

## Data Protection Policy St Nessian's NS



### **1. Introduction:**

The school's Data Protection Policy applies to the personal data held by the school, which is protected by the Data Protection Acts 1988 and 2003.

The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the way personal data special categories of data will be protected by the school.

### **2. Data Protection Principles**

The school BoM 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. As such, the Board of Management (BoM) is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

- ***Obtain and process Personal Data fairly:*** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students, etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

- ***Keep it only for one or more specified and explicit lawful purposes:*** The BoM will inform individuals of the reasons they collect their data and the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times
- ***Process it only in ways compatible with the purposes for which it was given initially:*** Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a ‘need to know’ basis, and access to it will be strictly controlled
- ***Keep Personal Data safe and secure:*** Only those with a genuine reason for doing so may gain access to the information. Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops) should be encrypted and password-protected before they are removed from the school premises. Confidential information will be stored securely.
- ***Keep Personal Data accurate, complete and up-to-date:*** Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual’s data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. Records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.
- ***Ensure that it is adequate, relevant and not excessive:*** Only the necessary amount of information required to provide an adequate service will be gathered and stored.
- ***Retain it no longer than is necessary for the specified purpose or purposes for which it was given:*** As a general rule, the information will be kept for the duration of the

individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data relating to a student. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or contract and/or civil law. See *School Record Retention* table (Appendix 1)

- **Provide a copy of their personal data to any individual on request:** Individuals have a right to know and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

### **Scope:**

The Data Protection legislation applies to the keeping and processing of *Personal Data*. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated

This policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school

### **Definition of the Data Protection Terms**

In order to understand the school's obligations, there are some key terms, which should be understood by all relevant school staff:

*Personal Data* means any data relating to an identified or identifiable natural person i.e. a living individual who is or can be identified either 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 (BoM)

Data Controller is BoM of the school

Data Subject - is an individual who is the subject of personal data

Data Processing - performing any operation or set of operations on data, including:

- Obtaining, recording or keeping the data,
- Collecting, organising, storing, altering or adapting the data
- Retrieving, consulting or using the data
- Disclosing the data by transmitting, disseminating or otherwise making it available
- Aligning, combining, blocking, erasing or destroying the data

Data Processor - a person who processes personal information on behalf of a data controller, but **does not include an employee of a data controller** who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data. (E.g. Aladdin Schools)

Special categories of Personal Data refers to *Personal Data* regarding a person's

- racial or ethnic origin
- political opinions or religious or philosophical beliefs
- physical or mental health
- sexual life and sexual orientation
- genetic and biometric data
- criminal convictions or the alleged commission of an offence
- trade union membership

*Personal Data Breach* – 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. This means any compromise or loss of personal data, no matter how or where it occurs.

## **Rationale**

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts 1988 to 2018 and the GDPR

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. St. Nessian's NS takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is recognised that recording information accurately and storing it safely facilitates an evaluation of the information, enabling the Principal and BoM to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and BoM.

## **OTHER LEGAL OBLIGATIONS**

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. *For example:*

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. St. Nessian's NS posts a copy of a child's Education Passport, as provided by the National Council for Curriculum and Assessment, to the Principal of the Post-Primary School in which the pupil has been enrolled.

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, Tusla, the National Council for Special Education and other centres of education). The BoM must be satisfied that it will be used for a ‘relevant purpose’ (which includes recording a person’s educational or training history or monitoring their educational or training progress; or for carrying out research into examinations, participation in education and the general effectiveness of education or training).

The **Freedom of Information Act 2014** 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 most schools are not currently subject to freedom of information legislation, (with the exception of schools under the direction of Education and Training Boards), 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 by that body 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 Act 2015**, *mandated persons in schools* have responsibilities to report child welfare concerns to TUSLA- Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána)

### **Relationship to Characteristic Spirit of the School**

St. Nessian’s NS seeks to:

- enable students to develop their full potential
- provide a safe and secure environment for learning
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society

We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection legislation.

## **Personal Data**

The *Personal Data* records held by the school **may** include:

### **1. Staff records:**

#### **a) Categories of staff data:**

As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:

- Name, address and contact details, PPS number.
- Name and contact details of next-of-kin in case of emergency.
- Original records of application and appointment 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 any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under Children First Act 2015

#### **b) Purposes:**

Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resources management

- recording 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, including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare at Work Act 2005)
- 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
- and for compliance with legislation relevant to the school.

c) Location and Security procedures of St. Nessian's NS

- a. Manual records are kept in a secure, locked filing cabinet in the Principal's Office, only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.

Digital records are stored on password-protected computer with firewall software in a locked office. The school uses Aladdin School Management System to store relevant staff information (see Appendix 2). The school has the burglar alarm activated during out-of-school hours.

