

Data Protection and Record-keeping Policy

Introduction:

This policy was formulated by Staff and Board of Management of Scoil Mhuire. The purpose of the policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by parents and stake holders.

Rationale:

- A policy on data protection and record keeping is necessary to ensure that the school has proper procedures in place in relation to accountability and transparency
- It is good practice to record pupil progress so as to identify learning needs
- A policy must be put in place to ensure a school complies with legislation such as;
 - Education Act, Section 9g requiring a school to provide access to records to students over 18/parents
 - Education Welfare Act – requiring a school to report school attendance and transfer of pupils.

Relationship to School Ethos:

Scoil Mhuire promotes communication and co-operation between staff, parents and pupils as a means towards providing the caring environment through which a child can develop and grow to his/her full potential.

Aims/Objectives:

- To ensure the school complies with legislative requirements
- To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies
- To put in place a proper recording and reporting framework on the educational progress of pupils
- To establish clear guidelines on making these records available to parents and past pupils who are over 18
- To stipulate the length of time records and reports will be retained.

Guidelines:

The Principal assumes the function of data controller and supervises the application of the Data Protection Act within the school. The data under the control of the Principal comes under the following headings.

1. Personal Data:

This data relates to personal details of the students such as name, address, date of birth, gender, ethnic origin, nationality, religious belief, medical details, dietary information, PPSN, contact details and parents names. These are kept in room 13 in a locked filing cabinet.

2. Student Records:

Student records are held by each class teacher in a locked filing cabinet and some of this information is recorded on the databiz on the computer.

Student records may contain:

- Personal details of the student
- Medical sensitive data

- School report cards
- Psychological/Clinical/Occupational Therapy/Speech and Language Assessments
- Standardised Test Results
- Attendance Records
- Screening records such as MIST and NRIT
- Data Protection
- Diagnostic Tests Reports
- Individual Education Plans
- Learning Support/Resource Data such as records of permission/refusal to access LS/RT services in the school,
- Details of behavioural incidents or accidents.
- Custodial arrangements where relevant.

3. Staff Data

This data relates to personal and professional details of the Staff such as name, address, date of birth, contact details, payroll number, attendance records, qualifications, school records, sick leave, CPD, curriculum vitae/job application form, school returns, classes taught and seniority

4. Administrative Data:

- Attendance Reports, Roll Book, Registers
- Accident Report Book
- Administration of Medicines Indemnity Form
- Policies
- HSE files
- Board of Management files
- Accounts
- Cuntas Míosuil

Access to Records:

The following will have access where relevant and appropriate to the data listed above;

- Parents/guardians
- Past pupils over 18
- Health Service Executive
- Designated school personnel
- Department of Education & Skills
- First and second-level schools (where relevant).
- The school transfer form.

A parental authorisation form must be completed by parents in the event of data being transferred to outside agencies such as health professionals etc. Outside agencies requesting access to records must do so in writing giving a minimum of seven days notice. Parents/Guardians can make such a request either by email or in writing. The right to erasure or rectification is available to change any mistakes or inaccuracies by proper authorisation through the same procedures.

A standardised school report form is used in the school (as recommended by the DES). This report is issued to parents annually in June and a copy is kept on file.

Storage:

All records are stored in the school.
Records are stored in locked filing cabinets.

A pupil profile and selection of records are held by each teacher in his/her individual classroom and passed on to the next teacher as the child moves to the next class.

All completed school roll books are stored securely.

Access to these stored files is restricted to authorised personnel only.

Computerised records, systems are password protected. Some records are backed up on the school server.

Success Criteria:

- Compliance with Data Protection Act and Statute of Limitations Act
- Easy access to records
- Framework in place for ease of compilation and reporting
- Manageable storage of records.

Roles and Responsibilities:

The school staff, under the direction of the Principal will implement and monitor this policy. Individual teachers will design, administer and record all in-class testing. The Principal will ensure records are maintained and stored, particularly the records of students transferring to another school.

