may accept / collect forms from students for returning to the HSE where such processing is in the public interest.

4.12 **Work placement providers and/or employers:** for those students going on work-experience and/or work placement, and/or apprenticeships.

4.13 **Data-sharing with SOLAS, QQI and others via the Programme Learner Support System (“PLSS”)**

4.13.1 Scoil Mhuire Community School is a course/programme provider of education and training, and offers many courses to adult learners. Some of these programmes are funded through SOLAS (An tSeirbhís Oideachas Leanúnaigh agus Scileanna) established under the Further Education and Training Act 2013 as the national further education and training authority.

4.13.2 As a condition of application for or enrolment in a course funded through SOLAS, your personal data (and that of third parties, such as your next of kin) may be collected using the Programme Learner Support System (“PLSS”). PLSS is a joint project between SOLAS and other participants. PLSS is a suite of software applications that are designed to provide an integrated approach to the collection and processing of personal data of users of PLSS and programmes funded through SOLAS, and the outputs, outcomes and performance of such programmes.

4.13.3 When you apply for a programme funded through SOLAS, you will be asked to provide:

- (a) Your personal data and information about yourself. The personal data will include your PPSN, first name, surname, name as per your birth certificate or passport, address, date of birth, gender, nationality, whether you are in receipt of a Department of Employment Affairs and Social Protection: (DSP) payments (and if so, the nature of those payments, and other DSP data) and/or employment details for those of you that are in employment and/or attended higher education, whether you have previously attended a programme funded through SOLAS.
- (b) Special category personal data, such as whether you have a disability. Ethnic or cultural background, living circumstances may be requested, which you may freely decide to give or not – this is an entirely optional disclosure. If you provide this information, the data will be reported, in aggregate form, for statistical and research purposes and to compare the progress of such groups with other groups. Such statistics and research will assist in identifying gaps in the system and assisting in the development and implementation of appropriate policies (e.g. equal opportunity policies) and interventions for future learners. If you decide to provide this information you are giving your explicit permission for the data to be processed for these purposes

Further details of the data to be processed are listed in section 3 of this policy.

4.13.4 The personal data stored on PLSS are processed for the following purposes:

- (a) To contact you about the application for the programme.
- (b) To administer the application for a programme funded through SOLAS in a particular academic year.
- (c) To follow up with you after the application is received, as required.
- (d) Maintenance of your learner record (including personal and course details).
- (e) Management of course processes (including commencement, completion, progressions)
- (f) Providing advice and support.
- (g) To record the course you enrolled in and your award (if any).
- (h) To contact you after the course completion in order to measure course impact in relation to your further education and training participation and/ or employment.
- (i) To track, evaluate and assess the outcomes of the programme.
- (j) To comply with European Union monitoring and reporting requirements.
- (k) To check/verify the accuracy of your personal data: to support efficient processing of the application, Scoil Mhuire Community School may need to check the accuracy of personal information you provide with external data sources. For example, if you have achieved certifications previously from another institution, Scoil Mhuire Community School may need to contact the other institution(s) for confirmation of any qualifications obtained.

4.13.5 SOLAS is required under the Further Education and Training Act 2013 to (among other things) to assist in the co-ordination and provision of training by others and conduct research into the functions of SOLAS. This might include tracking involvement in, conducting impact evaluations on and assessing outcomes of, programmes funded through SOLAS. Accordingly, pursuant to agreed protocols and arrangements, SOLAS may provide to and receive from other Governmental, regulatory and/or public bodies (including those listed in Appendix 3), limited and specific types of data about you or provided by you in your application for a programme. For example, providers are required to disclose some of your personal data to SOLAS for statistical purposes. In addition, if you are attending a European Union co-funded programme the Department of Education and Skills is required to provide some of your personal data to allow monitoring, reporting and evaluating programmes to which they provide funds.

4.13.6 The following parties participate in the PLSS scheme (referred to in this section as “**PLSS Participants**”) and have access to an extract of the data generated from the PLSS system:

- (a) The Department of Education and Skills (“**DES**”).
- (b) CSO Administrative Data Centre: PLSS data will be pseudonymised by a CSO statistician and linking of PLSS learners with the Revenue, DEASP, QQI and HEA data will be done using the CSO unique identifier (i.e. CSO PPSN).
- (c) Department of Employment and Social Protection: To validate information on applicants in receipt of social welfare payments.
- (d) Quality and Qualifications Ireland (QQI): To verify information regarding applicant’s certification outputs as a result of attending a course/ programme.
- (e) Higher Education Authority (“**HEA**”): Not currently shared directly but in the event of being shared, to verify and validate applicants who progress to higher education.