## 2. Student records:

a) Categories of student data:

These may include:

- Information, which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
  - name, address and contact details, PPS number
  - date and place of birth



- names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
- religious belief
- racial or ethnic origin
- membership of the Traveller community, where relevant
- whether they (or their parents) are medical card holders
- whether English is the student's first language and/or whether the student requires English language support
- any relevant special conditions (e.g. special educational needs, health issues, etc.) which may apply
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student)
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements) are managed in line with the accompanying policy on school photography (C.f. St. Nessan's NS ICT and Social Media Expected Usage Policy)
- Academic record – subjects studied, class assignments, examination results as recorded on official School reports
- Records of significant achievements
- Whether the student is exempt from the study of Irish
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents, etc. (Note: it is advisable to inform parents that a particular incident is being recorded).
- Records of any reports the school (or its employees) have made in respect of the student to State Departments and/or other agencies under Children First Act 2015.

b) Purposes: The purposes for keeping student records include:

- to enable each student to develop to 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 supports
- to support the provision of religious instruction
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events, etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, e.g. compile yearbooks, compile a digital memento for graduation, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with St. Nessian's NS ICT and Social Media Expected Usage Policy.
- to ensure that the student meets the school's admission criteria
- to ensure that students meet the minimum age requirement for attendance at Primary School.
- to ensure that any student seeking an exemption from the study of Irish 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, 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 second-level educational institutions

d) Location and Security procedures of St. Nessian's NS.

- Manual records are kept in a secure, locked filing cabinet in the Principal's Office and Deputy Principal's Office, only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.

- Digital records are stored on password-protected computer with firewall software in a locked office. The school uses Aladdin School Management System to store relevant pupil information (see Appendix 2). The school has the burglar alarm activated during out-of-school hours.

3. **Board of Management records:**

a) Categories of Board of Management data:

- Name, address and contact details of each member of the Board of Management (including former members of the Board of Management)
- Records in relation to appointments to the Board
- Minutes of Board of Management meetings and correspondence to the Board which may include references to individuals.

b) Purposes:

To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of Board appointments and decisions, including the Charities Regulator and the Patron for insurance requirements.

e) Location and Security procedures of St. Nessan's NS

- Manual records are kept in a secure, locked filing cabinet in the Principal's Office, only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- Digital records are stored on password-protected computer with firewall software in a locked office. The school has the burglar alarm activated during out-of-school hours.  
**(Aladdin School Management system -Refer to Appendix 2 for Aladdin School Management System for Data Storage and Data Protection Information)**

#### 4. **Other Records: Creditors**

a) Categories of Board of Management data:

The school may hold some or all of the following information about creditors (some of whom are self-employed individuals):

- name
- address
- contact details
- PPS number
- tax details
- bank details and
- amount paid

b) Purposes: The purposes for keeping creditor records are:

This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

#### 5. **Other Records: Charity Tax-back Forms**

a) Categories of Board of Management data:

The school may hold the following data in relation to donors who have made charitable donations to the school:

- name
- address
- telephone number
- PPS number
- tax rate
- signature and

- the gross amount of the donation.

b) Purposes: The purposes for keeping creditor records are:

Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the parents' name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the event of audit by the Revenue Commissioners.

f) Location and Security procedures of St. Nessian's NS

- d. Manual records are kept in a secure, locked filing cabinet only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.

### **CCTV Images/Recordings**

CCTV is installed in St. Nessian's NS i.e. perimeter walls, fencing

. The CCTV system may record images of staff, students and members of the public who visit the premises.

CCTV is installed in St. Nessian's NS.

- Cameras are installed externally along perimeter walls and fencing.
- A camera is installed internally in the main reception area.

These CCTV systems may record images of staff, students and members of the public who visit the premises.

### **Purposes:**

- Safety and security of staff, students and visitors and to safeguard school property and equipment.

### Security:

Access to images/recordings is restricted to the Principal and Deputy Principal of the school. Recordings are retained for 28 days, except if required for the investigation of a school related incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to Data Protection Acts legislation.

### **Examination Results**

The school will hold data comprising examination results in respect of its students. These include class, mid-term, annual and continuous assessment results and the results of Standardised Tests.

### **Purposes:**

The main purpose for which these examination results are held is to monitor a student's progress and to provide a sound basis for advising them and their parents or guardian about educational attainment levels and recommendations for the future. The data may also be aggregated for statistical/reporting purposes, such as to compile results tables. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment (NCCA).