Implementation Data:

This new policy is effective from September 2014.

All records held from before that date will continue to be maintained in the school.

Review/Ratification/Communication:

This policy was ratified at a Board of Management Meeting on 17th June 2014.

The policy will be available on the school website and through the office.

It will be reviewed every 2 years and amended if necessary.

References:

- Solas (CPSMA) May-June 2001
- Education Act 1998
- Education Welfare Act 2000
- Data Protection Act 2003
- Freedom of Information Act

Appendix 1

Student Records	Primary	Final Disposition	Comments
Register/Roll books	Indefinitely	N/A	Indefinitely. Archive when class leaves +2 years

Records relating to pupils/students	Primary	Confidential shredding	Comments
Enrolment forms	Student reaching 18 years +7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Student transfer forms (Applies from primary to primary. From one second level school to another)	If a form is used- Student reaching 18 years +7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Disciplinary notes	Never destroy	N/A	Never destroy
Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)	Student reaching 18 years +7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
End of term/year reports	Student reaching 18 years + 7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of school tours/trips including	Never destroy	N/A	Never destroy. Permission for Tours/Trips/Outings on enrolment form and specific

permission slips, itinerary reports			record of trip to be retained in school.
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Scholarship applications e.g. Book rental scheme	Student reaching 18 years +7 years	Confidential shredding	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
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Sensitive Personal Data Students	Primary	Final disposition	Comments
Psychological assessments	Indefinitely	N/A - Never destroy	Never destroy
Special Education Needs' files, reviews, correspondence and Individual Education Plans	Indefinitely	N/A	Never destroy
Accident reports	Indefinitely	N/A	Never destroy
Child protection records	Indefinitely	N/A	Never destroy
Section 29 Appeal records	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Enrolment/ transfer forms where child is not enrolled or refused enrolment	Student reaching 18 years + 7 years	Confidential shredding	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Record complaints made by parents/ guardians	Depending entirely on the nature of the complaint.	Confidential shredding or N/A, depending on the nature of the records.	Depends entirely on the nature of the complaint. If it is child-safeguarding, a complaint relating to teacher-handling, or an accident then retain indefinitely. Never destroy. If it is a complaint of a more mundane nature (e.g. misspelling of

			child's name, parent not being contacted to be informed of parent-teacher meeting or other minor matter, then Student reaching 18 years + 7 years 6 years in which to take a claim, and 1 year for proceedings to be served on school)
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Staff Records	Primary	Final disposition	Comments
Recruitment process Note: these suggested retention periods apply to unsuccessful candidates only. They do NOT apply to successful candidates or candidates who are/were also employees already within your school applying for another post/position. For successful candidates, or candidates who are/were also employees already within your school applying for another post/position see retention periods set out below.	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Application & CVS of candidates called for interview	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Database of applications	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Selection criteria	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.

Applications of candidates not shortlisted	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Unsolicited applications for jobs	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Candidates shortlisted but unsuccessful at interview	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Candidates shortlisted and are successful but do not accept offer	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Interview board marking scheme & board notes	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.
Panel recommendation by interview board	✓	Confidential shredding	18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.

Staff personnel files (whilst in employment) e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training etc.	Primary	Final Disposition Confidential shredding. Retain an anonymised sample for archival purposes.	Comments

Application &/CV	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Qualifications	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
References	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview: Database of applications (the section which relates to the employee only)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Selection criteria	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview board marking scheme & board notes	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Panel recommendations by interview board	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Recruitment medical	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Job specification / description	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Contract / Conditions of employment	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Probation letters/ forms	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
POR applications and correspondence (whether successful or not)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Leave of absence applications:	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job share	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Career Break	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Maternity leave	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Paternity leave	✓	Confidential shredding	Retain for 2 years following retirement/resignation or the

			duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater)
Parental leave	✓	Confidential shredding	Must be kept for 8 years - Parental Leave Act 1998 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Force Majeure leave	✓	Confidential shredding	Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Carers leave	✓	Confidential shredding	Must be kept for 8 years - Carer's Leave Act 2001 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Working Time Act (attendance hours, holidays breaks)	✓	Confidential shredding	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 3 years.

