



**St Michael's College Data Protection Policy  
(18<sup>th</sup> September 2018)**

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## Introduction

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The characteristic spirit of St. Michael's College has at its core a desire to promote and protect the privacy and dignity of every member of its community of current and former students, staff, parents/past parents and donors. This includes respect for the protection of personal data stored at the school and for the right of access to this data. This policy is informed by these aspirations and also by the *Data Protection Act 2018* and the *General Data Protection Regulation 2016* (GDPR). The policy applies to all school staff, the Board of Management, parents/guardians, current and former students, donors, and others including prospective students and their parents/guardians, applicants for positions within the school and service providers with access to school data.

The Board of Management of St. Michael's College, as the designated *Data Controller*, will oversee this policy and be able to demonstrate its compliance (**accountability**) with the data processing principles which state that personal data shall be:

- processed lawfully, fairly and in a transparent manner (**lawfulness, fairness and transparency**);
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes (**purpose limitation**);
- be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (**data minimisation**);
- be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (**accuracy**);
- kept for no longer than is necessary for the purposes for which the personal data are processed; (**storage limitation**);
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**integrity and confidentiality**).

The Principal, supported by the staff of St. Michael's College, will ensure the implementation of this Policy. This will include promoting an appropriate awareness of data protection responsibilities amongst all members of the school community who handle, or have access to, Personal Data.

| <b>Name</b>         | <b>Responsibility</b>                       |
|---------------------|---|
| Board of Management | Data Controller                             |
| Principal           | Implementation of Policy                    |
| School Community    | Awareness and Respect for all Personal Data |

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## Lawful Basis for Processing Personal Data

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Whenever the school is engaged in processing your personal data, each of the Data Processing principles (listed above) will apply. In addition the school will ensure that each processing activity is based upon an appropriate lawful basis i.e., one of the following will apply:

1. you have given your consent to processing for one or more specific purposes;
2. processing is necessary for the performance of a contract between you and the school;
3. processing is necessary for compliance with a legal obligation to which the school is subject;
4. processing is necessary in order to protect your vital interests (or the vital interests of another person);
5. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the school;
6. processing is necessary for the purposes of the legitimate interests pursued by the school or by a third party.

Some of the personal data processed by the school is categorised as "special category data" (see definitions). The school will ensure that any processing of sensitive data will only happen in specific circumstances (i.e., those that have been identified as lawful under Irish and European legislation).

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## Purposes for Processing Personal Data

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The purposes for which St. Michael's College processes personal data are listed below. From time to time new processing requirements will arise and consequently these lists may be subject to change.

### A. Student Records

Personal data may include: name, address, PPS number, date and place of birth, contact details of parents/guardians (including arrangements with regard to guardianship, custody or access), religious belief, racial or ethnic origin, medical card status, first language (requirement for English language support), exemption from studying Irish, any relevant special conditions (e.g., special educational needs, health

issues, etc.); information on academic record (examination results, reports, references, assessments and records from any previous school); psychological, psychiatric and/or medical assessments, attendance records, records of significant achievements, records of disciplinary issues/investigations and/or sanctions imposed; counselling and pastoral care records; Garda vetting record (where required); other records e.g., serious injuries/accidents, incidents, etc., reports to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES

Child Protection Procedures). *It is the responsibility of parents/guardians to inform the school of any update to their son's (as well as their own) data.*

**The purposes for processing this data includes the following:**

- to enable each student to develop to his full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students benefit from relevant additional teaching or financial supports
- to support the provision of religious instruction
- to meet the educational, social, physical and emotional requirements of the student
- to celebrate and/or promote school achievements, compile yearbooks, presentations, newsletters/Ezines, establish a school website, record school events, and to keep a record of the history of the school
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirements for their course
- to ensure that any student seeking an exemption from Gaeilge meets the criteria in order to obtain such an exemption from the authorities
- to furnish documentation/ information about the student to the Department of Education and Skills, the National Council for Special Education, Tusla, relevant sporting bodies, and other schools etc., in compliance with law and directions issued by government departments
- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/ information/references to third-level educational institutions and/or prospective employers

## B. Staff Records

Personal data may include: name, address and contact details, PPS number; qualifications and Teaching Council status; original records of application and appointment to promotion posts; Garda vetting; occupational health records; records of workplace processes (performance management, disciplinary, grievance, complaints, etc.); details of approved absences (career breaks, parental leave, study leave, etc.); details of work record (classes taught, subjects, etc.); details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties; records of reports made to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines. *It is the responsibility of staff (current and former) to inform the school of any update to their personal data.*

### **The purposes for processing this data includes the following:**

- to facilitate the management and administration of school business
- to communicate details of school events, development plans and other relevant information, etc.
- to facilitate the payment of staff, and calculate other benefits/ entitlements
- to facilitate pension payments in the future
- to manage human resources
- to record promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer under the Safety, Health and Welfare at Work Act 2005, the Industrial Relations Act 1990
- to enable the school to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, Tusla, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- for compliance with other legislation relevant to the school.