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

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

The following policies may be among those considered:

- Pupil Online Database (POD): Collection of the data for the purposes of complying with the Department of Education and Skills' pupil online database.
- Child Protection Policy & Procedures
- Anti-Bullying Policy
- Code of Behaviour

- Admissions/ Enrolment Policy
- ICT and Social Media Expected Usage Policy
- Assessment Policy
- Special Educational Needs Policy
- Book-Rental Policy
- Critical Incident Policy
- Attendance Policy

### **Processing in line with a Data Subjects Rights**

Data in this school will be processed in line with the data subject's rights. Data subjects have a right to:

- Know what personal data the school is keeping on them
- Request access to any data held about them by a data controller
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended
- Ask to have data erased once it is no longer necessary or irrelevant

### **Data Processors**

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place. St. Nessan's Third Party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract.

### **Personal Data Breaches**

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay

If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay.

### **Dealing with a data access request**

- Individuals are entitled to a copy of their personal data on written request
- The individual is entitled to a copy of their personal data
- Request must be responded to within one month. An extension may be required e.g. over holiday periods
- No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive
- No personal data can be supplied relating to another individual apart from the data subject

### **Providing information over the Phone**

An employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. In particular, the employee should:

- Ask that the caller put their request in writing
- Refer the request to the Principal for assistance in difficult situations
- Not feel forced into disclosing personal information

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

The BoM is the data controller and the Principal implements the Data Protection Policy, ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities

The following personnel have responsibility for implementing the Data Protection Policy:

<b>Name</b>	<b>Responsibility</b>
Board of Management:	Data Controller
Principal:	Implementation of Policy



Teaching Staff: Awareness of responsibilities and implementation of this policy.

Administrative personnel: Awareness of responsibilities and implementation of this policy.

### **Ratification**

This Policy was ratified by the BoM on November 30<sup>th</sup> 2021.

This policy was amended by the BoM on \_\_\_\_\_.

### **Monitoring and Implementation of this Policy**

The implementation of the policy shall be monitored by the Principal, staff and the Board of Management.

### **Reviewing and Evaluating this Policy**

The policy will be reviewed and evaluated after two years. On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or TUSLA), 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.

## Appendix 1

### Data Retention Periods for Schools

<u>Pupil Related</u>	<u>Retention Period</u>
School Registration/Roll Boks	Indefinitely
Enrolment Forms	Until pupil is 25 years old
Disciplinary Notes	Never Destroy
Test Results: Standardised Tests	Until pupil is 25 years old
Psychological Assessments etc	Never Destroy
SEN (Special Educational Needs) Files/IEPS	Never Destroy
Accident Reports	Never Destroy
Child Protection Reports/Records	Never Destroy
5.29 Appeals	Never Destroy
<u>Interview Records</u>	
Interview Board	18 months from close of completion plus 6 months in case Equality Tribunal needs to inform school that a claim is being taken
Marking Scheme	
Board of Management notes (for unsuccessful candidates)	
<u>Staff Records</u>	
Contract of Employment	Retention for duration of employment + 7 years  (6 years to make a claim against the school plus one year for proceedings to be served on the school)
Teaching Council Registration	
Vetting Records	
Accident/Injury at work reports	
<u>BoM Records</u>	
Board of Management Agenda and Minutes	Indefinitely
CCTV Recordings	

<p>Payroll &amp; Taxation</p> <p>Invoices/Receipts</p> <p>Audited Accounts</p>	<p>28 days normally- in the event of a criminal investigation-as long as is necessary</p> <p>Revenue require a 6 year period after the end of the tax year</p> <p>Retain for 7 years</p> <p>Indefinitely</p>
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***Why, in certain circumstances, does the Data Protection Commission recommend the holding of records until the former pupil has attained 25 years of age?***

*The reasoning is that a pupil reaches the age of majority at 18 years and that there should be a 6-year limitation period in which it would be possible to take a claim against a school, plus 1 year for proceedings to be served on a school. The Statute of Limitations imposes a limit on a right of action so that after a prescribed period any action can be time barred.*

## **Appendix 2**

### Aladdin School Management system - Data Storage and Data Protection Information

- Aladdin Privacy Statement
- Data Processing Agreement
- What Data Protection & Security Measures are in place?

