



# ALEXANDRA COLLEGE DUBLIN

## Alexandra College Data Protection Policy

### 1. Purpose and Scope

- 1.1. The purpose of this Data Protection Policy is to support Alexandra College in meeting its responsibilities with regard to the processing of personal data. These responsibilities arise as statutory obligations under the relevant data protection legislation. They also stem from our desire to process all personal data in an ethical manner which respects and protects the fundamental rights and freedoms of natural persons.
- 1.2. This policy aims to help transparency by identifying how Alexandra College expects personal data to be treated or “processed”. It helps to clarify what data is collected, why it is collected, for how long it will be stored and with whom it will be shared.
- 1.3. The Data Protection Act (2018) and the European General Data Protection Regulation are the primary legislative sources.<sup>1</sup> They impose statutory responsibilities on the school as well as providing a number of fundamental rights in relation to personal data.
- 1.4. Alexandra College recognises the seriousness of its data processing obligations and has implemented a set of practices to safeguard personal data. College policies and procedures relevant to data protection apply to all school staff, the board of management, the Council, parents/guardians, students, prospective or potential students and their parents/guardians, applicants for staff positions within Alexandra College and others.
- 1.5. Any amendments to this Data Protection Policy will be communicated on the Alexandra College website and through other appropriate channels, including direct communication with data subjects where this is appropriate. The College will notify data subjects if at any time the College proposes to use personal data in a manner that is significantly different to that stated in this policy, or, was otherwise communicated at the time that it was collected.
- 1.6. Alexandra College is a data controller of personal data relating to its past, present and prospective staff, students, parents/guardians, volunteers, and other members of the Alexandra College community. Formally, the statutory responsibility of Controller is assigned to the Board of Management. The Principal is assigned the role of coordinating the implementation of this policy

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<sup>1</sup> Other legislation relating to the processing of personal data, whether in manual or in electronic form such as the 2011 e-Privacy Regulations (S.I. No. 336 of 2011) provide statutory guidance with regard to certain data processing operations (e.g. direct marketing, cookie notifications on school website) and may be relevant to school operations from time to time.

and for ensuring that all staff who handle or have access to Personal Data are familiar with their responsibilities.

<b>Name</b>	<b>Responsibility</b>
Board of Management	Data Controller
Principal	Implementation of Policy
All Staff	Adherence to Data Processing Principles
Entire School Community	Awareness of & Respect for all Personal Data

## 2. Processing Principles

- 2.1. Processing is the term used to describe any task that is carried out with personal data e.g. collection, recording, structuring, alteration, retrieval, consultation, erasure as well as disclosure by transmission, dissemination or otherwise making available. Processing can include any activity that might relate to personal data under the control of Alexandra College, including the storage of personal data, whether the records are processed by automated or manual means.
- 2.2. There are a number of fundamental principles, set out in the data protection legislation, that legally govern treatment of personal data. As an integral part of its day to day operations, Alexandra College will ensure that all data processing is carried out in accordance with these processing principles.
- 2.3. These principles, set out under GDPR, establish a statutory requirement that personal data be:
  - i. processed lawfully, fairly and in a transparent manner - **lawfulness, fairness and transparency.**
  - ii. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. - **purpose limitation.** 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.
  - iii. adequate, relevant and limited to what is necessary for the purposes for which they are processed - **data minimisation.**
  - iv. 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.**
  - v. kept for no longer than is necessary for the purposes for which the personal data are processed<sup>2</sup> - **storage limitation**

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<sup>2</sup> Data may be stored for longer periods if being processed for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes (subject to appropriate technical and organisational measures required to safeguard the rights and freedoms of the data subject).

- vi. 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**.
- 2.4. GDPR also establishes **Accountability** as a core data processing principle. This places a statutory responsibility on Alexandra College, as Data Controller, to be able to demonstrate compliance with the 6 data processing principles set out in paragraph 2.3.

### 3. Lawful Basis for Processing Personal Data

- 3.1. Whenever Alexandra College is processing personal data, all of the principles listed in paragraphs 2.3 and 2.4 must be obeyed. In addition, in accordance with GDPR Article 6, at least one of these six legitimate bases must apply if the processing is to be lawful:
- (i) compliance with a legal obligation
  - (ii) necessity in the public interest
  - (iii) legitimate interests of the controller
  - (iv) contract
  - (v) consent
  - (vi) vital interests of the data subject.
- 3.2. When processing **special category personal data**, Alexandra College will ensure that it has additionally identified an appropriate lawful basis under GDPR Article 9<sup>3</sup>. Special categories of personal data are those revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

