



Data Protection Policy



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DATA PROTECTION POLICY

Mission Statement and Guiding Principals

“We nurture, inspire and empower our students to strive for excellence in all that they do as responsible global citizens.”

We are committed to:

- Fostering a sense of identity and self-worth in each of our students.
- Developing life-long learners with skills, attitudes, sensibilities and personal initiative that will allow each to grow into a well-rounded, confident adult.
- Promoting the well-being of the whole person in a caring, inclusive, innovative, safe and secure multi-cultural environment.
- Striving for high academic standards and promoting rich co-curricular opportunities and in so doing we seek to support and challenge each of our students to recognise and maximise their full potential.
- Promoting respectful intercultural relations, increasing tolerance and acceptance of difference and fostering in our students the ability to perceive, welcome and respect diversity, while at the same time fostering an appreciation of Irish culture in which the school is rooted.
- Promoting awareness of and facilitating our students’ ability to participate in, and contribute to, contemporary issues at local, national and global levels as informed, engaged, responsible and responsive global citizens.
- Honouring our duty of care to and protective responsibility for all students in achieving the realisation of the rights of the child.

Introductory Statement

All personal information which Sutton Park School (**SPS**) holds is protected by the Irish Data Protection Acts (2018) and the European General Data Protection Regulation (2016). This policy document will set out, in writing, the manner in which Personal Data relating to staff, students and other individuals (e.g. parents, Committee members, members of boards of management and governors, etc.) is kept and how the data concerned is protected. Schools are obliged to comply with the Irish Data Protection Act, 2018, and the European General Data Protection Regulation (2016).

The policy was formulated by the Board of Management of SPS and ratified by the Board of Governors.

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 all stakeholders.

Any amendments to this Data Protection Policy will be communicated through the school website and other appropriate channels, including direct communication with data subjects where this is appropriate. We will endeavour to notify you if at any time we propose to use Personal Data in a

manner that is significantly different to that stated in our Policy or was otherwise communicated to you at the time that it was collected.

Scope

To what will the policy apply?

The policy applies to the keeping and processing of personal data, both in written and digital form, including personal data held on school staff, students and their parents/guardians.

To whom will the policy apply?

The school recognises the importance of its data processing obligations and has implemented a set of practices to safeguard personal data. Relevant policies and procedures apply to all school staff, boards of management and governors, trustees, parents/guardians, students, and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school).

Relationship to the ethos of Sutton Park School

SPS seeks to define a Data Protection Policy that is in keeping with the ethos of the school. The ethos is embodied in our Mission Statement, which is available at the beginning of this policy, in the School Handbook, and on the SPS website. The policy endeavours to adopt the values which are set out in the ethos.

Goals & 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 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 pupils over 18); and
- To stipulate the length of time records and reports will be retained.

Key Measures

The Data Protection Acts confer rights on individuals as well as responsibilities on those persons controlling and processing personal data.

SPS has key responsibilities in relation to the information which it keeps on computer or in structured manual files about individuals. SPS undertakes to execute its responsibilities as outlined below:

1. Obtain and process information fairly

Personal information will be obtained and processed fairly in accordance with the Data Protection Acts, with consent being obtained from staff members, parents/guardians or students where required.

2. Keep it only for one or more specified, explicit and lawful purposes

SPS will keep data for purposes that are specific, lawful, and clearly stated and the data will only be processed in a manner compatible with these purposes. Management and staff will be made aware of the purpose for which data is kept and ensure that it is not used for any purpose which may be incompatible with the original purpose.

3. Use and disclose it only in ways compatible with these purposes

SPS will only use and disclose personal data in ways that are necessary for the purpose(s) or compatible with the purpose(s) for which it collects and keeps the data. SPS will ensure that staff involved in processing personal data are aware of the purpose of collecting such data and use it only for that specific purpose or compatible purpose(s).

4. Keep it safe and secure

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

5. Keep it accurate, complete and up-to-date

Clerical and computer procedures are adequate to ensure high levels of data accuracy. Appropriate procedures are in place, including periodic review and audit, to ensure that each data item is kept up-to-date.

6. Ensure that it is adequate, relevant and not excessive

Personal data held by SPS will be adequate, relevant and not excessive in relation to the purpose(s) for which it is kept. Periodic checking of files (electronic and manual) will be made to ensure that personal data held is not excessive and remains adequate and relevant for the purpose for which it is kept. In general, personal data will not be kept for any longer than is necessary to fulfil the function for which it was first recorded. Retention times cannot be rigidly defined to cover every possible situation. It is recognised that there is a need to exercise individual judgement in this regard in relation to each category of records held.