### C. Board of Management Records

Personal data may include: contact details of each member of the Board (including former members) and records relating to decision making by, and correspondence with the Board (where such records include personal data).

**The purposes for processing this data includes the following:**

- to enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation
- to maintain a record of Board appointments and decisions.
- to communicate details of school events, development plans and other relevant information, etc.

### D. Records relating to Parents/Guardians

Personal data may include: name, address, identity and contact details; family details; occupation; any additional information needed to fulfil the purposes outlined below; any background information necessary to allow us to ensure your son's welfare and safety. *It is the responsibility of parents/guardians to inform the school of any update to their personal data.*

**The purposes for processing this data includes the following:**

- to process applications for enrolment
- to communicate information relating to education, academic progress and support
- to enable contact to be made in the case of emergency or in the case of school closure, or to inform parents of educational progress
- to communicate details of school events, development plans and other relevant information, etc.
- to process grant applications, fees and bursaries
- to coordinate, evaluate, fund and organise educational programmes
- to process appeals, resolve disputes and defend litigation, etc.
- to comply with our legal obligations as an education body
- to process financial records (below)

## E. Records relating to Financial Transactions

Categories of data subjects whose data may be processed for financial purposes will include parents/guardians as well as creditors, debtors, and donors/supporters.

Personal data processed may include: name, address, contact details, PPS number, tax details, bank details, amount paid, amount owed. *It is the responsibility of all such data subjects to inform the school of any changes or updates to their data, e.g., change of contact details, etc.*

### **The purposes for processing this data includes the following:**

- routine management and administration of the school's administrative and financial affairs,
- the receipt of fees and payment of invoices,
- the compiling of annual financial accounts and complying with tax returns, audits and investigations by the Revenue Commissioners.

## F. Records relating to Alumni, Supporters and Donors

Personal data: name, address, contact details, occupation

Additional data (Donors only): PPS number, tax rate, signature and gross amount of donation. *Donor data is held in a secure, locked filing cabinet and a password protected database that only authorised personnel can access.*

### **The purposes for processing this data includes the following:**

- communications of newsletters/ Ezines, event invitation, and development updates, alumni networking
- invitations to support student events (careers talks, work placement, etc).
- processing tax relief for donations received using certificate (CHY 3 or 4)
- addressing donation requirements determined by the Revenue Commissioners
- routine financial management and administration including issuing receipts for donations



## G. CCTV Records

Personal data: records in the form of recorded CCTV images.

**The purposes for processing this data includes the following:**

- to protect the school properties and associated assets
- to increase personal safety of staff, pupils and visitors and reduce the fear and incidence of crime
- to assist the school in dealing with serious breaches of school discipline
- to protect members of the public and private property
- to assist in identifying, apprehending and prosecuting offenders
- to support the Gardaf in a bid to deter and detect crime

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## Recipients

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Most data transfer to other bodies arises as a consequence of a legal obligation that is on the school, and the majority of the recipients are Data Controllers in their own right. As such their actions will be governed by national and European data protection legislation as well their own organisational policies. The data protection policy of the Department of Education and Skills can be viewed on its website ([www.education.ie](http://www.education.ie)).

In other cases, some of the school's operations may require support from specialist service providers. For example, the school may use remote IT back-up and restore services to maintain data security and integrity. In cases such as these, where we use specialist data processors, we will always prioritise your data privacy through for example, ensuring that the appropriate security guarantees have been provided and that there is a signed processing agreement in place.

In all circumstances, the Board of Management, is conscious of its responsibilities as Data Controller and will always ensure that appropriate care is taken with regard to access procedures and security.

**Educational Planning Requirements:** St. Michael's College is required to provide student data to the **Department of Education and Skills (DES)**. This transfer of data is primarily made at the beginning of each academic year ("October Returns") using a secure Post-Primary Online Database (P-POD) system. The October Returns contain individualised data (such as an individual student's PPS number which acts as an identifier for the DES to validate the data that belongs to a recognised student). Where the "October Returns" include sensitive personal data regarding personal circumstances then explicit and informed consent is sought from students/parents/guardians.

