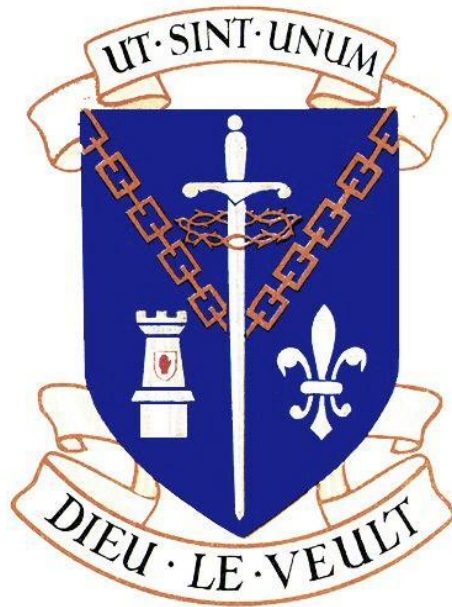


Data Protection Policy and Retention of Records



Reviewed 30th January 2024

Additional Information regarding POD Circular 25/50 2015

Policy to be reviewed in 2024

www.dataprotectionforschools.ie

www.dataprotection.ie

St. Louis Infant School, Monaghan

Data Protection and Record Retention Policy

Introduction:

This policy was formulated by the Staff and Board of Management of St. Louis Infant School, Monaghan. 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 stakeholders.

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 1988, Section 9g requiring a school to provide access to records to students over 18 and parents.
 - Education Welfare Act 2000 – requiring a school to report school attendance and transfer of pupils.
 - Data Protection Act 1988
 - Data Protection (Amendment) Act 2003

Relationship to School Ethos:

St. Louis Infant School promotes openness and cooperation between staff, parents and pupils as a means towards providing the caring environment through which a child can develop and grow to reach their 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 and to report to parents in a meaningful way on their child's educational progress.

- To establish clear guidelines on making these records available to parents and pupils over 18.
- To stipulate the length of time records and reports will be retained.
- To ensure that the school complies with the Data Protection Act.
- To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.

Guidelines:

The Principal assumes the function of data controller and supervises the application of the Data Protection Act within the school. This policy sets down the arrangements in place to ensure that 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. Obtain and process information fairly.
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 no longer than is necessary for the purpose or purposes specified.
8. Give a copy of his/her personal data to that individual on request.

Schools as *data controllers* must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the

data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, St. Louis Infant School has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

IMPORTANT: In all cases, schools should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/board of management/an officer or employee of the school (which may include a volunteer), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statute of Limitations may be different in every case. In all cases where reference is made to “18 years” being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school must be aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations **may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by schools on a case-by-case basis.** In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school/ETB should be aware that the claim could arise many years after the incident complained of and the courts/tribunals/employment fora may not consider the complainant to be “out of time” to make their claim.

Table 1

Location / Access and Updating of Records

<i>Record</i>	<i>Where</i>	<i>Access</i>	<i>Updating</i>
B.O.M. Minutes	Admin Office 9th October 1995 - 21st June 2021 - Paper Record Principal / Secretary BoM Admin Computer Electronic copies from September 2021 onwards	B.o.M. members Inspector	After each meeting
Financial Accounts Receipts of income and expenditure, audits, PAYE/PRSI records, RCT, VAT, Procurement Docs.	Admin /Sec. Office	Auditors Inspector B.O.M	Monthly/Quarterly Yearly
Staff Contracts Includes Teachers, S.N.A., Cleaner, Caretaker, Secretary	Admin Office	B.o.M. Inspector Individuals contracted	At appointment and yearly for Temporary /Part-Time
Staff Information Name, address, phone numbers, next of kin., gender, D.O.B., P.P.S.N. , C.V., Teacher number, qualification, teaching council number. Standard Application Forms Signing In form	Admin Office Computer and Filing Cabinet	Staff members, B.o.M. Critical incident committee.	As need arises.
Disciplinary Records Staff disciplinary records.	Admin Office	B.o.M. Staff members	As the need arises