### 4. Processing Activities Undertaken by Alexandra College

- 4.1. **Record of Processing Activities** This policy sets out the purposes for which Alexandra College collects and uses personal data for each of the various categories of data held: student, staff, parent/guardian, alumnae, prospective parents, prospective students, prospective staff and so forth.
- 4.2. **Student Records** The purposes for processing student personal data include<sup>4</sup>:
- (i) to provide information for application/enrolment;
  - (ii) to determine whether an applicant satisfies Alexandra College's admission criteria and in what priority category;
  - (iii) to comprehend the educational, social, physical and emotional needs of the student;
  - (iv) to deliver an education appropriate to the needs of the student;
  - (v) to ensure that any student seeking an exemption from Irish meets the criteria;

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<sup>3</sup> GDPR Article 9 sets out the lawful bases that apply to the processing of special categories of personal data.

<sup>4</sup> Appendix 2 sets out the type of personal data being processed by the school and the purposes for which this data is being processed. This list is likely to be subject to revision from time to time. For example, changes in curriculum or legislation may require adjustments in the personal data processing.

(vi) to ensure that students benefit from relevant additional educational or financial supports;

(vii) to contact parents/guardians in case of emergency or in the case of school closure;

(viii) to monitor progress and to provide a sound basis for advising students and parents/guardians;

(ix) to inform parents/guardians of their child's educational and developmental progress, attendance and behaviour;

(x) to communicate information about, and record participation in, school classes, events, matches and initiatives;

(xi) to compile yearbooks, social media posts, newsletters, to establish and populate a school website, and to keep a record of the history of Alexandra College;

(xii) to comply with legislative or administrative requirements and guidelines;

(xiii) to provide continued education and learning remotely either from the school or the teacher's home or temporary location whether by live stream, recording, video conferencing, video or audio recording or some other means not yet envisaged;

(xiv) to select teams, groups or individual student representation of the College;

(xv) to facilitate the smooth operation and finances of the school including payment of fees, charges and donations

(x) to furnish documentation/ information about the student to the Department of Education and Skills, the State Exams Commission, the National Council for Special Education, TUSLA, the Revenue Commissioners, immigration authorities and others in compliance with law and directions issued by government departments.

4.3. **Parent/Guardian Records** Information about, or correspondence with, parents will be held in the files for each student. This information shall be treated in the same way as any other information in the student file.

4.4. **Staff Records** As well as records for existing and former members of staff, records may also relate to applicants interested in or applying for positions within Alexandra College, trainee teachers and teachers under probation. The purposes for which staff personal data is processed include the following:

(i) the management and administration of school business now and in the future;

(ii) 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;

(iii) to facilitate pension payments in the future;

(iv) human resources management;

(v) recording promotions, appointments, selection processes, applications and changes in responsibilities etc.;

(vi) to enable Alexandra College to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment, including but not limited to complying with its responsibilities under the Safety, Health and Welfare at Work Acts and public health guidance;

(vii) to enable Alexandra College to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, an Garda Síochána the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies;

(viii) to facilitate the continuation of education and teaching if a teacher is working remotely or if the school campus is closed;

(ix) and for compliance with legislation relevant to Alexandra College.

4.5. **Board of Management Records** Board of Management records are kept in accordance with the Education Act 1998 and other applicable legislation. Minutes of Board of Management meetings record attendance, items discussed and decisions taken. Board of Management business is considered confidential to the members of the Board and those members of school management in attendance at board meetings at the board's request.

4.6. **Financial Records** This information is required for routine management and administration of Alexandra College's financial affairs, including the payment of fees, invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.

4.7. **CCTV Records** Alexandra College processes personal data in the form of recorded CCTV images. The College uses CCTV and monitors and uses recorded material to:

(i) secure and protect Alexandra College's campus, premises and assets;

(ii) deter crime, vandalism and anti-social behaviour;

(iii) assist in the investigation, detection, and prosecution of offences;

(iv) monitor areas in which cash and/or goods are handled;

(v) deter bullying and/or harassment;

(vi) maintain good order and ensure Alexandra College's Code of Behaviour is respected;

(vii) provide a safe environment for all staff, students and visitors;

(viii) taking and defending litigation;

(ix) to verify facts and for dispute-resolution, particularly where there is a dispute as to facts and where the recordings may be capable of resolving that dispute.

## 5. Recipients

5.1. Recipients are organisations and individuals to whom Alexandra College transfers or discloses personal data. Recipients may be data controllers, joint controllers or processors. A list of the categories of recipients used by Alexandra College is provided in the appendices (Appendix 3). This list may be changed from time to time to ensure the smooth operation of the school and compliance with the school's obligations having regard always to the data protection principles.

