

**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.*** It is advised that legal advice be taken in respect of approval of ***any proposed approval*** of a Privacy Notice. Any Privacy Notice ***must be approved by the Board of Management prior*** to dissemination to the appropriate recipients.

## **TEMPLATE**

### **[Insert name of school]**

For Internal Use Only
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### Data Protection

## Privacy Notice for Staff & Members of the Board of Management

*Effective from the 25<sup>th</sup> 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 as an employer and Board of Management. 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 staff and members of the Board of Management of the School. As an employee / member of the Board of Management of **[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

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“Board of Management”: Means all former, present and prospective members of the Board of Management

“Staff Members”: Includes all former, present and prospective principals, teachers, substitute/student teachers, special needs assistants (SNAs), caretaker, administration staff, cleaning staff and any other former, present and prospective employee of the school

## 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 privacy.

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 relating to staff members/employees and members of the Board of Management:

### (i) **Staff Members: Personal Data**

- Personal contact details such as name, title, address, telephone numbers and personal email address, date of birth, gender, emergency contact details and information in relation to family as may be needed required;
- PPS number, bank account details, teacher number;
- Start date of employment, recruitment information (including copies of Garda vetting information; Teaching Council registration information; references and other personal data included in a CV and cover letter as part of the application process);
- Complaint(s), grievance(s), investigations, disciplinary and sanction(s) records (if imposed), (in line with relevant DES Circular/statutory provisions);
- Details of approved absences (including career breaks, parental leave, study leave);
- Information relating to promoted posts, summer/professional development courses and course certificates, details of qualifications, classes taught;
- Attendance and absences records, together with all information collected for the On-Line Claim System (OLCS);
- Incident and accident reports;
- Reports made by staff members / members of the Board of Management to third party agencies or State agencies / departments, including mandatory reporting responsibilities

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under relevant legislation and the Department of Education and Skills (DES) Child Protection Procedures;

- Photographs and recorded images of staff (including at school events);
- CCTV footage and other personal data obtained through electronic means;
- **[any other personal data on staff – school to insert as relevant]**

**(ii) Staff Members: Special Categories of Personal Data**

- Trade union membership,
- Personal data concerning health, including any medical conditions, health and sickness records, medical certificates, Medmark referral forms, confirmations and reports and details of any accidents/injuries sustained on school property or in connection with carrying out school duties;
- **[any other special category of personal data on staff – 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) Board of Management: Personal Data**

- Personal contact details such as name, address, telephone number, personal email address;
- Records in relation to appointments to the Board;
- Minutes of Board of Management meetings;
- Correspondence to the Board of Management;
- Photographs and recorded images of members of the Board of Management;
- **[any other personal data on Board members – school to insert as relevant]**

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

**(i) Staff Members**

**[Scoil X insert school name]** collects and processes personal data (as listed above) about staff members 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 employment contract, 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 those of relevant third parties (see below), including the DES; our dealings with other relevant third parties and, compliance with DES

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Circular and other statutory obligations, provided those interests and fundamental rights do not override third party interests.

**[Scoil X insert school name]** processes personal data on the basis of the following lawful purposes:

**a) Contract**

**[Scoil X insert school name]** may process personal data to make a decision about recruitment or appointments, to determine the terms upon which someone works for us, to employ staff, to liaise with the DES and to administer any contracts entered into with our staff members.

Such processing is necessary in relation to any contracts of employment with existing staff members, or, in order to enter into a contract of employment with prospective staff members.

**b) Legal Obligation**

**[Scoil X insert school name]** processes personal data to comply with health and safety obligations and employment law obligations.

Where **[Scoil X insert school name]** processes personal data for these purposes it is because we have to comply with a legal obligation.

**[Scoil X insert school name]** collects and processes 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. Where **[Scoil X insert school name]** processes personal data for these purposes it is because of a requirement to comply with a legal obligation.