## **ALADDIN PRIVACY STATEMENT**

1. INTRODUCTION
2. WHO ARE WE?
3. WHO DOES THIS PRIVACY STATEMENT APPLY TO?
4. WHAT INFORMATION DO WE COLLECT FROM YOU?
5. WHAT DO WE DO WITH YOUR INFORMATION?
6. DISCLOSURE OF YOUR INFORMATION
7. SAFE-GUARDING YOUR PERSONAL DATA
8. COOKIES
9. YOUR RIGHTS
10. ACCESS TO INFORMATION
11. DISCLAIMER
12. RETENTION OF INFORMATION
13. HOW TO CONTACT US

### **1. INTRODUCTION**

This Privacy Statement (together with Our terms of use available at <https://www.aladdin.ie/content/terms> (the “**Terms of Use**”)) sets out the basis on which any personal data We collect from You, or that You provide to Us, will be processed by Us. Please read the following carefully to understand Our views and practices regarding the personal data We collect and how We will treat it. By visiting <https://www.aladdin.ie/> (“**Our Site**”) contacting Us and/or using the Aladdin software (“**Our Services**”) You are accepting and consenting to the practices described in this Privacy Statement.

We may update this Privacy Statement from time to time and will post any changes on Our Site so it might be a good idea to come back and read through it again, from time to time. This Privacy Statement was last updated in April 2018

### **2. WHO ARE WE?**

Any reference to “**We**”, “**Us**” and “**Our**” is to Cloudware Limited t/a Aladdin Schools, with registered address at Aladdin, First Floor, Block 1, Deansgrange Business Park, Co. Dublin, Ireland.

For the purpose of the Data Protection Act 1988 & 2003 (the “Act”), in providing Our Services, We act as data processors who process information on behalf of primary schools (the “School”) who are the data controllers for the purposes of the Act. The School allows Us to process Your information in connection with the School’s use of Our Services. It is the responsibility of the School to determine how Your information is processed by Us and We will follow the School’s instructions at all times. You should refer to the privacy statement of the School for further information as the School determines the purpose for which Your information will be processed in connection with Our Services.

### **3. WHO DOES THIS PRIVACY STATEMENT APPLY TO?**

This Privacy Statement applies to any person whose information We process on behalf of the School and who would be considered a data subject for the purposes of the Act. References to “You” and “Your” shall include School staff (both current and past), School pupils (both current and past) and their family, applicants for placement at the School and parents/guardians of children.

### **4. WHAT INFORMATION DO WE COLLECT FROM YOU?**

The information that We collect about You includes:

1. GENERAL DATA – This is information that You may give Us or the School by correspondence by phone, e-mail or otherwise. This includes information You provide when You use Our Site, Our Services and when You report a problem or receive support services in connection with Our Site and/or Our Services. The information You give Us may include but is not limited to the following information that We process on behalf of Schools:
  - your name, address, email address and phone number;
  - information relating to staff and teachers who use Our Site and/or Our Services including (but not limited to) their name, address, email address and phone number;
  - information relating to children who are connected with the School, including (but not limited to), name, address, contact information (including emergency contacts), date of birth, ethnic origin, religion, nationality, photographs, medical information, family history, performance, evaluation, punctuality and attendance information; and
  - information relating to parents or guardians of those children including (but not limited to) their name, address, contact information, and ethnic origin.
2. TECHNICAL DATA - We may collect the following technical information on behalf of Schools:
  - technical information, including the Internet protocol (IP) address used to connect Your device to the Internet, Your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and
  - information about Your visit to Our Site or use of Our Services, including the full Uniform Resource Locators (URL) clickstream to, through and from Our Site and Our Services (including date and time log); page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page and any phone number used to call Our customer service number.

## **5. WHAT DO WE DO WITH YOUR INFORMATION?**

We may use the information collected in the following ways:

1. GENERAL DATA - We will use this information on behalf of the School to:
  - carry out Our obligations arising from any contracts entered into between Us and the School, including the Terms of Use, and to provide the products and services requested from Us;
  - send communications to You about Our Site and/or Our Services including by SMS and push notification. We cannot guarantee that You will receive all communications from Us and We shall not be liable in the event that You do not receive such communications. You can opt out of receiving such communications by contacting us using the details below;
  - make notifications about changes to Our Services; and
  - ensure that content from Our Site is presented in the most effective manner.

If any sensitive personal data is collected (i.e. data relating to racial or ethnic origin, political or religious opinions, membership of a trade union, physical or mental health or condition or sexual life, the commission of any offence or related documentation) then You consent to Our processing this data in the manner set out in this Privacy Statement for and on behalf of the School. We do not control nor do We have any input into the content and information submitted to Our Site and Our Services, the School is responsible for ensuring that all appropriate consents are in place to allow Us to process the information on the Schools behalf.

2. TECHNICAL DATA - We will use this information on behalf of the School to:
  - administer Our Site and Our Services and for internal operations, including support, troubleshooting, data analysis, testing, research, statistical and survey purposes;
  - provide information to Schools;
  - to improve Our Site and Our Services and to ensure that content is presented in the most effective manner for You and for Your device;
  - to allow You to participate in the interactive features of Our Service, when You choose to do so; and
  - as part of Our efforts to keep Our Services and Our Site safe and secure.