Personal data will be kept in accordance with the retention policy as further disclosed below under Rule 7.

7. Retain it for no longer than is necessary for the purpose or purposes for which it was obtained

The school's policy on retention of personal data is subject to various laws and court rules including in particular the Statute of Limitations Acts 1957-2000. The following principles apply:

- School registers and roll books are to be kept indefinitely within the school.
- Pay, taxation and related school personnel service records will be retained indefinitely within the school.
- In the event of litigation or potential litigation related personal data will be retained for at least 6 years following the date of settlement or 12 years following the date of judgement.
- Personal data will be retained for a minimum of 6 years following an individual's departure from the school or from reaching their reaching the age of 18 (if the individual has left school before the age of 18).
- Hard copy personal data records are stored in files within the school and restricted to authorised personnel only.
- Computerised records of personal data are restricted to authorised persons and password protected.
- Files containing personal information relating to the school are to remain in the

school building at all times unless permission has been sought and obtained from the Principal to remove them.

8. Give a copy of an individual's personal data to that individual on request

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

- a copy of the data which is kept about them
- know the purpose/s for processing their 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 them and locate all the information kept about them

There are a number of exceptions to the general rule of Right of Access, including those specified in the following notes:

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. Such access will be granted within 30 days of receipt of the written request.
- 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 could readily be given access
 - if the record is of a sensitive nature, it would be prudent to seek parental/guardian consent
 - if a student has a disability or medical condition that would impair their ability to understand the information, or if disclosure would be likely to be harmful to the individual concerned, parental/guardian consent should be sought.
- Viewing of personal information will take place under supervision of authorised school personnel

Note B: Further Exceptions:

- 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 their 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 out Child Protection, counselling and/or pastoral work if that would cause serious harm to the health or wellbeing of the data subject concerned. The regulations apply to aforementioned work carried out by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

Rights of Access

- The school is obliged to confirm the identity of anyone making a rights request and, where there is any doubt on the issue of identification, will request official proof of identity (e.g., photographic identification such as a passport or driver's licence).
- If requests are manifestly unfounded or excessive, in particular because of their repetitive nature, the school may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request.
- The school will need to confirm that sufficient information to locate the data requested has been supplied (particularly if CCTV footage/images are to be searched). Where appropriate the school may contact the data subject if further details are needed.
- In responding to rights requests (e.g., data access requests) the school will ensure that all relevant manual and automated systems (computers etc.) are checked.
- The school reserves the right to seek legal advice regarding any request received.
- Where a request is not being fulfilled, the data subject will be informed as to the reasons and the mechanism for lodging a complaint, including contact details for the Data Protection Commission.
- Where action has been taken by the school with regard to rectification, erasure or restriction of processing, the school will ensure that relevant recipients (i.e. those to whom the personal data has been disclosed) are appropriately informed.

Links to other policies

School policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place, being developed or reviewed, will be examined with reference to the Data Protection Policy and any implications which it has for them will be addressed:

- Anti-Bullying Policy
- Guidance Plan
- Wellbeing Policy Statement & Subject Plan
- CCTV Policy
- Counselling Policy
- AUP
- Code of Behaviour
- Admissions
- Child Safeguarding Statement

- Critical Incident Policy
- Administration & Storage of Medications Policy
- SEN Policy

Roles and Responsibilities

The school is a *data controller of personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. Formally, the statutory responsibility of Controller is assigned to the Board of Management. The Head of School is assigned the role of coordinating the implementation of this Policy and for ensuring that all staff who handle or have access to Personal Data are familiar with their responsibilities.

Name	Responsibility
Board of Management	Data Controller
Head of School	Implementation of Policy
All Staff	Adherence to the Data Processing Principles
Entire School Community	Awareness and Respect for all Personal Data

The Head of School is assigned the role of coordinating the implementation of the policy. All employees who collect and/or control the contents and use of personal data are individually responsible for compliance with the data protection legislation.

Personal Data Breaches

Definition of a Personal Data Breach A personal data breach is defined as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Consequences of a Data Breach

- (i) A breach can have a significant adverse effect on individuals, which can result in physical, material or non-material damage. This can include discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality etc. Children because of their age may be particularly impacted.
- (ii) In addition to any detrimental impact on individual data subjects, a data breach can also cause serious damage to the school. This can include reputational damage as well as exposing the school to other serious consequences including civil litigation.
- (iii) It should be noted the consequences of a data breach could include disciplinary action, criminal prosecution and financial penalties or damages for the school and participating individuals.