4.13.7 Once uploaded to the PLSS, there is "cross data sharing" of that personal data by other PLSS Participants, so your personal data could be obtained by those PLSS Participants even if the applicant/learner has not previously engaged with those bodies. There are written Data-sharing Protocols between the Department of Social Protection, the Higher Education Authority and QQI with SOLAS.

4.13.8 Each of PLSS Participants will process personal data and information that you provide and, in some instances where relevant, information provided to them by third parties such as other Governmental/public sector bodies, and made available to affiliated entities, agents, service providers, advisers and data processors and other Governmental, regulatory and/or public sector bodies.

4.13.9 At national level (section 7 Further Education and Training Act 2013) and European level, SOLAS must report, as a statutory requirement for funding, on the FET sector pursuant to the European Social Fund Regulation (EU) 1304/2013 of the European Parliament and of the Council 17 December 2013. Until 2027, under the Programme for Employability, Inclusion and Learning 2014-2020 (“**PEIL**”), SOLAS must justify the ESF co-funding that it seeks via the DES by way of reporting. The PEIL requires the national authority in each Member State charged with the function of FET provision to collect and store detailed data about each learner in receipt of ESF co-funding. For this, SOLAS must be able to gather evidence which it obtains from its evaluation of FET outcomes including improved employability and the social inclusion of various groups in society (e.g. youth, females, long term unemployed, immigrants, persons with disabilities, socio-economic disadvantaged, etc.). SOLAS may also be randomly audited by the European Commission to verify and validate Ireland’s ESF claim for funding. In the event that such ESF auditors were to make a finding of poor data or information quality, ESF co-funded provision could be suspended. This would have a serious knock-on effect on FET funding in Ireland (not least through a potential funding deficit) and therefore its provision in Ireland and SOLAS’ legislative mandate under the FET Act would not be fulfilled. In the context operating PLSS for the above purposes, SOLAS will act as a data controller over the information it collects from learners and from the other PLSS Participants for this purpose.

4.14 **Data-sharing with third party vender MIS systems** (Management Information Systems)
 Scoil Mhuire Community School uses MIS Systems such as CloudSchool, Unique Publishing School App (including an electronic payments system), GL Assessments – CAT4, PASS etc. and various software data packages for ease of transfer of data. From student enrolment at the beginning of the process right through to examination/certification in the final stages. In accordance with Article 28, Scoil Mhuire Community School enters into agreements with these third parties to ensure that the rights of the students to data privacy and security under GDPR are upheld.