## **6. DISCLOSURE OF YOUR INFORMATION**

We may share Your personal information with any member of Our group, which means Our affiliates and subsidiaries, Our ultimate holding company and its subsidiaries, as defined in the Companies Act (Ireland) 2014.

We will take every care to protect Your information and use it in accordance with the Schools instructions. In certain circumstances We may disclose it to certain third parties as follows:

- the School;
- business partners and sub-contractors for the performance of any contract We enter into with them in connection with Our Site and Our Services including; payment processors and hosting service providers;

- at the Schools request, We may disclose the information or receive information about You with government departments including with respect to the Primary Online Database run by the Department of Education and Skills;
- We may disclose the information relevant to any backup or hosting services to Google Inc. You can read more about the measures taken by Google to protect the security of their services and the information at: <https://cloud.google.com/security/compliance>.
- analytics and search engine providers that assist Us in the improvement and optimisation of Our Site. This consists of aggregated anonymous information only and relates to the web pages visited on Our Site and not the information included on those web pages;
- if We or substantially all of Our assets are acquired by a third party, in which case personal data held by Us will be one of the transferred assets;
- if We are under a duty to disclose or share Your personal data in order to comply with any legal obligation, or in order to enforce or apply the Terms of Use and other agreements; and/or
- to protect Our rights, property, or safety, or that of the School, You or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection.

## **7. SAFE GUARDING YOUR PERSONAL DATA**

The information processed by Us, on behalf of the School, may be transferred to, and stored at Our hosting centres in the European Union. By submitting Your personal data, You and the School agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that the information is treated securely, in compliance with the instructions of the School and in accordance with this Privacy Statement and the relevant law. In particular, We have put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information We manage on behalf of Schools and the information We collect and manage on their behalf.

All information processed by Us is stored on Google's secure servers. To protect the privacy and security of Our Services, We will also take reasonable steps to verify Your identity before granting access to information. We also use secure connections to protect sensitive information during its transmission. Where You have been given (or where You have chosen) a password which enables You to access Our Services, You are responsible for keeping this password confidential. We ask You not to share Your password with anyone.

You should be aware that when You disclose personal information that information is available to the School and may be used by the School. Schools are solely responsible for the uses made of Your information and We have no responsibility for the actions of the Schools in this regard.

You should contact the School in the event that Your information needs to be updated or changed, for example in the event that Your contact details have changed. We shall not be responsible for any failure of the School to contact You, including where You have not provided the correct contact details.

If You have provided information to the School You understand that We process that information as an agent of the School. We may hold a back-up copy of the information that You submit, but only on behalf of the School. If You wish to modify or otherwise deal with Your personal information submitted directly to Us then You should contact the School directly, as they have

responsibility for that personal information. We will comply with the School's instructions in respect of that personal information. If You wish to understand the School's data protection or privacy statement with regards to the dealings that it has with Your personal information then You should contact the School directly to establish such terms.

Although We will do Our best to protect Your personal data, We cannot guarantee the security of Your data transmitted to Our Site; any transmission is at Your own risk. Once We have received Your information, We will use strict procedures and security features to try to prevent unauthorised access.

## **8. COOKIES**

Our Site uses cookies to distinguish You from other users of Our Site. This helps Us to provide You with a good experience when You browse Our Site and also allows Us to improve Our Site. For detailed information on the cookies We use and the purposes for which We use them see Our Cookie policy <https://www.aladdin.ie/cookies.html>.

You can set Your browser not to accept cookies. If You go to <https://www.aladdin.ie/cookies.html> it will tell You how to remove cookies from Your browser. However in a few cases some of the features of Our Site may not function as a result.

## **9. YOUR RIGHTS**

Our site may, from time to time, contain links to and from third party websites including the website of the School. If You follow a link to any of these websites, please note that these websites have their own privacy statements and that We do not accept any responsibility or liability for these third-party websites. Please undertake the appropriate due diligence before submitting any personal data to these websites.

## **10. ACCESS TO INFORMATION**

The Act gives You the right to access information held about You by the School. Your right of access can be exercised in accordance with the Act. Any access request may be subject to a fee determined by the School to meet the costs in providing You with the information held about You. You should contact the School directly in connection with any such access request.

You have a right to have Your information rectified or erased free of charge if it is inaccurate or no longer required by Us or the School for the purpose for which it was collected. You can do this by contacting the School directly.

