

# Bentilee Nursery School

## Data Protection Policy



Written March 2017

Reviewed Feb 2025

Next review Feb 2026

### Introductory Statement

Bentilee Nursery school collects and uses personal information about staff, pupils, parents, governors and other individual who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all parents, summarising the information held on pupils, why it is held and other parties to whom it may be passed on.

We are required by law to pass information to the Local Authority and Department of Education. Data is also sent to other agencies, as prescribed by law, such as Ofsted, Department of Health. All these are the data controllers for the information they receive.

If you want more information about how the LA and /or the DfE store and use this data please contact the following:

Civic Centre, Glebe Street, Stoke, Staffs ST4 1HH

### Scope

**To what will the policy apply?** The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on both school staff and students.

*Data: means information in a form which can be processed. It includes automated data (information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system).*

*Relevant filing system: means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily accessible.*

*Personal data: means data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.*

*Data Controller: A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the principal acting for the board of management in exercising the functions involved.*

**To whom will the policy apply?** The policy applies to all school staff, the board of management, parents/guardians, students and others insofar as the measures under the policy relate to them.

## **Rationale**

Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts)

- 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 his or her education.
- Under Section 20 of the [Education \(Welfare\) Act, 2000](#), the school must maintain a register of all students attending the school.
- 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 data controller may supply personal data kept by him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a "relevant purpose" only. See Section B.3 under Key Measures below.

## **Relationship to characteristic spirit of the school**

*Bentilee Nursery School seeks to provide high quality care and education, in partnership with our families and the wider community.*

- For every child to enjoy coming to school to learn through play
- For our school to be a safe, happy and secure environment where children can take risks and learn through their mistakes in a supportive way
- For every parent to be valued as the child's first educator to enable us to work in partnership to develop our children's education together so that they can reach their true potential
- For every child to have equality of access to the Early Years Foundation Stage Curriculum
- For our children to believe they can be anything they want to be
- For our school to make challenge and high expectations achievable targets in life
- For each child to be encouraged to foster an awareness of and respect for their immediate environment and the wider world around them
- For each child to form positive relationships with their peers and adults
- For each child to be proud of their culture and to share it with others so that mutual respect is achieved in our multi-cultural society
- For our school to embrace individuality and to ensure that differences are viewed as positive gifts, each having a purpose in life that can be used to help others
- For the school and community to work in cooperation to give our children real life learning opportunities

## **Goals/Objectives**

1. To ensure that the school complies with the Data Protection Acts.
2. To ensure compliance by the school with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts (see below).
3. To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

The policy is intended to ensure that personal information is dealt with correctly and securely.

## **Personal Data**

**Details of all personal data which will be held, the format in which it will be held and the purpose(s) for collecting the data in each case**

The personal data records held by the school may include:

**Staff records:** These may include:

- Name, address and contact details, payroll number
- Original records of application and appointment
- Record of appointments to promotion posts
- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, subjects etc)
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress.

**Note:** a record of grievances may be maintained which is distinct from and separate to individual personnel files.

These records will be kept as manual records (personal file within filing system), and could also be computer records (database).

*Purpose for keeping staff records:* to facilitate the payment of staff, to facilitate pension payments in the future, a record of promotions made etc.

**Pupil records:** These may include:

- Information which may be sought and recorded at enrolment, including:
  - name, address and contact details, UPN number
  - names and addresses of parents/guardians and their contact details
  - religious belief
  - racial, ethnic or national origin
  - English as an additional language
  - membership of the Traveller community, where relevant
  - any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
  - attendance
- Information on previous academic record
- Educational psychological assessments
- Pupil premium records
- Free school meals
- Health assessments e.g health plans, asthma registers
- Attendance Records
- Academic records- progress of Prime and Specific area of learning
- Records of significant achievements
- Records of disciplinary issues and/or sanctions imposed
- Other records e.g. records of any injuries/accidents etc.

These records will be kept both as a e.g. manual record (personal file within filing system), and a computer record (database).

*Purpose for keeping student records:* to enable each student to develop his/her full potential, to comply with legislative or administrative requirements, to ensure that eligible students can benefit from the relevant additional teaching or financial support to enable parent/guardians to be contacted in the case of emergency.

