

Please note: This is a suggested template Privacy Notice, to be amended to pertain to individual schools' requirements. **This is not intended to be legal advice and must be approved by the Board of Management prior** to release to parents/guardians/the school community.

TEMPLATE

[Insert name of school]

Data Protection

Privacy Notice for Pupils, Parents and Guardians

Effective from the 25th May, 2018

Individuals have a number of rights in relation to their personal data and these rights have been enhanced by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. This Data Protection Privacy Notice describes how we at **[Scoil X insert school name]** collect and process personal data, in accordance with the GDPR, data protection legislation and the school's legal obligations generally in relation to the provision of education. Processing is the legal term used to describe various acts including - the collection, recording, organisation, structuring, storage, alteration, use of, retrieval, disclosure or transmission of personal data.

This Privacy Notice applies to pupils, parents and guardians. By enrolling your child in and/or by attending **[Scoil X insert school name]** you acknowledge and agree to the collection and processing of personal data by the school.

For your information this Privacy Notice outlines:

- Relevant definitions;
- Who we are and how to contact us;
- What personal data we collect, process and retain;
- How personal data is collected and processed and the purpose and legal basis for so doing;
- Sharing personal data with third parties;
- Individual legal rights.

I. DEFINITIONS

“Data Controller”: Means the entity which determines the purposes, conditions and means of processing of personal data collected in the school – ie the Board of Management

“Personal Data”: Information relating to an identified or identifiable natural person

“Pupils”: Means all former, present and prospective pupils of **[Scoil X insert school name]**

“Parents”: Means all former, present and prospective parents of pupils attending **[Scoil X insert school name]**

“Guardians”: Means all former, present and prospective guardians of pupils attending **[Scoil X insert school name]**

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2. WHO WE ARE AND HOW TO CONTACT US

The Board of Management of **[Scoil X insert school name]** is a Data Controller responsible for personal data. **[Scoil X insert school name]** processes personal data, i.e. the school collects, records, stores, retains and uses personal data. **[Scoil X insert school name]** will respond to your questions in relation to this Privacy Notice and our approach to data protection.

If you have any questions about this Privacy Notice, including any request to exercise your legal rights, please contact us using the details below:

[School to outline relevant contact point *specific* to data protection queries e.g. dedicated email address for data protection purposes]

3. PERSONAL DATA COLLECTED

[Scoil X insert school name] may collect, process and retain the following personal data on pupils and parents/guardians:

(i) Pupils: Personal Data

- Personal details such as name, address, date of birth, gender, PPS number, nationality, emergency contact details and information in relation to the pupil's family as may be required,
- Any Special Education Needs (SEN),
- Any Child Protection information,
- Academic records, school reports, pupil learning needs, pupil behaviour needs, permission for access to educational reports, individual education and learning support plans,
- Personal pupil profiles (including whether English is the pupil's first language or if exempt from any subjects e.g. Irish or religion),
- Psychological referral/assessment documentation and permission for access to psychological reports,
- Personal data for the Primary Online Database (POD),
- Personal data for Special Educational Needs Organiser (SENO),
- Personal data for TUSLA (the Child and Family Agency) and/or the Health Service Executive (HSE),
- Attendance records and explanatory notes in relation to absences,
- Disciplinary records including notes that may be held by the teacher(s), incident and accident reports, investigations and sanctions if imposed,
- Permission notes in respect of school activities e.g. school tours/trips and outings, extra-curricular activities, (including Curricular, RSE/Stay Safe Programme(s)),
- Photographs and recorded images of pupil(s) (including at school events),
- School Transport information,
- CCTV footage and other personal data obtained through electronic means,
- **[any other personal data on pupils – school to insert as relevant]**

(ii) Pupils: Special Categories of Personal Data

- Information about pupil's health, medical certificates, medical needs, allergies and consent for administration of medicine,
- Religious belief and confirmation of engagement or not in Religious Sacraments,

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- Membership of the Traveller Community,
- Racial or Ethnic origin,
- **[any other special categories of personal data on pupils – school to insert as relevant. Special categories of personal data are defined as 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 shall be prohibited.]**

(iii) Parents and Guardians: Personal Data

- Contact details of parent / guardian e.g. name, address, email address, telephone number(s)
- Information regarding legal orders in respect of any family law disputes in respect of guardianship, custody or access,
- Occupation and nationality,
- Number of children, position of pupil(s) in family,
- Consent in respect of medical/other emergencies,
- Consent in respect of school activities e.g. school tours/trips and outings, extra-curricular activities,
- Consent to publish photographs and schoolwork of pupils on school website / print media etc,
- Records, correspondence or notes arising from interaction with Parents / Guardians,
- **[any other personal data from Parents/Guardians – school to insert as relevant]**