## **11. DISCLAIMER**

***WE ARE NOT LIABLE TO YOU OR THE SCHOOL IN RESPECT OF ANY CLAIMS, LOSSES, DAMAGES, EXPENSES (INCLUDING REASONABLE LEGAL FEES) ARISING OUT OF OR IN CONNECTION WITH THE USE AND/OR DISCLOSURE OR DISSEMINATION OF YOUR INFORMATION IN ACCORDANCE WITH THIS PRIVACY STATEMENT.***

## **12. RETENTION OF INFORMATION**

We will retain Your information for as long as We are directed by the School or for as long as We are required under relevant laws.



If You would like Us to delete your information, please contact the School directly with Your request.

### **13. HOW TO CONTACT US**

Please contact Us if You have any questions about Our Privacy Statement or information We hold about You:

- by email at: [dpm@aladdin.ie](mailto:dpm@aladdin.ie)
- or write to Us at: DPM, Aladdin, Block 1, Deansgrange Business Park, Co. Dublin, Ireland.

This privacy statement was last updated on 24th August 2018

### **Aladdin Data Processing Agreement**

(A) You, the Data Controller have entered into a Service Agreement with CLOUDWARE LIMITED T/A Aladdin Schools, the Data Processor, for the purposes of the Data Processor providing you with software services to support the management and administration of schools.

(B) You and the Data Processor are entering into this Data Processing Agreement to ensure compliance with current Data Protection Law (as applicable) in relation to all such processing.

(C) The terms of this Agreement are to apply to all data processing carried out for the Data Controller by the Data Processor and to all personal data processed by the Data Processor in relation to all such processing whether such personal data is processed at the date of the Service Agreement or received afterwards.

#### 1. Interpretation

The terms and expressions set out in this agreement shall have the following meanings:

<b>"Data Protection Law"</b>	shall mean EU Regulation 2016/679 (GDPR) and such other applicable law which may apply
<b>"Service Agreement"</b>	the Terms of Service agreed between the parties for software services.
<b>"Data Controller", "Data Processor" and "processing"</b>	shall have the meanings given to them in Data Protection law;
<b>"ODPC"</b>	means the Office of the Data Protection Commission, Ireland;
<b>"personal data"</b>	shall include all data relating to individuals which is processed by the Data Processor on behalf of the Data Controller in accordance with this Agreement.

It is agreed as follows:

2. This Agreement sets out various obligations in relation to the processing of data under the Service Agreement. If there is a conflict between the provisions of the Service Agreement and this Agreement, the provisions of this Agreement shall prevail.

3. The Data Processor is to process personal data received from the Data Controller only on the written instructions of designated contacts at the Data Controller (which may be specific instructions or instructions of a general nature as set out in the Service Agreement or as otherwise notified by the Data Controller to the Data Processor (during the term of the Service Agreement).

4. The Data Controller warrants that at all times it shall comply with the Data Protection Law and shall not perform its obligations under this Agreement (or the Service Agreement) in such way as to cause the Data Processor to breach any of its applicable obligations under the Data Protection Law.

5. The Data Processor warrants that at all times it shall comply with the Data Protection Law and shall not perform its obligations under this Agreement (or the Service Agreement) in such way as to cause the Data Controller to breach any of its applicable obligations under the Data Protection Law.

6. All personal data provided to the Data Processor by the Data Controller or obtained by the Data Processor in the course of its work with the Data Controller is strictly confidential and may not be copied, disclosed or processed in any way without the express authority of the Data Controller.

7. The Data Processor agrees to comply with any reasonable measures required by the Data Controller to ensure that its obligations under this Agreement are satisfactorily performed in accordance with all applicable legislation from time to time in force and any best practice guidance issued by the ODPC.

8. Where the Data Processor processes personal data on behalf of the Data Controller it shall:

- **8.1** process the personal data only to the extent, and in such manner, as is necessary in order to comply with its obligations under the Service Agreement, or as is required by law or any regulatory body including but not limited to the ODPC;
- **8.2** implement appropriate technical and organisational measures and take all steps necessary to protect the personal data against unauthorised or unlawful processing and against accidental loss, destruction, damage, alteration or disclosure, and promptly supply details of such measures as requested from the Data Controller;
- **8.3** if so requested by the Data Controller (and within the timescales required by the Data Controller) supply details of the technical and organisational systems in place to safeguard the security of the personal data held and to prevent unauthorised access;
- **8.4** notify the Data Controller should any data security breach occur in the Data Processor's company;
- **8.5** notify the Data Controller (within two working days) if it receives:
  - **8.5.1** a request from a data subject to have access to that person's personal data;
  - or
  - **8.5.2** a complaint or request relating to the Data Controller's obligations under the Data Protection Law;
- **8.6** provide the Data Controller with full co-operation and assistance in relation to any complaint or request made, including by:
  - **8.6.1** providing the Data Controller with full details of the complaint or request;
  - **8.6.2** complying with a data access request within the relevant timescale set out in the Data Protection Law and in accordance with the Data Controller's instructions;