The Department of Education and Skills transfers some student data to other government departments and other State bodies to comply with legislation, such as transfers to the **Department of Social Protection** pursuant to the Social Welfare Acts, transfers to the **State Examinations Commission**, transfers to the **Educational Research Centre**, and transfers to the **Central Statistics Office** pursuant to the Statistics Acts. The data will also be used by the DES for statistical, policy- making and research purposes. However the DES advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DES has also published a "Fair Processing Notice" to explain how the personal data of students and contained in October Returns is processed. This can also be found on [www.education.ie](http://www.education.ie) (search for Circular Letter 0047/2010 in the "Circulars" section).

**Student support and welfare bodies:** student data may be shared with a number of public state bodies including **National Educational Psychological Service** (NEPS psychologists support schools and students); **National Council for Special Education** (the NCSE role is to support schools and students with special education needs); **National Education Welfare Board** (the school is required to share student attendance with the NEWS);

**Legal requirements:** where appropriate, particularly in relation to Child Protection and safeguarding issues, the school may be obliged to seek advice and/or make referrals to **Tusla** (Tusla, the Child and Family Agency, is the State agency responsible for improving wellbeing and outcomes for children). The school may share personal data with **An Garda Siochana** where concerns arise in relation to child protection. The school will also report matters of alleged criminal acts, criminal behaviour, criminal damage, etc., to allow prevention, detection and investigation of offences. Where there is a lawful basis for doing so, personal data may also be shared with the **Revenue Commissioners** and the **Workplace Relations Commission**.

**Other Schools and Universities/Colleges/Institutes:** where the student transfers to another educational body, or goes on an exchange programme or similar, we may be asked to supply certain information about the student, such as academic record, references, etc.

**Work placement providers and employers:** where this is appropriate and necessary to support students engaged in work experience or similar programmes.

**Insurance Providers:** data may be shared with the school's insurers where this is appropriate and proportionate. The school may also be obliged to share personal data with the **Health and Safety Authority**, for example, where this is required as part of an accident investigation.

**Professional Advisors:** some data may be shared with legal advisors, (solicitors, etc.),

financial advisors (pension administrators, accountants, etc.) and others such as school management advisors; this processing will only take place where it is considered appropriate and necessary.

**Voluntary Bodies:** a very limited set of personal data (contact details) may be shared as appropriate with bodies such as the school's **Parents Association** and **St. Michael's College Past Pupils Union** (PPU). This data sharing will only take place where you have provided your consent.

**Relevant Sporting Bodies:** (e.g., IRFU, etc.) to facilitate participation, competition, recognition of achievement, etc.

**Service Providers:** in some circumstances the school has appointed third parties to undertake processing activities on its behalf. These Data Processors have been screened to ensure their professional competence and have provided guarantees that their processing satisfies the requirements of the General Data Protection Regulation. The school has implemented written contractual agreements with these entities to ensure that the rights of data subjects receive an appropriate level of protection. Third party service providers include the following categories:

- Student Database Providers (VSWare)
- IT Systems Support (EVAD)
- Fee management software (Easy Payments Plus)
- School communications (Message Minder, Mail Chimp)
- Security and CCTV Systems (G4S, Aztec)
- Pension Consultants/Trustees (Grant Thornton, Trustee Principles)
- Accounting & Payroll software (Furlong Business Solutions, Sage Ireland)
- Cashless Payment Systems (Debitrak)
- Canteen Management System (Baxter Storey)

**Transfers Abroad:** In the event that personal data may be transferred outside the European Economic Area (EEA) the school will ensure that any such transfer, and any subsequent processing, is carried out in strict compliance with recognised safeguards or derogations (i.e., those approved by the Irish Data Protection Commission).

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## **Data Retention and Security**

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Personal data is kept in a form which permits the identification of data subjects for no longer than is necessary for the purposes for which it is being processed. Some personal data may be stored for longer periods insofar as the data is being processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

When deciding on appropriate retention periods, the school's practices will be informed by advice

published by the relevant bodies (notably the Department of Education and Skills, the Data Protection Commission, and the school management advisory bodies<sup>1</sup>).

We store all data in a secure manner respecting our obligations under GDPR and the Irish Data Protection Act 2018. Whenever personal data is processed by the school, technical and organisational measures are implemented to safeguard the privacy of data subjects. This means that we employ appropriate security measures to protect personal data from access by unauthorised persons and to guard against unlawful processing, accidental loss, destruction and damage. We take our security responsibilities seriously, employing the most appropriate physical and technical measures, including staff training and awareness. These security procedures are subject to regular review.

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## **Data Erasure and Disposal**

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When documentation or computer files containing personal data are no longer required, the information is disposed of in a manner that respects the confidentiality of the data.

<http://www.dataprotectionschools.ie/en/Data-Protection-Guidelines/Records-Retention/>

Paper-based files are safely disposed of in shredding receptacles. Usually the data are shredded on site by school personnel - but occasionally a third party data destruction specialist may be employed and vetted staff will collect documents to be shredded on site.