- 4.15 **Teaching Council:** The Teaching Council is the statutory body that regulates the teaching profession in Ireland. It was established by the Teaching Council Acts 2001 -2015. Personal data is shared by Teaching Council and the school for the purposes of the Teaching Council performing its statutory functions (including regulating the teaching profession and promoting professional standards), including to fulfil the statutory functions set out below:
- (a) **Data-sharing of information from the register:** Section 30 of the Teaching Council Acts 2001 – 2015 requires all teachers to register with the Council if they are to be paid from State funds. It states that if the teacher is not registered, or is otherwise removed or suspended from the register, they shall not be remunerated out of moneys provided by the Oireachtas. Section 7 of the Education (Amendment) Act 2012 provides that the Teaching Council shall provide DES/ETB with information held by the Council in respect of each person who is or was a registered teacher, and to provide the DES/ETB with information regarding whether that person's conditional registration lapses, or if the person is removed from the teaching register. The Teaching Council operates a "*paymaster interface to the Register of Teachers*" in order to facilitate DES/ETB verifying the teacher's eligibility for payroll pursuant to section 30 Teaching Council Acts 2001 – 2015, and for verifying qualifications for the calculation of qualification allowances etc.
 - (b) **Data-sharing re vetting:** The Teaching Council is responsible for co-ordinating statutory vetting of the teaching profession, and shares teachers' personal data (including special category data) with the National Vetting Bureau for that purpose. The statutory process for conducting vetting applications is prescribed by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Where an applicant applies for a position in a school (or otherwise pursuant to the retrospective vetting provisions prescribed by the Department of Education and Skills) the Teaching Council is required to release a copy of the Vetting Outcome/disclosure to that school, and therefore there is data-sharing between the school and the Teaching Council as part of this process.
 - (c) **Data-sharing re fitness to teach/regulatory procedures:** The Teaching Council is required to undertake investigative and disciplinary functions. This includes conducting inquiries into matters such as professional misconduct, poor professional performance, and fitness to teach. The Teaching Council may call upon any person in attendance as a witness before a panel under section 43 Teaching Council Act produce any documentation in his or her power or control lawfully required by the panel to be produced by him/her. Pursuant to section 43B of the Teaching Council Acts 2001 - 2015 it shall be an offence to refuse such a request.
- For more information in relation to data processing within the Teaching Council, please refer to www.teachingcouncil.ie/en/About-Us/Data-Protection-Compliance-Policy
- 4.16 **Central Statistics Office:** The Department of Education and Skills and ETBs make aggregated, cumulative, statistical data available to the Central Statistics Office, under the Statistics Acts to assist with the compilation of national statistics.
- 4.17 **Revenue Commissioners:** For payroll purposes, to remit employers' tax and employees' PRSI, PAYE etc. and other tax deductions to the Revenue Commissioners.
- 4.18 **The Department of Employment Affairs and Social Protection:** The Department of Employment Affairs and Social Protection: may require the school to provide it with certain personal data relating to a student/learner (and/or his/her parents where the student is under 18 years). Section 265(1) of the Social Welfare (Consolidated) Act 2005 provides that a specified body may share information with another specified body (of which the Department of Employment Affairs and Social Protection: is another). Such data-sharing, where requested, will proceed if it complies with the Data Protection Commissioner's Guidance note on "Data Sharing in the Public Sector²⁴", and in particular the advice: "*public bodies who engage in data sharing arrangements should, in advance of any such sharing, inform all individuals whose personal data is being shared of the data sharing arrangement by outlining the information as required to be provided as per Section 2(2D) of the DPA*".

²⁴ <https://dataprotection.ie/docs/Data-Sharing-in-the-Public-Sector/m/1217.htm>

- 4.19 **Financial institutions:** Data is transferred to financial institutions for the purposes of administering staff payroll, payment of expenses, processing of student fees and grants etc.
- 4.20 **Past and future employers:** to obtain/furnish References, and/or service records.
- 4.21 **Pension administrators, companies offering Additional Voluntary Contribution (AVC) pension products (where relevant), financial organisations offering income continuity policies (where relevant):** for any occupational pension scheme to be operated, transfers of service executed, contributions to be remitted and pension benefits paid and the implementation of family law pension adjustment orders etc. If the employee is participating in an AVC or income-continuity policy, and requires the employer to transmit information or remit payments to that entity, the ETB will facilitate same where directed to do so by the employee. Pension's data will also be transferred to the Revenue Commissioners and the Department of Employment Affairs and Social Protection: where required by law.
- 4.22 **Trade unions:** Staff may be members of recognised unions, and they may wish to be represented by their trade union official (and/or shop steward) in certain IR/HR matters in the workplace. These are dealt with in the relevant workplace policies and sectorial Circulars issued by the Department of Education and Skills.
- 4.23 **The school is indemnified by the State Claims Agency and/or Legal Advisors:** the school transfers and shares data with the State Claims Agency, and their duly appointed workplace investigators, claims handlers, and legal advisors. The school also shares and transfers personal data to its legal advisors to obtain legal advices and for the taking and defending of legal claims. These transfers are for the purposes of obtaining legal advices, resolving disputes, and defending, compromising or otherwise settling litigation.
- 4.24 **Service providers (CCTV, security, IT support, payments solutions platforms, direct marketing agencies or printing companies, service providers delivering services to students, e.g. Apps, etc.):** To obtain appropriate expertise and support, and to ensure that the school is being properly managed. These service providers shall be retained pursuant to a written [Service Level Agreement/Data Processing Agreement].
- 4.25 **Health & Safety Authority (HSA):** To report matters including workplace accidents and dangerous occurrences pursuant to the Safety, Health and Welfare at Work (General Application) Regulations 2016.

