



Circular Letter 0017/2014

To the Boards of Management of Primary and Special Schools

Fair Processing Notice to explain how some of the personal data of pupils in primary and special schools will be recorded on the proposed Primary Online Database (POD) and how this data will be processed by the Department of Education and Skills, in compliance with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.

The Department of Education and Skills is currently in the process of developing an individualised database of primary school pupils, known as the Primary Online Database (POD). This database will also contain individualised information on pupils in special schools. With regard to the storage and processing of individualised data, the Department is committed to:

- abiding by the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003;
- respecting individuals rights to confidentiality and privacy;

The obligations placed on users of data under the Data Protection Acts can be categorised under the Eight Rules of Data Protection. This circular outlines how the Department of Education and Skills shall comply with each of these rules in relation to data stored on the Primary Online Database.

1- Obtain and process information fairly

The Primary Online Database (POD) is a database of pupils enrolled in primary and special schools, which are recognised by the Department. While the database is hosted by the Department, the pupils' data will be maintained by the schools in which the students are enrolled.

There will be three categories of pupil personal data stored on POD

- **Category 1** - personal data shared between the school and the Department
- **Category 2** - sensitive personal data shared between the school and the Department
- **Category 3** - personal data, including sensitive data, which is only accessible to the school

The Department will request all recognised primary and special schools to record specific details of the pupils who are enrolled in their schools on POD. The Department, through this Fair Processing Notice and the individual schools through their own Data Protection Policies, provide information on how the schools should meet their data protection obligations regarding pupil data. The Department will also agree a protocol on data handling and data management in relation to POD with the relevant school management bodies. A copy of this protocol will be made available once agreed.

Full details of the type of data stored in POD are provided in **Appendix A**.

In relation to Category 1 and Category 2 data held on POD, there are two distinct types of consent required, and the approaches to be adopted are as follows:

- Category 1 refers to data which is non-sensitive personal data such as name, address, Personal Public Service Number (PPSN), etc.

In respect of these data fields, the parents/guardians are advised by way of this notice:

- That both the school and Department collect this data,
 - The purposes for which this data is collected,
 - How this data is stored,
 - Other bodies with whom this data may be shared
 - How long this data is retained.
- Category 2 refers to data which is sensitive personal data, in the context of POD. This data includes the ethnic/cultural background of the pupil, and the pupil's religion. In relation to these fields, the express written consent of the parents/guardians or students (over 18 years) is required, before this data can be recorded for a student on POD and accessed by the Department of Education. A suggested consent form used to collect this type of data is provided in **Appendix B**.

Data on ethnic or cultural background is required in some cases for the purpose of allocating appropriate resources to schools to meet the individual needs of children from these communities and to comply with a number of international reporting requirements for children from these communities. Data on religion and other ethnic or cultural origins is required for statistical analysis and in order to underpin future policy and planning within the Department. Primary school authorities are required to gain the written consent from the relevant parents/guardians or students, as appropriate, before data on these two data fields is recorded on POD. Schools do not need to return the written consent to the Department but should retain it for any inspection by either the Department or the Office of the Data Protection Commissioner.

Both the school and the Department are data controllers¹ for data in Category 1 and Category 2.

¹ **Data Controller** – means a person who, either alone or with other, controls the contents and use of personal data

For Category 3 the school is the data controller with the Department acting as a data processor² on behalf of the school. The Department will provide the functionality and means of recording the information for Category 3, but will not be able to view the data. The data in Category 3 will be defined by the schools and could include, for example, data on family contacts and details of any medical conditions for a pupil. It is open to schools to decide whether or not they wish to record data in Category 3 for students on POD. The data in Category 3 will be encrypted and therefore it is only visible to school users.

For all the above categories, under Data Protection legislation, parents/guardians have the right to object to the processing of their child's (or their own) personal data, if they feel that the data is not being processed in a fair manner or used for a valid reason. They also have the right to block certain uses of the data and correct errors, in the unlikely event that they identify any errors in this data held about their child (or themselves).

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

The Department of Education and Skills will use pupils' data on POD in Category 1 and some Category 2 data to establish the teaching posts and core funding to be allocated to each recognised primary school, for the following school year. For a pupil to be included in this calculation, they must be validly enrolled in a recognised school, in accordance with the requirements as specified in departmental circulars.