In the case of personal information held electronically, temporary files containing personal information are reviewed regularly and deleted when no longer required. When personal data reaches the point where the retention period has expired, the information is securely deleted and removed. In the event that IT equipment containing personal data is no longer

required, all data stored on the devices is removed prior to disposal. (This may require removal and physical destruction of data storage devices e.g., computer drives, etc.).

It should be noted that data subjects are free to exercise a "right to erasure" at any time (also known as the "right to be forgotten", see below under *Data Subject Rights*).

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## **Personal Data Breach**

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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.

Depending on the circumstances a data breach can have a serious impact on any individuals whose personal data is affected. In such circumstances the school's priority will always be to protect the privacy of the data subjects. As soon as the school becomes aware that an incident has occurred, measures will be taken to assess and address it appropriately, including measures to mitigate its possible adverse effects.

Where the school believes 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. Where a breach is likely to result in a high risk to the affected individuals, the school will also inform those individuals without undue delay.

In addition to any detrimental impact on individual data subjects, a data breach has the potential to bring the school into disrepute. Consequently it should be noted that, its impact may potentially include disciplinary action, criminal prosecution and financial penalties or damages for the school and the individuals involved.

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## **Data Subject Rights**

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Personal Data will be processed by the school in a manner that is respectful of the rights of data subjects. Under GDPR these rights include<sup>2</sup>:

1. the right to information
2. the right of access

3. the right to rectification
4. the right to erasure ("right to be forgotten")
5. the right to restrict processing
6. the right to data portability
7. the right to object
8. the right to withdraw consent

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.

You are entitled to see any information we hold about you. On written request, we will supply copies of your personal data including whatever data you may have supplied to us through your use of our website. If you wish to exercise this right then please complete an "Access Request Form", a copy of which can be obtained by contacting the school.

If you believe that St. Michael's College holds inaccurate information about you, you can request that we correct that information. You may also request that data which you have supplied to us via our website should be deleted. To exercise these rights please contact the school and we will supply you with a Data Rectification/Erasure Form for this purpose.

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Much of our data processing is necessary because we have obligations under Irish law or because of the "public interest" tasks we undertake as a school. Other processing may be reliant on our legitimate interests (e.g., the operation of CCTV) and in such cases you have a right to object. In cases where we may be relying on your consent, you have the right to withdraw this at any time, and if you exercise this right, we will stop the relevant processing.<sup>2</sup> For further information on your rights visit the [www.GDPRandYOU.ie](http://www.GDPRandYOU.ie) website.

If you are concerned about how your personal data is being processed, then please address these concerns to the school principal. 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.

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

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### Contact Details

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Mr Tim Kelleher, Senior School Principal  
St. Michael's College, Ailesbury Road, Dublin 4,  
E: [tkelleher@stmc.ie](mailto:tkelleher@stmc.ie)

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### Ratification

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This policy was ratified by the Board of Management of St. Michael's College at its meeting held on September 20, 2018.

It will be reviewed every three years or more often should the Board of Management think it necessary in light of changed or amended legislation. Any review will continue to be guided by the school's characteristic spirit and commitment to its responsibilities under data protection legislation.

Signed:



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Date:

20/9/18

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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. If at any time we propose to use Personal Data in a manner significantly different from that stated in this Policy, or otherwise disclosed to you at the time it was collected, we will notify you, and you will have a choice as to whether or not your information is processed in this new manner.

*St. Michael's College Data Protection Policy version: September 2018*

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## Appendix I: Definitions as they pertain to this Policy

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For the purpose of this policy the following definitions apply:

**'personal data'** means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

**sensitive personal data** refers to special categories personal data to personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation; and personal data relating to criminal convictions and offences.

**'controller'** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law; (Note: The Data Controller for St. Michael's College is the Board of Management).

**'processing'** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**'consent'** of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

**'processor'** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

**'third party'** means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;

**'recipient'** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not.

**'personal data breach'** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data

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## Appendix II: Legal Obligations and Responsibilities

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The provisions of this policy take cognisance of the school's legal obligations and responsibilities in areas directly relevant to data protection, as outlined below:

- 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 their education.
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School.
- Under section 20(5) of the Education (Welfare) Act, 2000, a principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the principal of another school to which a student is transferring.
- 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 School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education, and other relevant bodies) provided the School is satisfied that it will be used for a relevant purpose.
- Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers ("SENOs")) such information as the Council may from time to time reasonably request.
- The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body.
- Under Section 26(4) of the Health Act, 1947 a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g., a dental inspection.
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2011) published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to Tusla - Child and Family Agency (or in the event of an emergency and the unavailability of Tusla, to An Garda Sfochana).