This is an indicative list of the bodies to whom we transfer data, but it is not an exhaustive list. We will disclose to other third parties (who are not necessarily listed here) where there is a legal basis, and/or we are legally required to do so.

Section 5. Third country/international transfers

We do not transfer your personal data to a third country or international organisation. Certain companies who process personal data on behalf of Scoil Mhuire Community School may transfer personal data for processing outside the EU, however this will only occur with the agreement of Scoil Mhuire Community School and with the assurance that appropriate safeguarding measures are in place to protect the data. We will advise data subjects if their data is to be transferred outside the EU.

Section 6. Automated Decision Making / Profiling

We do not engage in automated decision making/profiling.

Section 7. Records' Retention

In this section, we will give you further information about the period for which your personal data will be stored (or if that is not possible, the criteria used to determine that period). Scoil Mhuire's Records Retention Schedule is available on www.scoilmhuireclane.ie. Please note the retention schedule is subject to ongoing review and monitoring.

Section 8. Your rights

In this section, we will give you further information about your rights as a data subject. In our Privacy Notice and in this Data Protection Policy, we give you information in order to ensure that the processing of your personal data is fair and transparent. If you have any additional queries, please contact our Data Protection Officer (contact details in Section 9).

8.1 Right to complain to the Data Protection Commissioner:

Please let us know if you have any comments or queries. If you wish, you have the right to lodge a complaint to the Data Protection Commissioner. Their contact details are set out below:

Telephone	+353 57 8684800 +353 (0)761 104 800
Lo Call Number	1890 252 231
Fax	+353 57 868 4757
E-mail	info@dataprotection.ie
Postal	Data Protection Commissioner Canal House, Station Road Portarlinton, Co. Laois R32 AP23

8.2 Right of Access:

8.2.1 You have the right to obtain confirmation as to whether or not your personal data is being processed by Scoil Mhuire Community School, and, where that is the case, access to the personal data and the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) the recipients or categories of recipient to whom your personal data have been or will be disclosed, in particular recipients in third countries or international organisations; (and where your data are transferred to a third country or to an international organisation, you shall have the right to be informed of the appropriate safeguards).
- d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- e) the existence of the right to ask Scoil Mhuire Community School to rectify or erase your personal data or restrict the processing of your personal data or to object to such processing;
- f) the right to lodge a complaint with the Data Protection Commissioner;
- g) where your personal data are not collected directly from you, any available information as to their source;
- h) the existence of automated decision-making, including profiling, and, meaningful information about the logic involved, as well as the significance and the possible consequences of such processing for you.

- 8.2.2 Where we receive such a request, Scoil Mhuire Community School reserves the right to request such official identification documentation (e.g. passport or driver's licence) from you.
- 8.2.3 Where a valid request has been received, Scoil Mhuire Community School shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, Scoil Mhuire Community School reserves the right to charge a reasonable fee based on administrative costs.
- If you are a student who is subject to estimated marks, and you make a data access request to the school for your estimated marks before the issue of results, the school will advise the following:
- that in line with section 56 of the Data Protection Act, it is not possible to respond to the request at present, and
 - that the request will be taken to have been made on the later of either the date of the first publication of the results of the 'examination' (i.e. the Accredited Grades process), or the date of the request.
- 8.2.4 Where you make the request by electronic means, and unless otherwise requested by you, the information shall be provided in a commonly used electronic form.
- 8.2.5 The right to obtain a copy of your data shall not adversely affect the rights and freedoms of others.
- 8.2.6 If data relating to a third party is involved, it will not be disclosed without the consent of that third party or alternatively the data will be anonymised in order to conceal the identity of the third party.
- 8.2.7 The school reserves the right to supply personal information to an individual in an electronic format e.g. USB, CD etc. If the requested data are CCTV recordings, the school reserves the right to release this either (a) in soft copy footage, or (b) in still images (photos) at a rate of one photograph per second of video²⁵. If the CCTV footage includes images of other people, their images may be pixilated or otherwise blanked out.

8.3 Right to Rectification

Where Scoil Mhuire Community School is processing inaccurate personal data, you have the right to have those inaccuracies rectified.

- 8.3.1 Taking into account the purposes of the processing (see Section 3 of this Policy), you have the right to have incomplete personal data completed (including by means of your providing us with a supplementary statement).