- **8.6.3** providing the Data Controller with any personal data it holds in relation to a data subject (within the timescales required by the Data Controller);
- **8.6.4** providing the Data Controller with any information requested by the Data Controller;
- **8.7** not process personal data outside the European Economic Area without ensuring there is an adequate level of protection to any personal data that is transferred,
- **8.8** not transfer any personal data provided to it by the Data Controller to any third party without the prior approval of the Data Controller, such prior approval having been provided for through the Data Controller's acceptance of the Terms of Service.
- **8.9** shall ensure that any third party to which it sub-contracts any processing has entered into a written contract with the Data Processor which contains all the obligations that are contained in this Agreement and which permits both the Data Processor and the Data Controller to enforce those obligations.

9. The Data Processor shall transfer all personal data to the Data Controller in compliance with the requirements notified in writing by the Data Controller to the Data Processor from time to time.

10. The Data Processor shall assist the Data Controller with ensuring compliance with Articles 32 to 36 of the GDPR (relating to security of personal data and risk assessments).

11. The Data Processor shall make available to the Data Controller all information necessary to demonstrate compliance with the Data Protection Law.

12. The Data Processor warrants that it will only engage trained, competent and reliant staff to process the personal data on behalf of the Data Controller.

13. The Data Processor shall be liable for each and every action, proceedings, liability, cost, claim, loss, expense and demand incurred by the Data Controller which arise directly or in connection with the Data Processors or sub-processors data processing activities under this Agreement.

14. The Data Processor agrees that in the event that it is notified by the Data Controller that it is not required to provide any further services to the Data Controller under this Agreement, the Data Processor shall transfer a copy of all requested information (including personal data) held by it in relation to this Agreement to the Data Controller, and/or, at the Data Controller's request, destroy all such information using a secure method which ensures that it cannot be accessed by any third party and shall issue the Data Controller with a written confirmation of secure disposal.

15. All copyright, database right and other intellectual property rights in any personal data processed under this Agreement (including but not limited to any updates, amendments or adaptations to the personal data by either the Data Controller or the Data Processor) shall belong to the Data Controller. The Data Processor is licensed to use such data only for the term of and in accordance with this Agreement.

16. The Data Processor accepts the obligations in this Agreement in consideration of the Data Controller continuing to use its services.

17. This Agreement shall be governed by the laws of Ireland.

## **SCHEDULE 1**

### **DESCRIPTION OF THE TRANSFER**

## **Data Subjects**

**The Personal Data transferred concern the following categories of Data Subjects:**

- Students
- School Staff
- Parents

## **Purposes of the transfer(s)**

**The transfer is made for the following purposes:**

- To carry out the terms of the Service Agreement

## **Categories of data**

**The Personal Data transferred concern the following categories of data:**

- Personal Data and Sensitive Personal Data, including without limitation:
- Students: Names, addresses, dates of birth, PPS numbers, health information, information relating to family
- Parents: Names, contact details
- School Staff: Names, work email addresses.:

## **Recipients**

**The Personal Data transferred may be disclosed only to the following recipients or categories of recipients:**

- Only those Aladdin staff who require access to the personal data to fulfil the terms of the Service Agreement.

## **Additional useful information:**

Data will only be retained by Aladdin for as long as is required by law, or as long as is necessary to fulfil the terms of the Service Agreement, whichever is longer.

## **Contact points for data protection enquiries:**

Data Protection Manager  
dpm@aladdin.ie

This agreement was last updated on 25th April 2018

## **What Data Protection & Security Measures are in place?**

Aladdin regard the protection and security of your information as our first and most important job. Please find below some general information regarding data protection and security in Aladdin:

### **Data Protection:**

Aladdin and Google are Data Processors. The School is the Data Controller, meaning the school has ownership of their data at all times. Aladdin acts on the school's instruction to store the data securely. All the school data is stored exclusively in Google EU Data Centres.

### **Encryption of Information:**

Aladdin use 128 bit SSL encryption on all data that is transferred between the school and Aladdin/Google. This means that even if Aladdin is accessed across an unsecured wireless connection the data is fully protected. All Aladdin data is fully encrypted at rest in Google's data centres

### **Security:**

- Access to the data is by username and password and each account gives relevant access to their user. For example users with full administration rights i.e. the principal, secretary and deputy principal will see all students, whereas a user with normal access i.e. a classroom teacher, will only see students in their class and a resource teacher just the children he or she is working with. Schools as the data controller must ensure that accounts and passwords are not shared and staff take appropriate measures to keep their account secure.
- Aladdin and Google's security systems are independently audited to international standards. Aladdin is security scanned daily and Google's data centre security is independently audited to ISO 27001, ISO 27017 and ISO 27018.