The Department also will use pupil data in categories 1 and 2 stored in POD for planning, policy and statistical purposes. In general, it does not use individual data for these purposes, but rather aggregates this data to meet its business needs. A small proportion of the data recorded by schools on POD is required for these purposes only.

For the purposes for which the school will use the data held on POD, please refer to the Data Protection Policy of the school.

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

Schools may only access the data of students currently enrolled in their schools.

It is Departmental policy that only a small number of Departmental staff, who have a specific requirement which is related to their work, have access rights to view the personal data in Category 1 and Category 2 of students.

Personal data stored on POD and only accessible by the school, i.e. Category 3, is encrypted and no staff member of the Department will have access to this data.

The Department also proposes to share some of the personal data stored on POD with other State bodies. These are:

² **Data Processor** – means a person who processes personal data on behalf of a data controller

- Central Statistics Office, under the Statistics Acts to assist with the compilation of national statistics.³
- The National Council for Special Education, under the Education Welfare Act, in order to assist in supporting resource allocation in relation to pupils with special educational needs.⁴
- The Child and Family Agency, under the Education Welfare Act, to ensure that each child of compulsory school age is in receipt of an education.
- To meet the Department’s business needs in regard to the allocation of resources to schools, the Department will share a limited amount of each pupil’s personal data, including a child’s PPS number with the Department of Public Expenditure and Reform PPSN validation service, or directly with the Department of Social Protection Client Identity Database area, in order to validate the identity of each pupil and ensure that the correct resource allocation is granted to each school. The legal basis for this sharing of data is set out in Social Welfare Acts⁵

The Department will put in place a data user agreement with each of these bodies, which includes the purpose for which the body requires the data, its storage, security and retention. Details of similar existing data user agreements already in place at post primary level are available on the Department’s website at www.education.ie (and search for P-POD).

Schools within the POD system may also exchange data in Categories 1 and 2 for the purposes of facilitating inter-school transfer of the pupil. Explicit parental consent must be given for sensitive personal data (i.e. Category 2 data) to be transferred from one school to another. In the case of other personal data (i.e. Category 1 data), schools may only access pupil data on POD in the case where they have already enrolled the pupil in their school.

4- Keep it safe and secure

POD will be hosted by the Department and accessed by schools through the *esinet* portal. The *esinet* portal is a secure network managed and controlled by the Department. It may only be accessed through password controlled accounts. The Department will maintain audit records of users who access the POD system.

³ The Statistics Act, 1993 gives the CSO the authority to assess the statistical potential of the records maintained by other public authorities and to ensure that this potential is realised; therefore, the CSO has indirect access on a statutory basis to data on individuals and businesses collected for administrative purposes

⁴ **Section 28** of the **Education Welfare Act 2000** allows for personal data to be transferred between the Minister for Education and Skills, recognised schools, the National Council for Special Education, and the Child and Family Agency, if it is used for a relevant purpose only, including “recording a person’s educational or training history or monitoring his or her educational or training progress in order to ascertain how best he or she may be assisted in availing of educational or training opportunities or in developing his or her full educational potential”

⁵**Section 266** of the **Social Welfare Consolidation Act 2005** states that “Notwithstanding anything contained in any other enactment, a specified body may share any information that may be prescribed with (a) the Minister for Education and Skills, where the Minister requires the information for the purposes of enabling him or her to provide education in accordance with **section 6(b)** of the **Education Act 1998**” A recognised school within the meaning of section 2 of the Education Act has been designated a specific body for these purposes. Regulation 189 of the **Social Welfare(Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007)** lists the prescribed information for the purposes of section 266 in relation to a pupil that may be shared.

The agreed protocol between the Department and the management bodies for schools, and to which schools are required to adhere, will oblige schools to segregate the various users who have access to POD by duties and responsibilities. Access at school level is through password controlled accounts. Where data is exported by schools from POD to local software, schools will be required to encrypt the data during transfer and store the resultant data on secure local systems.

For information on the safety and security measures in place in a particular school, please refer to the school's Data Protection Policy.

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

The pupil data on POD shall be maintained by the school in which the student is enrolled. The school is obliged to ensure that the data of its pupils is accurately maintained.

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

The Department, in consultation with the management bodies for schools, the Irish Primary Principals Network, the National Parents' Council and other key stakeholders in the education system will review from time to time the data on pupils required to manage and administer the education system.