8.4 Right to be Forgotten

- 8.4.1 You may have the right to be forgotten/the right to erasure of your personal data, subject to certain conditions.

- 8.4.2 The Right to be Forgotten shall apply only where:

- a. the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- b. where the processing is based on Consent (see Section 3 above) and there is no other legal ground for the processing, and you now wish to withdraw that consent;
- c. you object to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) (direct marketing);
- d. your data have been unlawfully processed;
- e. your data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- f. your data have been collected in relation to the offer of information society services referred to in Article 8(1).

- 8.4.3 Notification: Where Scoil Mhuire Community School has made the personal data public and is obliged pursuant to Article 17(1) GDPR to erase the personal data, the school, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

²⁵ See page 10 of guidance issued by the ODPC: <https://dataprotection.ie/documents/AccessGuidance.pdf>

8.4.4 The Right to be Forgotten (and the notification referred to at (7.4.3 above) shall **not** apply to the extent that the processing is necessary:

- a. for exercising the right of freedom of expression and information;
- b. for compliance with a legal obligation which requires processing by Union or Member State law to which Scoil Mhuire Community School is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- c. for reasons of public interest in the area of public health in accordance with Article 9(2)(h) and (i), as well as Article 9(3);
- d. for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- e. for the establishment, exercise or defence of legal claim.

8.5 Right to Restrict Processing

8.5.1 You have the right to request us to restrict our processing your personal data subject to the conditions set out in Article 18 GDPR.

8.5.2 The right to restriction arises when one of the following applies:

- a. You are contesting the accuracy of your personal data, for a period enabling Scoil Mhuire Community School to verify the accuracy of your personal data;
- b. the processing is unlawful and you are opposing the erasure of the personal data and are requesting the restriction of the use of your data instead;
- c. Scoil Mhuire Community School no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims;
- d. You have objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.

8.5.3 Where processing has been restricted, such personal data shall (with the exception of storage) only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

8.5.4 Where you have restricted our processing of your data pursuant to Article 18(1), you shall be informed by Scoil Mhuire Community School before the restriction of processing is lifted.

8.6 Right to Data Portability

8.6.1 You shall have the right to data portability per Article 20 GDPR. This means that you shall receive your personal data, which you have provided Scoil Mhuire Community School, in a structured, commonly used and machine-readable format.

8.6.2 The right to data portability applies where:

(a) the processing is based on Consent (Article 6(1)(g) or Article 9(2)(a)), or on a Contract Article 6(1)(b); **and**

(b) the processing is carried out by automated means.

8.6.3 For the avoidance of doubt, the right to data portability does not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

8.6.4 The right to data portability shall not adversely affect the rights and freedoms of others.

8.6.5 You have the right to transmit those data to another controller without hindrance from Scoil Mhuire Community School to which the personal data has been provided.

8.6.6 In exercising your right to data portability, you shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

8.7 Right to Object

8.7.1 You shall have the right to object, on grounds relating to your particular situation, at any time, to processing of your personal data based on:

- (a) Public Interests (Article 6(1)(e))
- (b) Legitimate interests (Article 6(1)(f)).

Including the right to object to profiling based on those provisions.

- 8.7.2 Scoil Mhuire Community School will no longer process your personal data unless it demonstrates compelling genuine grounds for the processing which override your interests, rights and freedoms, or for the establishment, exercise or defence of legal claims.
- 8.7.3 Where personal data are processed for direct marketing purposes, you shall have the right to object at any time to processing of your personal data for such marketing, which includes profiling to the extent that it is related to such direct marketing.
- 8.7.4 Where you object to processing for direct marketing purposes, your personal data shall no longer be processed for such purposes
- 8.7.5 You have the right to object to processing based solely on automated means, including profiling, which produces legal effects concerning you or similarly significantly affects you however Scoil Mhuire Community School does not engage in automated decision making.

8.8 Data controller's obligation to Notify others

- 8.8.1 Scoil Mhuire Community School shall communicate any rectification (8.3 above), or erasure (8.4 above) of personal data, or restriction of processing (8.5 above) carried out to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort.
- 8.8.2 Scoil Mhuire Community School shall inform you about those recipients if you request it.