**Governing Body of Management records:** These include:

- Name, address and contact details of each member of the board of management
- Records in relation to appointments to the Body
- Minutes of Governing Body meetings and correspondence to the board which may include references to particular individuals. e.g. Personnel meetings, Finance meetings, health and safety/premises, Linked governor meetings with staff and learning walks

*Format:* These records will be kept as a manual record (personal file within filing system), and as a computer record (database)

*Purpose for keeping board of management records includes:* a record of board appointments, documenting decisions made by the board, records to support school improvement as a critical friend.

***Other Records:***

- Other personal data records held by the school:-
- *Format:* these records will be kept e.g. manual record (personal file within filing system), and as a computer record (database).

*Purpose for keeping records:* Set down the purpose for which these records are held.

**This policy should be read in conjunction with:-**

- KCSIE 2024
- Working together to keep children safe 2023
- and the school safeguarding policy

## **A. Details of arrangements in place to ensure compliance with the eight rules of data protection**

All personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

1. We obtain and process information fairly through parents
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes
8. We will give a copy of his/her personal data to that individual on request.

The minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under rules 1 and 3 above is not defined in the Data Protection Acts. However, guidance material published on the Data Protection Commissioner's website states the following:

*"As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student's parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice."*

### **When personal information is being requested by the school.**

You will be asked to sign the form in **appendix A**. This will be given to you to sign when your child starts the nursery school

#### **1. We obtain and process information fairly:**

- Staff members, parents/guardians and students are made fully aware when they provide personal information of the identity of the persons who are collecting it, the purpose in collecting the data, the persons or categories of persons to whom the data may be disclosed and any other information which is necessary so that processing may be fair. The statement in Appendix 1, in blue print, is added to all correspondence.
- Personal information is processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, parents/guardians or students, where required. (See **appendix 2**- for a list of exemptions from obtaining consent).
- Sensitive personal information is processed fairly in accordance with the Data Protection Acts, with explicit consent being obtained from staff members, parents/guardians or students, where required. For a list of exemptions from obtaining consent please see appendix 3.

#### **1. We keep it only for one or more specified, explicit and lawful purposes:**

- Persons whose data is collected know the reason/s why it is collected and kept
- The purpose for which the data is collected and kept is a lawful one
- School management is aware of the different sets of data which are kept and the specific purpose of each

#### **2. We use and disclose it only in ways compatible with these purposes: We use these prompt questions to ensure we are acting lawfully:**

- Is data used only in ways consistent with the purpose/s for which it was obtained?

- Is data disclosed only in ways consistent with that purpose?
- Is there a procedure in place, which is in accordance with the Data Protection Acts to facilitate the transfer of information to another school when a student transfers?  
**Note:** Under Section 20 of the [Education \(Welfare\) Act, 2000](#), each school Headteacher must maintain a register with the names of all children attending that school. When a child is transferring from the school, the Headteacher must notify the Headteacher of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate. Under Section 28 of the Act, schools may supply personal data, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the student's educational history, monitoring the student's educational progress or developing the student's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:
  - The Minister for Education and Science (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
  - The National Council for Special Education (NCSE)
  - The National Educational Welfare Board (NEWB)
  - Each school recognised in accordance with section 10 of the Education Act, 1998
  - Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.
- In what circumstances will personal data be disclosed to third parties, including the Department of Education and Science, the NEWB, Gardaí, in legal proceedings, HSE personnel etc.?
- Is there a procedure in place, which is in accordance with the Data Protection Acts to facilitate the transfer of personal data abroad? See **appendix 4**.

Exceptions to disclosure rule:

- Data can be disclosed when required by law
- Data can generally be disclosed to an individual himself/herself or with his/her consent (see 8 below).

### **3. *Keeping it safe and secure:***

Appropriate security measures are taken against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction.

- information (including authority to add/amend/delete records) restricted to authorised staff on a "need to know" basis?
- Key person group leaders have access to what information based on this "need to know" policy
- All computer systems password protected
- Information on computer screens and manual files is kept out of view of callers to the school/office
- Back-up procedures are in operation for computer held data, including off-site back-up
- All reasonable measures are taken to ensure that staff are made aware of the security measures, and comply with them
- All waste papers, printouts etc. are disposed of carefully in the skip by our school cleaner. The skip is in a locked shed.
- Any waste with names or photographs on are shredded
- Computers which are no longer in use or subject to change of use are locked in the school cupboard. We contact our IT support to dispose of them safely and ensure data has been erased.
- The designated person responsible for security is Juliet Levingstone- the headteacher
- We have periodic reviews of the measures and practices in place when we are upgrading or replacing IT equipment
- Premises are secure when unoccupied. The school has locked doors on opened by council staff activated fobs

4. Security is the responsibility of the data processor security

5. ***Keeping it accurate, complete and up-to-date***

- clerical and computer procedures are adequate to ensure high levels of data accuracy.
- We have a 3 yearly procedure in place, to ensure that each data item is kept up-to-date

**Note:** While this rule applies to all computer held data and any new manual records created from July 2003, it will only apply to existing manual records from October 2007.