4. PURPOSE & LEGAL BASIS FOR COLLECTING & PROCESSING PERSONAL DATA

[Scoil X insert school name] collects and processes personal data (as listed above) about pupils and parents / guardians for a variety of purposes and relies on a number of legal grounds to do so. **[Scoil X insert school name]** requires this personal data to perform our duties and responsibilities and to comply with our legal and statutory obligations. In addition, **[Scoil X insert school name]** requires this personal data to pursue the legitimate interests of the school and our dealings with relevant third parties (see below). The legitimate interests upon which we rely is the effective operation and management of **[Scoil X insert school name]** and managing the education and welfare needs of our pupils. **[Scoil X insert school name]** processes personal data on the basis of the following lawful purposes:

a) Legal Obligation

[Scoil X insert school name] collects and process personal data to comply with our legal and statutory obligations, including, but not limited to those under the Education Act 1998 (as Amended), the Education (Welfare) Act 2000, the Education for Persons with Special Needs (EPSEN) Act 2004, the Health Act 1947, the Children First Act 2015, the Child Protection Procedures for Primary and Post-Primary Schools 2017, the Teaching Council Acts 2001-2015 and Safety Health and Welfare at Work legislation

b) Legitimate Interests

[Scoil X insert school name] may also process personal data to:

- Enable Pupils to develop to their full potential and meet the educational, social, physical and emotional requirements of the pupil,

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- Enable Parents and Guardians to be contacted in the case of emergency, school closures and, health and safety issues,
- To inform Parents and Guardians of their child's educational progress,
- Secure and benefit from the support and services of relevant third parties.

c) Consent

[Scoil X insert school name] sometimes process some of pupils' personal data with consent e.g. photograph which may be displayed on the school's website or on social media platforms or in the print media. Please note that consent can be withdrawn at any time by contacting the school.

5. HOW PERSONAL DATA IS COLLECTED

(i) Pupils

[Scoil X insert school name] collect personal data about pupils through the enrolment process and/or through expressions of interest in relation to enrolment. Additional personal data is collected from third parties, including former schools and through school activities and general interaction(s) during the course of the pupil's time at **[Scoil X – insert name of school]**

(ii) Parents and Guardians

[Scoil X – insert name of school] collect personal data about parents and guardians through the enrolment process or expressions of interest for enrolment. We collect additional personal data through general interaction during the course of the pupil's time at **[Scoil X – insert name of school]**

6. PERSONAL DATA AND THIRD PARTIES

[Scoil X – insert name of school] may receive from, share and/or transfer personal data to a range of third parties such as the following:

- ***The Department of Education and Skills***
- ***TUSLA / the Child and Family Agency***
- ***The National Council for Special Education***
- ***National Educational Psychological Service (NEPS)***
- ***Department of Employment Affairs and Social Protection and/or other state benefit providers***
- ***An Garda Síochána***
- ***School Insurance Provider***
- ***Third Party Service Providers:*** We may share personal data with third party service providers that perform services and functions at our direction and on our behalf such as our accountants, IT service providers including, printers, lawyers and other advisors, and providers of security and administrative services, including data processing / cloud storage service providers e.g. **[Aladdin / cloud storage service provider as relevant to school]**.
- **[Any other third parties – school to complete]**

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7. DATA RETENTION

We will only retain personal data for as long as it is necessary to fulfil the purposes the data was collected for, including any legal, accounting or reporting requirements.

[Information re school retention periods can be expanded on here as necessary – school to complete]

8. TRANSFER OF PERSONAL DATA OUTSIDE THE EUROPEAN UNION

[Scoil X – insert name of school] may transfer the personal data we collect to countries outside the EU. Where there is no adequacy decision by the European Commission in respect of any such country that means that that country is deemed not to provide an adequate level of protection for your data. However, to ensure personal data does receive an adequate level of protection we will in such circumstances put in place appropriate measures such as the use of model contractual clauses as approved by the European Commission to ensure personal data is treated by those third parties in ways that are consistent with respect to EU and Irish Laws on Data Protection.

9. INDIVIDUAL RIGHTS

Individuals have several rights under GDPR which in certain circumstances are limited and/or constrained. These individual rights include the right – free of charge and subject to any limitations as may apply – to:

1. Request a copy of the personal data held about the individual;
2. Rectify any inaccurate personal data held about the individual;
3. Erase personal data held about the individual;
4. Restrict the processing of individual personal data;
5. Object to the use of individual personal data for our legitimate interests;
6. Receive individual personal data in a structured commonly used and machine-readable format and to have that data transmitted to another data controller.

If you wish to exercise any of these rights please contact us at the school as outlined / **[School to outline relevant contact point specific to data protection queries e.g. dedicated email address for data protection purposes]**

[Scoil X – insert name of school] will endeavour to respond to your request within a month.

You also have the right to lodge a complaint to the office of the Data Protection Commission. The relevant contact details are:

Data Protection Commission
21 Fitzwilliam Square South
Dublin 2
D02 RD28
Tel: 0761 104 800 / 057 868 4800
www.dataprotection.ie

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10. UPDATES

We will update this Data Protection Privacy Notice from time to time. Any updates will be made available and, where appropriate notified to you.