8.9 General information relating to all the rights referred to above

- 8.9.1 Upon receipt of a valid request, Scoil Mhuire Community School shall attend to your request 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. Scoil Mhuire Community School shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.
- 8.9.2 In the case of an access request (see section 8.2 above, "Right of Access") where a subsequent or similar access request is made after the first request has been complied with, the school has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.
- 8.9.3 If Scoil Mhuire Community School does not take action on foot of the request of the data subject, the controller shall inform you without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with the Data Protection Commissioner and seeking a judicial remedy.
- 8.9.4 Where requests from you are manifestly unfounded or excessive, in particular because of their repetitive character, Scoil Mhuire Community School may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request.

You can exercise these rights at any time. For further information, please use the contact details in section 9

Section 9. Contact

If you have any queries, please contact Mr JP Cahillane at jpcahillane@scoilmhuireclane.ie. or 045 868121

SCOIL MUIRE COMMUNITY SCHOOL



Privacy Notice to students (and their parents/guardians)

By applying for and/or attending **Scoil Mhuire Community School**, you acknowledge that your personal data (including special category personal data) shall be processed by Scoil Mhuire Community School. This Privacy Notice gives you some helpful information about who we are, what personal data we collect about you, why, who we share it with and why, how long we keep it, and your rights. If you need more information, please see our Data Protection Policy available at www.scoilmhuireclane.ie

1. We are **Scoil Mhuire Community School**. Our address and contact details are; Scoil Mhuire Community School, Clane, Naas, Co. Kildare. Contact details; 045 868121, info@scoilmhuireclane.ie. Scoil Mhuire Community School provides post primary level education and adult (further) education. For further information, see section 1 of our Data Protection Policy available at www.scoilmhuireclane.ie.
2. When you are a student of **Scoil Mhuire Community School**, we collect and use your personal data. The type of information we collect about you depends on various factors, such as whether you are under 18-years or an adult learner, the type of course you are enrolled on etc. The personal data we collect can include information about your identity and contact details; images/photo (including CCTV); family details; admission/enrolment details; previous schools; academic progress; PPS number; special educational needs; nationality; language; religion; medical data; information about behaviour and attendance; information about health, safety and welfare; financial information (re fees, book scheme, scholarships etc.); and other personal data. Further details of the data we collect about you can be found in section 3 of our Data Protection Policy. If you are under 18 years when you enrol, we collect the name, address, contact details and other information about your parents/guardians. If you are under 18 years, your parent/guardian is consulted and asked to give consent for certain things like taking your photograph, going on school trips etc. We use your personal data for purposes including: your application for enrolment; to provide you with appropriate education and support; to monitor your academic progress; to care for your health and well-being; to care for our staff and students; to process book rental applications and scholarships; to coordinate, evaluate, fund and organise educational programmes; to comply with our legal obligations as an education body; to comply with our monitoring and reporting obligations to Government bodies, and EU funding bodies; to process appeals, resolve disputes, and defend litigation etc. For further information on what data we collect, why we collect it, how we use it, and the legal basis for same, please go to section 3 of our Data Protection Policy available at www.scoilmhuireclane.ie or www.clanesm.com (adult education)

3. We share your personal data with third parties, including other Government bodies. This includes the State Examinations Commission, the Department of Education and Skills, NCSA, SOLAS, HEA, QQI, TUSLA, An Garda Síochána, HSE, the Department of Social Protection, the Revenue Commissioners etc. The level of sharing and the nature of what is shared depend on various factors, including the nature of the course you are undertaking/enrolled on. The Government bodies to which we transfer your personal data will use your personal data for their own purposes (including: to verify other information they already hold about you, for fraud prevention measures, etc.) and they may aggregate it with other information they already hold about you and your family. We also share your personal data with other third parties including the State Claims Agency and other service providers (including IT providers, security providers, legal advisors etc.), and other schools/colleges and bodies in the further education and training sector, apprenticeship providers, work-experience placements and future employers etc. We are legally required to provide certain records relating to the progress of a student (under 18 years) in his/her education to the student's parents/guardians, including results of examinations. For further information on who we share your data with, when and in what circumstances, and why, please see section 4 of our Data Protection Policy available at www.scoilmhuireclane.ie
4. We do not transfer your personal data to a third country or international organisation.
5. We do not engage in automated decision making/profiling.
6. Some personal data is only kept for a short period (e.g. we will destroy at the end of an academic year because it is no longer needed). Some data we retain for a longer period (e.g. retained after you leave or otherwise finish your studies with **Scoil Mhuire Community School**). For further information on the retention periods, please go to section 7 of our Data Protection Policy available at www.scoilmhuireclane.ie
7. You have the following statutory rights that can be exercised at any time:
 - (a) Right to complain to supervisory authority.
 - (b) Right of access.
 - (c) Right to rectification.
 - (d) Right to be forgotten.
 - (e) Right to restrict processing.
 - (f) Right to data portability.
 - (g) Right to object and automated decision making/profiling.