In certain circumstances and in line with **[Scoil X insert school name]**'s obligations under employment law, special categories of personal data may be processed. Such personal data as: trade union membership; information about your physical and mental health; and, information about criminal convictions, as appropriate.

**[Scoil X insert school name]** will process personal data relating to leave(s) of absence, which may include: illness absence; family related leave etc, in order to comply with employment and other laws, as appropriate.

**[Scoil X insert school name]** will process personal data about physical or mental health and/or disability status to ensure health and safety in the workplace and to assess fitness to work. Such personal data will be processed in order to: provide appropriate workplace

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adjustment(s)/accommodation(s); monitor and manage illness absence and to make appropriate records in line with DES Circular and other statutory obligations.

**[Scoil X insert school name]** may use trade union membership information to comply with employment law obligations.

The above processing is necessary for the purposes of carrying out **[Scoil X insert school name]**'s legal obligations and for the exercise of specific rights to which employees are entitled in the field of employment, social security and social protection.

#### c) **Legitimate Interest**

**[Scoil X insert school name]** may process personal data for:

- School management and planning;
- Whole staff training/support/professional development;
- Updating the school community in relation issues that affect the school eg school events / trips / health & safety announcements/alerts eg weather warnings or as appropriate;
- The prevention of fraud;
- Monitor use of school information and communication systems
- Ensuring compliance with school IT policies including Computer/IT Security Policy;
- Monitoring professional standards/performance;
- Gathering evidence/investigating in relation to any complaint, grievance or disciplinary matter and/or for the purposes of conducting a disciplinary hearing, education training and development requirements

Where **[Scoil X insert school name]** processes your personal data for these purposes, this is done on the basis of legitimate school business interests. The legitimate business interest upon which **[Scoil X insert school name]** relies is the effective operation and management of our school and managing the performance and conduct of staff members.

#### d) **Consent**

**[Scoil X insert school name]** sometimes process some of staff members' 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.

#### (ii) **Members of the Board of Management**

##### a) **Legal Obligation**

**[Scoil X insert school name]** processes personal data to comply with legal obligations and to enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation. In addition, this enables the maintenance of record(s) of Board of Management appointments and decisions.

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Where **[Scoil X insert school name]** processes personal data for these purposes it is because of a requirement to comply with a legal obligation.

**b) Consent**

**[Scoil X insert school name]** sometimes process some of Board members' 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) Staff Members**

**[Scoil X – insert name of school]** collects personal data about staff members through the recruitment process, either directly from staff members or, sometimes, through the teaching supplementary or redeployment panel(s). On occasion, we may collect additional personal from third parties, including former schools or employers, for example, a reference. We will also collect additional personal data in the course of employment-related activities throughout the period of staff members' employment at **[Scoil X – insert name of school]**.

**(ii) Members of the Board of Management**

**[Scoil X – insert name of school]** collects personal data about parents, guardians, staff and other individuals through the appointment and incorporation process of the Board of Management. Additional personal data is collected through activities pertaining to the Board throughout the course of membership of the Board of Management.

**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 (DES)***
- ***TUSLA / the Child and Family Agency (TUSLA/CFA)***
- ***The National Council for Special Education (NCSE)***
- ***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

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processing / cloud storage service providers e.g. **[Aladdin / cloud storage service provider as relevant to school]**.

- **[Any other third parties – school to complete]**

## **7. DATA RETENTION**

**[Scoil X insert school name]** will only retain personal data for as long as it is necessary to fulfil the purposes the personal data was collected for, including any legal, accounting or reporting requirements.

**[School retention periods can be expanded on here as necessary/Retention schedule can be attached/identified – for individual 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.

Individual rights in relation to personal data includes the right to object to processing of any personal data even where that processing is carried out for a legitimate interest. 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]**

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**[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](http://www.dataprotection.ie)

## 10. **UPDATES**

**[Scoil X insert school name]** will update this Data Protection Privacy Notice from time to time. Any updates will be made available and, where appropriate notified to you.