		Inspector	
Staff Meeting minutes Mid-management meetings minutes.	Admin Office Admin Computer	Staff members B.O.M.	After each meeting
Plean Scoile Curriculum Plans Organisational Policies DEIS Plan	Admin Office Admin computer School Drive	B.o.M. Staff Inspector Parents	As need arises
Substitute Teachers and SNAs PPSN, Name, Garda Vetting, Statutory Declarations, Teaching Council, CVs	Admin and Sec Office	Principal Secretary Deputy Subs	As needs arise

Pupil Records

Record	Where	Access	Updating
Enrolment Forms / Individual Pupil Record/Class List Name, D.O.B., address, parents/guardians P.P.S.N., contact numbers, medical/health or SEN Issues, religious belief, dietary information, Gender, ethnic origin, nationality.	Admin/Sec Office Classroom Databiz / Aladdin	Teachers Parents B.O.M. Inspector Secretary HSCL	Constantly
End of year reports	Online Database	Parents Teachers Principal	Yearly
Samples of work/portfolio	Classroom Filing Cabinets	Parents Teacher Inspector Principal	As need arises

Standardised Tests Micra-T Sigma-T	Admin Office File Blue Folders New Wing Filing Cabinets Admin Computer / Databiz / Aladdin SEN Coordinator	N.E.P.S. Psychologist Parent Teacher SET Principal Deputy Principal	End First class
Screening Tests M.I.S.T. Bury Infant Check N.R.I.T. QUEST Language Link EAL PSAK YARK Reading Recovery	Admin Office Admin Computer Blue Folders Filing Cabinets SET Files	N.E.P.S. Psychologist Parent Teacher SET Teacher Principal Deputy Principal	As completed
Diagnostic Tests New Tests may be ordered as needs arise	Admin Office Admin Computer Blue Folder Filing Cabinets	N.E.P.S. Psychologist Parent Teacher SET Teachers Principal	As completed
Continuum of Support Classroom Support School Support School Support Plus	Classroom Filing Cabinets Blue Folder Admin Office Online - Databiz and / or Aladdin New Wing Filing Cabinet	Parent Teacher SET Teacher Principal Inspector N.E.P.S.	Twice yearly and as needs arise
Psychological Reports Reports from other Professionals Consent forms for referrals	Admin Office Blue Folder Filing Cabinets	Parent Teacher SET Teachers Principal S.E.N.O. N.E.P.S.	As completed

<i>Permission/Refusal forms for SET</i>	Admin Office Blue Folder Filing Cabinet	Parent Teacher SET Teachers Principal S.E.N.O.	At registration
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<i>Record</i>	<i>Where</i>	<i>Access</i>	<i>Updating</i>
<i>Enrolment Forms</i>	Admin Office Secretary's office Filing Cabinet	Teachers Post Holders Principal HSCL	As new information becomes available.
<i>Old Roll Books</i> <i>Attendance Records</i>	Secretary's Office Admin Computer Databiz / Aladdin	Teachers N.E.W.B. Secretary Principal Cigire H.S.E. HSCL	Daily.
<i>Leabhar Tinrimh</i>	Secretary's Office Admin Computer (Electronic) Principal's Office (Paper File)	Secretary Teachers Principal Cigire	Daily.
<i>Old Registers / Clár Leabhar</i> <i>No longer in use</i>	Admin Office Filing Cabinet	Cigire Gardai Teachers Principal N.E.W.B. H.S.E.	September and as new children enroll.
<i>Absence letters from parents</i>	Classroom Blue Folder Filing Cabinet	Parents Teachers Principal Secretary N.E.W.B.	N/A

<i>Education Welfare Report / Referral Forms</i>	Admin office Secretary`s Computer Online Portal	EWO Secretary Parents Principal. HSCL	Dates of reporting to N.E.W.B.
<i>Letters to Education Welfare Board</i>	Admin Office	EWO Secretary Parents Principal HSCL	As required
<i>Home School Community Liaison</i> At Risk Children Meeting with Principal	HSCL Laptop Admin Office	HSCL Principal	As required

<i>Record</i>	<i>Where</i>	<i>Access</i>	<i>Updating</i>
<i>Cúntas Míósúil</i>	Admin Office Classroom	Cigire Teacher Principal	Monthly
<i>Consent for R.S.E. Stay Safe</i>	Blue Folders Filing Cabinet	Parents Teachers Principal	At registration
<i>Code of Behaviour sign into by parents / Enrolment Form</i>	Secretary`s Office Filing Cabinet	Parents Teachers Principal	At Registration
<i>Indemnity for administration of medication (Pink Forms)</i>	Admin Office Filing Cabinet	Teacher Principal Parents	As required