For further information, please see section (8) of our Data Protection Policy available at www.scoilmhuireclane.ie

8. If you would like to discuss anything in this privacy notice, please contact;
Mr JP Cahillane at email: jpcahillane@scoilmhuireclane.ie. or 045 868121

SCOIL MUIRE COMMUNITY SCHOOL



Privacy Notice Employees, Volunteers, Board Members, Committee members etc.

By applying for any position, working or volunteering with, or otherwise taking up any position within **Scoil Mhuire Community School** you acknowledge that your personal data (including special category personal data) shall be processed by **Scoil Mhuire Community School**. This Privacy Notice gives you some helpful information about who we are, what personal data we collect about you, why, who we share it with and why, how long we keep it, and your rights. If you need more information, please see our Data Protection Policy available at www.scoilmhuireclane.ie

1. We are Scoil Mhuire Community School. Our address and contact details are; Scoil Mhuire Community School, Clane, Naas, Co. Kildare. Contact details; 045 868121, info@scoilmhuireclane.ie. Scoil Mhuire Community School provides post primary level education and adult (further) education. For further information, see section 1 of our Data Protection Policy available at www.scoilmhuireclane.ie.
2. We collect and use your personal data. The personal data we collect includes your name; date of birth; address; contact details; CV and qualifications; vetting outcome; Teaching Council registration; registration with any other professional/accrediting body; PPS number; financial data; images (staff cards, CCTV); medical, health and occupational health data; immigration/work-visa information; information relating to recruitment, promotions, and appointments processes; other IR/HR processes; pensions details etc. We use personal data for purposes including: running an efficient service; complying with our obligations as an employer; for recruitment and appointments; allocating resources; to discharge our duties to other staff and students; complying with our statutory reporting obligations to Government bodies and EU funding bodies; resolving disputes and defending litigation etc. The information we collect about you depends on various factors, e.g. we will hold differing levels of information about a job applicant as compared with a long-standing employee. Certain personal data is collected and aggregated for use on an anonymised basis. For further information on what data we collect, why we collect it, how we use it, and the legal basis for same, please go to section 3 of our Data Protection Policy available at www.scoilmhuireclane.ie. or www.clanesm.com (adult education)

3. We share your personal data with third parties, including other Government bodies. Depending upon the nature of your role within Scoil Mhuire Community School, this may include data-sharing with bodies including the Department of Education and Skills, Revenue Commissioners, Department of Social Protection, Comptroller & Auditor General, TUSLA, An Garda Síochána, HSE, the Teaching Council or any other regulatory body to which you belong, State Claims Agency, (Irish Public Bodies), banks/financial institutions (to pay wages), pension administrators and pension trustees, future employers (for references etc.), other service providers (including IT providers, security providers, legal advisors) etc. The Government bodies to which we transfer your personal data will use it for their own purposes (including: to verify other information they already hold about you, for fraud prevention measures, etc.) and may aggregate it with other information they already hold about you. For further information on who we share your data with, when and in what circumstances, and why, please see section 4 of our Data Protection Policy available at www.scoilmhuireclane.ie.
4. We do not transfer your personal data to a third country or international organisation.
5. We do not engage in automated decision making/profiling.
6. Some personal data is only kept for a short period (e.g. we will destroy at the end of an academic year because it is no longer needed). Some data we retain for a longer period (e.g. we retain even after you leave our employment). For further information on the retention periods, please go to section 7 of our Data Protection Policy available at www.scoilmhuireclane.ie.
7. You have the following statutory rights, that can be exercised at any time:
 - (b) Right to complain to supervisory authority.
 - (c) Right of access.
 - (d) Right to rectification.
 - (e) Right to be forgotten.
 - (f) Right to restrict processing.
 - (g) Right to data portability.
 - (h) Right to object and automated decision making/profiling.

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