- Storing your data in Aladdin is more secure than having it in your school. In the school your data is subject to physical loss and theft as well as unauthorised access from people visiting your school. With Aladdin if your computer fails or is stolen your data is never lost you simply sign in from another device and your data is there as normal.

Please note that there is a document available to you in the Gallery section (under the Modules - Documents) entitled **Use of Aladdin DPP Statement**. You can copy this document into your school and use in your School's DPP statement.

If you'd like to read more about data security please visit our Privacy page. You can find out more about our terms of service on our Terms page.

If you would like any further clarification upon this matter, please do not hesitate to contact us.

### **Appendix 3**

#### **Privacy Notice to Parents / Guardians and Pupils**



This statement applies to pupils, parents and guardians. By enrolling your child in and/or attending St. Nessan's NS, you acknowledge that your personal data (including special category personal data) shall be processed by St. Nessan's NS. This includes the storage of relevant information on Aladdin, the School Management System. The purpose of this Privacy Notice is to better inform you of

- Who we are
- What personal data we collect about you and your child who is enrolled and attends our school
- How and why we use your personal data
- Who we share your personal data with
- The reasons why we share your personal data
- How long we keep your personal data
- Your rights as a Data Subject – the person about whom we collect and store personal data

If you need more information, please see our Data Protection Policy available in our policy section on our school website.

### **1. Who we are**

- We are St. Nessian's NS
- Our address and contact details are St. Nessian's NS, Baunaclocka, Mungret, Co. Limerick V94FY29.
- We provide primary education for pupils from Junior Infants to Sixth Class.
- For further information, see our Data Protection Policy available in our policy section on our school website. <http://www.stnessans.ie/>

### **2. The information we collect about you**

The personal data we collect can include information about your identity and contact details; images/photo; family details; admission/enrolment details; previous schools; academic progress; PPS number; special educational needs; nationality; language; religion; medical data; information about behaviour and attendance; information about health, safety and welfare; financial information (re payments for books, tours etc.); and other personal data.

Further details of the data we collect about you can be found in our Data Protection Policy.

### **3. How and why we use your information and the legal basis**

We use your personal data for purposes including:

- *your application for the enrolment of your child*
- *to provide your child with appropriate education and support*
- *to monitor your child's academic progress*
- *to care for your child's health and well-being*
- *to care for our staff and pupils*
- *to process grant applications and other funding*
- *to coordinate, evaluate, fund and organise educational programmes*

- *to comply with our legal obligations as an education body*
- *to comply with our monitoring and reporting obligations to Government bodies*
- *to process appeals, resolve disputes, and defend litigation etc.*

For further information on what data we collect, why we collect it, how we use it, and the legal basis for same, please go to our Data Protection Policy in our policy section on our school website. <http://www.stnessans.ie/>

#### **4. Who we share your information with**

We share your personal data with third parties, including other Government bodies.

This includes the Department of Education and Skills, NCSE, TUSLA, An Garda Síochána, HSE, the Department of Social Protection, the Revenue Commissioners etc.

The level of sharing and the nature of what is shared depend on various factors. The Government bodies to which we transfer your personal data will use your personal data for their own purposes (including: to verify other information they already hold about you, etc.) and they may aggregate it with other information they already hold about you and your family. We also share your personal data with other third parties including our insurance company and other service providers (IT providers, security providers, legal advisors etc.). We are legally required to provide certain records relating to the progress of a pupil (under 18 years) in his/her education to the pupil's parents/guardians, including results of assessments.

For further information on who we share your data with, when and in what circumstances, and why, please see our Data Protection Policy in our policy section on our school website.

#### **5. We do not transfer your personal data to a third country or international organisation**

#### **6. We do not engage in automated decision making/profiling**

#### **How long we hold your child's data**



- Some personal data is only kept for a short period e.g. data no longer needed will be safely destroyed at the end of an academic year
- Some data we retain for a longer period e.g. enrolment forms are retained in the school until your child reaches 25 years of age
- Some data is never destroyed e.g. Roll Books and School Registers

For further information on the retention periods, please go to our Data Protection Policy available in our policy section of our school website.

**You have the following statutory rights that can be exercised at any time**

- Right to complain to supervisory authority
- Right of access
- Right to rectification
- Right to be forgotten
- Right to restrict processing
- Right to data portability
- Right to object and automated decision making/profiling

For further information, please see our Data Protection Policy available in our policy section of our school website. <http://www.stnessans.ie/>

**Contact**

If you would like to discuss anything in this privacy notice, please email the school office@stnessans.ie