Allegations/ complaints	✓		Retain in accordance with the Grievance and Disciplinary procedure
Grievance and Disciplinary records	✓		Retain in accordance with the Grievance and Disciplinary procedure

Occupational health records e.g. sickness absence records/ certificates, pre- employment medical assessment, occupational referral, ill-health, sick leave records	Primary	Final disposition	Comments
Sickness absence records /certificates	✓	Confidential shredding Or do not destroy	Re sick leave scheme (1 in 4 rule) ref DES C/L 0006/2010 Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/injury / incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Pre-employment medical assessment	✓	Confidential shredding	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/injury / incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Occupational health referral	✓	Confidential shredding Or do not destroy	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an

			accident/injury / incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Correspondence retirement on ill-health grounds	✓	Confidential shredding Or do not destroy	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/injury / incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Accident/injury at work reports	✓	Confidential shredding	Retain for 10 years, or the duration of the employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), whichever is the greater (unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual's duties within the school, in with case do not destroy).
Medical assessments or referrals	✓	Confidential shredding Or do not destroy	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless Medmark assessment relates to an accident/injury / incident sustained in relation to or in connection with the individual's duties within the school, in which case, do not destroy.
Sick leave records (sick benefit forms)	✓	Confidential shredding	In case of audit/refunds Current year plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

Superannuation/ Pension on/ Retirement records	Primary	Final disposition	Comments
Records of previous service (incl. Correspondence with previous employers)	✓	N/A	DES advise that these should be kept indefinitely.
Pension calculation	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee / former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Salary claims form	✓	Confidential shredding	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee / former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)

Government returns	Primary	Final disposition	Comments
Any returns which identify individual staff/pupils,		N/A	Depends upon the nature of the return. If it relates to pay/ pension /benefits of staff, keep indefinitely as per DES guidelines.

			If it relates to information on students, e.g. October Returns Annual Census etc., keep in line with "Student Records" guidelines above.
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Board of Management Records	Primary	Final disposition	Comments
Board Agenda and minutes	✓	N/A	Indefinitely. These should be stored securely on school property
School closure	✓		On school closure, records should be transferred as per <Records Retention in the event of school closure / amalgamation

Other school based reports/minutes	Primary	Final disposition	Comments
CCTV Recordings	✓	Safe/ secure deletion	28 days in the normal course, but longer on a case by case basis e.g. where recordings /images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage /vandalism to school property and where the images /recordings are retained to investigate those issues.
Principal's monthly report including staff absences	✓	N/A	Indefinitely. Administrative log and does not relate to any one employee in particular: the monthly reports are not structured either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".

Posts of Responsibility	✓	N/A	Retain indefinitely on master file as it relates to pay/pension etc.
Calculation of service	✓	N/A	Retain indefinitely on master file.
Promotions / POR Board master files	✓	N/A	Retain indefinitely on master file.
Promotions / POR Boards assessment report files	✓	N/A	Retain original on personnel file in line with retention periods in "Staff Records" retention guidelines above.
POR appeal documents	✓	N/A	Retain original on personnel file, and copy of master & appeal file. Retain for duration of employment + 7 years (6 years in which to take a claim, plus 1 year to serve proceedings on school). Copy on master and appeal file.
Correspondence from candidates re feedback	✓	N/A	Depends upon nature of feedback. If feedback is from unsuccessful candidate, who is not an employee within the school, keep in line with retention periods in "Staff Records" above. If feedback is from successful candidate or from unsuccessful candidate who is already an employee within the school, keep in line with "Staff Personnel While in employment" above.