<i>Child Protection Referrals / Recording Templates</i>	Principal's Office Filing Cabinet Pink Files	H.S.E. Parents Staff involved.	As required
<i>Serious Accident/Injury record</i>	Principal's Office Filing Cabinet	Parents Staff Investigators Para Medics	Immediately following incident/accident
<i>Behaviour/incident records</i>	Principal's Office Staff Room	Parents Staff Investigators H.S.E.	Immediately following incident/accident
<i>Emergency Contact Details</i>	Sec/Admin Office Databiz / Aladdin	Staff. H.S.E. Gardai	As required and as details change.

Table 2
Length Kept and Final Disposal

Student Records	Primary	Final disposition	Comments
Registers/Roll books	Indefinitely	Never Destroy	Indefinitely. Archive when class leaves + 2 years

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)
Records of complaints made by parents/ guardians	Depends 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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Recruitment Grievance	Primary School	Final Disposal	Comments
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.
Grievance and Disciplinary records	✓		Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). Please note the relevant DES Circular re Disciplinary Procedures in relation to the period of time for which a warning remains “active” on an employee’s record.
Post of Responsibility 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.
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Occupational Health Records	Primary	Confidential Shredding	Comments
Sickness absence records/certificates	✓	Confidential shredding Or do not destroy.	Re sick leave scheme (1 in 4 rule) ref DES C/L 0060/2010 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 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.
Medmark 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 re 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 which 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)
Staff Signing in Document Health and Safety / Fire Drill Info	<input type="checkbox"/>	Confidential Shredding	Shredded at the end of the school year.

Superannuation /Pension /Retirement records	Primary	Final Disposition	Comments
Salary claim forms No Longer used but kept for previous staff.	✓	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.
Invoices / backup records / receipts	Yes	Shredding	Retain for 7 years

Final Disposal

Administrative Documents for disposal will be cross shredded by the secretary or principal.

Access to Records:

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 seven days notice. Parents/Guardians can make such a request either by phone or in writing.

St. Louis Girls and St. Mary's Boys

Access to pupil information must be sought from parents, signed by parents and a record of this permission is kept in the child's Blue Folder.

Transfer to Other Schools (POD)

Data sought in accordance with Section 20(6) of the Welfare Act, will be transferred to the school once the children have enrolled / transferred in new schools on POD.

The Annual School Report format and its communication to parents are outlined clearly in our schools ***Assessment and Reporting on Pupils Policy***. A standardised school report form is used which is issued in the last week in June.

Storage:

Records are kept for a minimum of 7 years. SEN test booklets with Raw Score, STEN, and Percentiles are kept on record until past pupils reach adulthood.(21)

- *When children transfer to other Primary Schools their personal records are stored in their Blue Folders and kept in line with the GDPR guidelines.*
- *All completed school roll books are stored in the Principal`s Office.*
- *All computerised records, systems are password protected.*
- *All data stored in the Administration Office and Secretary`s Office is held in secure filing cabinets.*
- *Old SET records are located in the office behind the secretary's office.*
- *Previous / Retired Staff information is retained in the Admin Office*

Links to other Policies

This policy is consistent with other policies which form the Plean Scoile. The policies which should be considered in relation to this Data Protection Policy include;

1. ***Child Protection Policy***
2. ***Anti-Bullying policy***
3. ***Code of Behaviour***

4. *Assessment and Testing Policy*
5. *SEN Policy*

Success Criteria:

- Compliance with Data Protection Act and Statue of Limitations Act
- Easy access to records
- Framework in place for ease of compilation and reporting
- Manageable storage of records
- Awareness of policy by staff and parents.

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 Date:

This new policy is effective from November 2010. All records held from before that date will continue to be maintained in the school attic.

Ratification/Communication:

This policy was ratified by the B.O.M. in Nov. 2010 and communicated following ratification in Dec. 2010. Reviewed Oct. 2012. Reviewed in Oct.2012, 2014, 2016, 2020, 2024.

Review:

This policy will be reviewed at the end of 2026 or earlier if amendments are needed to comply with revised legislation.

Signed Noel Cunningham

Chairperson Board of Management
30th January 2024