The Department is continually reviewing its retention policy for pupil data in consultation with the Office of the Data Protection Commissioner and will update its retention policy from time to time. Any amendments will be available on the Department's website, www.education.ie

7- Retain it for no longer than is necessary for the purpose or purposes.

The Department will retain personal data in categories 1 and 2 for each pupil on POD for the longer of either the period up to the pupil's 30th Birthday and subject to review thereafter or for a period of ten years since the student was last enrolled in a primary school.

The ten year period is required for audit and accounting purposes as pupil's data is used in the allocation of teaching posts and funding to schools.

The purpose of the Department's retention policy also serves to trace retention trends in the education system, is important for longitudinal research and policy formation, as well as being an important statistical indicator nationally and internationally. Again aggregate and not individual data is used for the majority of these purposes.

Individual student records are also retained to meet individual requests from former students who may require them for employment or other purposes.

In respect of Category 3 data, i.e. data on students which is only accessible to schools, this data is removed from the POD system where a student's record had been inactive for two school years, i.e. there have been no further enrolments for that student in the primary sector for the previous or current school years.

8- Give a copy of his/her personal data to an individual on request

A copy of a pupil's individual data held on POD can be obtained by his/her guardian or the pupil, in line with the school's Data Protection Policy, by contacting the school in which the student is currently enrolled.

Pupils, through their parent\guardians, also have the right under Data Protection legislation to request a copy of their details currently held on file within the Department of Education and Skills. This request should be made in writing to Statistics Section, Department of Education and Skills, Marlborough Street, Dublin 1. The Department will require proof of identity to be furnished before releasing any information in relation to an individual pupil.

Jointly Meeting the Data Protection Requirements for the Annual Census of Primary Schools

Each year the Department will require school authorities to sign a declaration that they have fulfilled their data protection obligations in relation to the collection and sharing of their pupil data via POD. The Department will make available on its website the relevant data protection information for parents in relation to its use and purpose of the data recorded by schools on POD.

The Department has consulted with the management bodies for primary schools and will jointly agree a data protection protocol for the processing of pupil data on POD. Details of this protocol, as well as outlines of the Department's general data protection guidelines to schools, and a copy of this fair processing notice will be made available on the Department's website www.education.ie

The Department has met with officials from the Data Protection Commission Office to inform the approach to be taken.

To assist both schools and the Department to comply with their respective data protection requirements for POD, primary schools are asked to bring this circular to the attention of parents/guardians, students and school staff.

Diarmuid Reidy
Senior Statistician
Statistics Section
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Appendix A

Listing of Personal Data to be stored on the Primary Online Database (POD)

Category 1 Data - Personal Data Transferred to Department of Public Expenditure and Reform PPSN Validation Service\ Department of Social Protection for Pupil PPSN Validation Purposes

Data Collected on each Student	Purpose
Personal Public Service Number	Unique identifier for each student.
Student Name	Used to validate PPSN and also to identify students who have Irish Exemptions. Also used to contact students if consent is needed to include them in educational surveys etc.
Student Home Address	
Student Birth Cert name	Use to validate PPSN where current name differs from name used when PPSN assigned
Date of Birth	There are minimum age threshold for students following different programmes.
Gender	Statistical analysis and to assist with individual student identity.
Mother's maiden name	PPSN validation. This is removed from the Department's records when confirmation of valid PPSN is received.

Category 1 Data - Other Personal Data stored on POD necessary to assist with the Department's Policy, Statistical, Research and Planning Functions.

Data Collected on each Student	Purpose
Pupil Standard	Used for statistical analysis and to ensure progression within the educational system
Pupil Class	Used to calculate average class sizes in each school in order to monitor class sizes nationally
Pupil Nationality	Used for Statistical and policy/planning purposes
Enrolment date and Source	Necessary to ensure pupil is validly enrolled for allocation purposes and to monitor progress of pupils through the education system
Leaving Indicator, Date and Destination	Necessary to ensure pupil is validly enrolled, and to ensure pupil is in continuing education as required by the Education Welfare Act.