6. ***Ensuring that it is adequate, relevant and not excessive***

- information held is adequate in relation to the purpose/s for which it is kept
- information held is relevant in relation to the purpose/s for which it is kept
- information held is not excessive in relation to the purpose/s for which it is kept

**Note:** While this rule applies to all computer held data and any new manual records created from July 2003, it will only apply to existing manual records from October 2007.

***Retaining it for no longer than is necessary for the purpose or purposes***

- We will only retain data on your child for the time they are at our school. Photographic images may be kept for up to 6 years after your child has left the school with your permission as they are used to for promotion purposes or historic records. Any individual photos will be returned to the parent after this time of if we cannot contact you they will be destroyed.
- We will review this annually when we review the policy to keep a check on time lapsing

**Note:** While this rule applies to all computer held data and any new manual records created from July 2003, it will only apply to existing manual records from October 2007.

In general, personal data should not be kept for any longer than is necessary to fulfil the function for which it was first recorded. Retention times cannot be rigidly prescribed to cover every possible situation and schools need to exercise their individual judgement in this regard in relation to each category of records held. However, the following particular requirements should be met:

- School registers and roll books are required to be kept indefinitely within the school. Consideration is being given to amending the Data Protection Acts to allow schools to deposit completed school registers and roll books which are no longer required for administrative purposes with the Local Authority Archive Service. The Department will notify schools of any changes to the Acts in this regard.
- Pay, taxation and related school personnel service records should be retained indefinitely within the school.
- Where litigation may potentially arise in the future (e.g. in relation to accidents/personal injuries involving school personnel/students or accidents occurring on school property), the relevant records should be retained until the possibility of litigation ceases.

**Note:** The statute of limitations in relation to personal injuries is currently two years. The limitation period for other causes of action varies, but in most cases is not greater than six years. A limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim. In the case of minors, the limitation period does not begin to run until they reach their 18<sup>th</sup> birthday or later if the date of knowledge post dates their 18<sup>th</sup> birthday. While schools may wish to draw up their own policies as to how long to retain such records, it would appear prudent not to destroy records likely to be relevant in litigation at least until the **six year limitation period** has expired.

In line with the above, it is suggested that the information on student files might, as a general rule, be retained for a period of six years after the student has completed the Senior Cycle and/or reached the age of 18.

## **7. Giving a copy of his/her personal data to that individual on request**

On making an access request any individual (subject to the restrictions in Notes A and B below) about whom you keep personal data, is entitled to:

- a copy of the data which is kept about him/her
- know the purpose/s for processing his/her data
- know the identity of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions
- a copy of any data held in the form of opinions, except where such opinions were given in confidence.

To make an access request, an individual must:

- apply in writing
- give any details which might be needed to help identify him/her and locate all the information you may keep about him/her
- pay an access fee if the school wishes to charge one. The school need not do so, but if it does it cannot exceed the prescribed amount of £20.00.

There are a number of exceptions to the general rule of Right of Access, including those specified in Notes A and B below.

### **Handling access requests:**

- Juliet Levingstone is the named person responsible for handling access requests
- The **procedures** to provide applicants with access to personal data about themselves in accordance with the Data Protection Acts as detailed above is as follows

-Apply in writing stating what information you require

-Give the school 10 working days to gather the information in accordance with the law

-Make an appointment to meet the Headteacher to hand over data and discuss

-You must bring in 3 forms of ID, at least one to be photographic in order to access personal data

- a data base will be set up when needed to record the outcome of any legal proceedings which may limit the right of one or both parents to access information about their child

- The school considers all data asked for. This may go to the Governing Body if the Headteacher is not certain about access to it.
  - If it is identified by the individual on whom the data is kept / or parent of that child, that data kept on a specific child is inaccurate then the school follows a procedure of rectifying or erasing any inaccurate information with 40 days. The school will

-ask for a written statement of inaccurate or incorrect data from the individual

-will collect all the data- if in a paper version and put in a separate file to either be amended or shredded. Juliet Levingstone or Sue Ridgway will amend or shred the data. This will be witnessed and counter signed and dated as proof.