Responding to a Data Breach

- (iv) The school will always act to prioritise and protect the rights of those individuals whose personal data is affected.

- (v) As soon as the school becomes aware that an incident has occurred, measures will be taken to assess and address the breach appropriately, including actions to mitigate any possible adverse effects.
- (vi) Where the school believes that there is a risk to the affected individuals, the school will (within 72 hours of becoming aware of the incident) submit a report to the Data Protection Commission.
- (vii) Where a breach is likely to result in a high risk to the affected individuals, the school will inform those individuals without undue delay.

Data Subject Rights

- 2.1 **Your Rights** Personal Data will be processed by the school in a manner that is respectful of the rights of data subjects. Under GDPR these include
- (i) the right to information
 - (ii) the right of access
 - (iii) the right to rectification
 - (iv) the right to erasure (“right to be forgotten”)
 - (v) the right to restrict processing
 - (vi) the right to data portability
 - (vii) the right to object
 - (viii) the right not to be subject to automated decision making
 - (ix) the right to withdraw consent
 - (x) the right to complain.
- 2.2 **Right to be Informed** You are entitled to information about how your personal data will be processed. We address this right primarily through the publication of this Data Protection Policy. We also publish additional privacy notices/statements which we provide at specific data collection times, for example, our Website Data Privacy Statement is available to all users of our website. Should you seek further clarification, or information that is not explicit in our Policy or Privacy Statements, then you are requested to forward your query to the school.
- 2.3 **Right of Access** You are entitled to see any information we hold about you. The school will, on receipt of a request from a data subject, confirm whether or not their personal data is being processed. In addition, a data subject can request a copy of their personal data. The school in responding to a right of access must ensure that it does not adversely affect the rights of others.
- 2.4 **Right to rectification** If you believe that the school holds inaccurate information about you, you can request that we correct that information. The personal record may be supplemented with additional material where it is adjudged to be incomplete.
- 2.5 **Right to be forgotten** Data subjects can ask the school to erase their personal data. The school will act on such a request providing that there is no compelling purpose or legal basis necessitating retention of the personal data concerned.
- 2.6 **Right to restrict processing** Data subjects have the right to seek a restriction on the processing of their data. This restriction (in effect requiring the controller to place a “hold” on processing) gives an individual an alternative to seeking erasure of their data. It may also be applicable in other circumstances such as where, for example, the accuracy of data is being contested.

- 2.7 **Right to data portability** This right facilitates the transfer of personal data directly from one controller to another. It can only be invoked in specific circumstances, for example, when processing is automated and based on consent or contract.
- 2.8 **Right to object** Data subjects have the right to object when processing is based on the school's legitimate interests or relates to a task carried out in the public interest (e.g., the processing of CCTV data may rely on the school's legitimate interest in maintaining a safe and secure school building). The school must demonstrate compelling legitimate grounds if such processing is to continue.
- 2.9 **Right not to be subject to automated decision making** This right applies in specific circumstances (as set out in GDPR Article 22).
- 2.10 **Right to withdraw consent** In cases where the school is relying on consent to process your data, you have the right to withdraw this at any time, and if you exercise this right, we will stop the relevant processing.
- 2.11 **Limitations on Rights** While the school will always facilitate the exercise of your rights, it is recognised that they are not unconditional: the school may need to give consideration to other obligations.
- 2.12 **Right to Complain**
- (i) If you are concerned about how your personal data is being processed, then please address these concerns in the first instance to the Head of School who is responsible for operational oversight of this policy.
 - (ii) A matter that is still unresolved may then be referred to the school's Data Controller (i.e., the Board of Management) by writing to the Chairperson c/o school.
 - (iii) Should you feel dissatisfied with how we have addressed a complaint or concern that you have raised, you have the right, as data subject, to bring the matter to the attention of the Irish Data Protection Commission.

Telephone	+353 57 8684800 +353 (0)761 104 800
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Website	www.dataprotection.ie

Ratification & Review

The policy was ratified in February 2024. The policy will be reviewed as deemed necessary by the Board of Management, but no less frequently less than every two years.

The policy will be published on the school website and all pupils enrolling in the school will be made aware of the policy.

Author	BOM Approved:	BOG Approved:	Next Review Date
BOM	February 2024		Two years from date of last approval