Data Collected on each Student	Purpose
Pupil Retained Indicator	Used to monitor repeat levels nationally
Pupil Integrated Indicator	Used to monitor pupils with special education needs that are integrated into mainstream classes, and to monitor class sizes including integrated pupils.
Indicator for receipt of Learning Support under the General Allocation Model and through the NCSE (4 categories)	Used to liaise with the NCSE and monitor the progress of pupils with special education needs and underpin future resource allocations in this area.
Pupil Deceased Indicator	Flag to indicate to POD if a pupil is deceased, and to ensure that correspondence is not sent inadvertently
DPIN (Department Pupil Identifier)	Internal Department Identifying number used to track pupils through the education system.
Pupils taking Junior and Leaving Certificate subjects, or subjects leading to a QQI further education accreditation.	For pupils in special schools only that may be taking subjects and Junior and Leaving Certificate levels, or subjects which lead to a QQI further education award.
Pupil Special Class Type	For pupils in special classes and schools only. Used to monitor resource allocation and the level of take up of different resource types
Pupil Primary Special Need type	For pupils in special classes and schools only.
Indicator of pupil SEN assessment	Indicates whether an assessment is available for a child availing of SEN resources
Mother tongue	Indication of the primary language the pupil speaks in their home environment
Year of Arrival in Ireland	Statistical and policy planning purposes

Category 2 Data – Sensitive personal data use by the Department to allocate resources to the school for certain categories of students and in aggregate form for statistical and policy reports

Ethnicity/Cultural background	<p>Outcome focused planning of policy and supports for minority groups</p> <p>Monitoring and evaluation of policy/supports</p> <p>Data on travellers required for payment of enhanced capitation</p> <p>Data on Roma required for reporting on a number of EU, UN human rights, etc. Conventions to which Ireland is a contracting party e.g. current exercise on EU Framework for national Roma Integration Strategies up to 2020</p>
Pupil Religion	For general statistical purposes.

Category 3 Data –Pupil level data accessed solely by schools for use in school administration. This list will be defined by the schools themselves and will only be accessible at the school level. Examples of the most common type of information that may be kept include:

Family Details
Student Phone No
Student Mobile
Student Email
Number of children in family
Position of child in family
Psychological Assessment Available Y/N
Correspondence to Guardian Y/N
Guardian Name and Address
Details of Guardianship, Custody and/or Access Arrangements
Years Irish Resident

Medical Details
Require Glasses Ind Y/N
Hearing Difficulties Ind Y/N
Illness Procedure
Health Concerns
Any other relevant medical information
Doctor Name
Practice Name
Practice Phone No

Appendix B

SCHOOL LOGO

Suggested Consent Form for Sensitive Personal Data to be stored on the Primary Online Database (POD) and shared with the Department of Education and Skills

There are three categories of pupil data which will be shared by schools with the Department of Education and Skills. Category 1 information covers data that is required to validate the pupil's identity. This information will be transferred to the PPSN validation service of the Department of Expenditure and Reform or the Department of Social Protection for validation purposes only. Category 1 information also covers pupil level data which is necessary for policy and planning purposes within the Department of Education and Skills. A full listing of the variables collected, along with the purpose for each piece of information, can be found in Appendix A of the Fair Processing Notice for the Primary Online Database, available at www.education.ie

Category 2 covers sensitive personal data which the Department asks primary schools to furnish, and which requires your written consent for your child's school to record this information and for the school to forward this information to the Department for purposes as outlined in circular 001/2014 a copy which is available at www.education.ie or on request from your child's school. Your consent is also required for this information to be forwarded to any other primary school your child may transfer to during their time in primary school.

Category 3 data is information which is required at school level only and will not be accessible to the Department of Education and Skills. This data will be kept on your child's POD record for the duration of their primary schooling and for two years afterwards.

Please note that the reference to "you" in this consent form means a parent or a guardian of a pupil, or a pupil aged 18 years and over who is attending a recognised primary school.

Please enter the following details in BLOCK CAPITALS

Name of School: _____

Name of Parent/Guardian: _____

Name of Student: _____

1. What is your child's religion?

2. To which ethnic or cultural background group does your child belong (please tick one)?

- **White Irish**
- **Irish Traveller**
- **Roma**
- **Any other White Background**
- **Black African**
- **Any other Black Background**
- **Chinese**
- **Any other Asian background**
- **Other, including mixed race backgrounds**

I consent for this information to be stored on the Primary Online Database (POD) and transferred to the Department of Education and Skills and any other primary schools my child may transfer to during the course of their time in primary school.

Signed: _____

Parent/Guardian/Student

Date: _____

Please complete this form and return to your primary school. This form will be retained by the primary school and will be made available for inspection by authorised officers of the Department or from the Office of the Data Protection Commissioner.