-Juliet Levingstone – Headteacher will amend or delete data held on the computer or electronic device in the presence of the Office manager- Sue Ridgway- or vice versa.



This will be dated, signed and countersigned on the written statement to prove that it has been deleted.

- the individual on whom the data is kept / or parent of that child will be invited in to get proof of this
- the individual will be informed within 40 days of the request if no information is held on them. This will be in the form of a letter and will be sent recorded delivery. A copy of this will kept for our records, including proof of postage
- The fee of £20.00 will be refunded if the request is not complied with or if it is necessary to rectify, supplement or erase the personal data concerned.

#### **Note A: Access requests by students**

- Students aged 18 and over are entitled to access their personal information in accordance with the Data Protection Acts.
- Students under 18 years of age can be given access to their personal information, depending on the age of the student and the nature of the record i.e. it is suggested that:
  - if the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student can readily be given access
  - if the record is of a sensitive nature, we will seek parental/guardian consent
  - if a student has some disability or medical condition that would impair his or her ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent will be sought.

#### **Note B: Exceptions to note:**

- Data protection regulations prohibit the supply of:
  - health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such data is to be communicated only by, or after consultation with, an appropriate "health professional", normally the patient's own doctor
  - personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. The regulations apply to social work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

#### **Links to Other Policies and to Curriculum Delivery**

School policies are consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place, being developed or reviewed, they are examined with reference to the data protection policy and any implications which it has for them should be addressed.

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Special Educational Needs

### **Implementation Arrangements, Roles and Responsibilities**

Juliet Levingstone will be assigned the role of co-ordinating implementation of the policy and for ensuring that staff who handle or have access to personal data are familiarised with their data protection responsibilities.

School administrative staff have a key role in implementing the policy and have been provided with a copy of the policy and other relevant information. Teaching staff have been provided, with a broad outline of the policy, including a summary of the eight rules of data protection.

This is due to be done in the Summer second half term 2018 with Juliet Levingstone leading this.

### **Ratification & Communication**

- The Governing Body officially ratified the policy July 2018.
- The policy is on the school website.

### **Implementation Date**

The policy will apply from Sept 2018.

### **Monitoring the implementation of the policy**

- This will be monitored termly and reported in the termly Governors report.

### **Reviewing and evaluating the policy**

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

In our termly reviews we will look at and answer the following points:-to see if

- Students, staff and parents/guardians are aware of the policy
- Requests for access to personal data are dealt with effectively
- Personal data records are accurate
- Personal data records are held securely
- Personal data records are retained only for as long as necessary.

## Appendix 1



**Dear Parents,** I am asking your permission to be able to display in the classrooms, so staff can refer to information about your child,

- Pupil names-(first and surname names)- this may mean a class list or on the self-registration board
- Pupil dates of birth
- List of children's names with English as an additional language
- Medical information including children on the asthma register, allergies, etc.
- Dietary information including what children cannot eat due to medical or religious purposes
- List of pupils who cannot have their photographs taken for use on the website or any media purposes outside the school
- Photographs of children

**As you know the school operates part time provision and we have part time staff. I want to ensure that all staff can access the above information easily at all times, to ensure mistakes are not made, in our provision and care of your child.**

**The above information may be seen by other people who come into the nursery including parents and visitors. It will be displayed appropriately, as we do now, keeping sensitive information in the staff kitchen.**

**We would also like to continue to display:-**

- children's work in the Children's Centre with their names on
- parental comments about the school on our Comment tree in the Children's Centre by the school office. This may state your child's name and your name as parent/ carer
- Our publicity banners showing children's photographs (of children whose parents have given photographic permission)

The information collected on this form will be held by Bentilee Nursery school in manual and in electronic format. The information will be processed in accordance with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003.

The purpose of holding this information is *for administration as well as to facilitate the school in meeting the student's educational and health needs*

Disclosure of any of this information to statutory bodies such as the Department of Education and Science or its agencies will take place only in accordance with legislation or regulatory requirements. Explicit consent will be sought from Parents/Guardians or students aged 18 or over if the school wishes to disclose this information to a third party for any other reason.

Parents/Guardians of students and students aged 18 or over have a right to access the personal data held on them by the school and to correct it if necessary.

I consent to the use of the information supplied as described.

My child's name is \_\_\_\_\_

**Signed Parent/Guardian:**

\_\_\_\_\_ **date** \_\_\_\_\_