## 5.2. Data Sharing Guidelines

- i. From time to time Alexandra College may disclose personal data to third parties, or allow third parties to access specific personal data under its control. An example could arise should Gardai submit a valid request under Section 41(b) of the Data Protection Act which allows for processing necessary and proportionate for the purposes of preventing, detecting, investigating or prosecuting criminal offences.
- ii. In all circumstances where personal data is shared with others, Alexandra College will ensure that there is an appropriate lawful basis in place in accordance with GDPR Articles 6 or 9 as appropriate. We will not share information with anyone without consent unless another lawful basis allows us to do so.
- iii. Most data transfer to other bodies arises as a consequence of Alexandra College's legal obligations, and the majority of the data recipients are controllers in their own right, for example, the Department of Education and Skills<sup>5</sup>, so their actions will be governed by national and European data protection legislation as well as their own organisational policies.
- iv. Some of Alexandra College's operations require support from specialist service providers. For example, Alexandra College 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 ensure that the appropriate security guarantees have been provided and that there is a signed processing agreement in place.

## 6. Personal Data Breaches

- 6.1. A personal data breach is 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.

### 6.2. Consequences of a Data Breach

- i. A breach can have a significant adverse effect on individuals, which can result in physical, material or non-material damage. This can include discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality etc. Children because of their age may be particularly impacted.
- ii. In addition to any detrimental impact on individual data subjects, a data breach can also cause serious damage to Alexandra College. This can include reputational damage as well as exposing Alexandra College to other serious consequences including civil litigation.
- iii. The consequences of a data breach could include disciplinary action, criminal prosecution and financial penalties or damages for Alexandra College and participating individuals<sup>6</sup>.

### 6.3. Responding to a Data Breach

- i. Alexandra College will always act to prioritise and protect the rights of those individuals whose personal data is affected.

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<sup>5</sup> The Data Protection Policy of the Department of Education and Skills can be viewed on its website ([www.education.ie](http://www.education.ie))

<sup>6</sup> The Data Protection Act 2018 established a number of offences whereby breaches of the Act can result in fines and/or imprisonment.

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

## **7. Data Subject Rights**

### **7.1. Your Rights**

Personal Data will be processed by Alexandra College in a manner that is respectful of the rights of data subjects. Under GDPR these include<sup>7</sup>:

- (i) the right to information
- (ii) the right of access
- (iii) the right to rectification
- (iv) the right to erasure (“right to be forgotten”)
- (v) the right to restrict processing
- (vi) the right to data portability
- (vii) the right to object
- (viii) the right not to be subject to automated decision making
- (ix) the right to withdraw consent
- (x) the right to complain.

### **7.2. Right to be Informed**

You are entitled to information about how your personal data will be processed. We address this right primarily through the publication of this Data Protection Policy. We also publish additional privacy notices which we provide at specific data collection times, for example, our Website Data Privacy Statement is available to all users of our website. Our Application Privacy Notice is set out on the Make an Application page of our website. If you need more clarification, or information that is not explicit in this policy or in our privacy notices please contact the College.

### **7.3. Right of Access**

You are entitled to see any information we hold about you. Alexandra College will, on receipt of a request from a data subject, confirm whether or not their personal data is being processed. A data subject can request a copy of their personal data. Alexandra College in responding to a right of access will ensure that it does not adversely affect the rights of others.

### **7.4. Right to rectification**

If you believe that Alexandra College holds inaccurate information about you, you can request that we correct that information. The personal record may be supplemented with additional material if it is adjudged to be incomplete.

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<sup>7</sup> For further information on your rights see [www.GDPRandYOU.ie](http://www.GDPRandYOU.ie)

### **7.5. Right to be forgotten**

Data subjects can ask Alexandra College to erase their personal data. Alexandra College will act on such a request providing that there is no compelling purpose or legal basis necessitating retention of the personal data concerned.

### **7.6. Right to restrict processing**

Data subjects have the right to seek a restriction on the processing of their data. This restriction in effect requires the controller to place a “hold” on processing and gives an individual an alternative to seeking erasure of their data. It may also be applicable in other circumstances such as where the accuracy of data is being contested.

### **7.7. Right to data portability**

This right facilitates the transfer of personal data directly from one controller to another. It can only be invoked in specific circumstances, for example, when processing is automated and based on consent or contract.

### **7.8. Right to object**

Data subjects have the right to object when processing is based on Alexandra College’s legitimate interests or relates to a task carried out in the public interest (e.g. the processing of CCTV data may rely on Alexandra College’s legitimate interest in maintaining a safe and secure school building). Alexandra College must demonstrate compelling legitimate grounds if such processing is to continue.

### **7.9. Right not to be subject to automated decision making**

This right applies in specific circumstances as set out in GDPR Article 22.

### **7.10. Right to withdraw consent**

Where Alexandra College is relying on consent to process your data, you have the right to withdraw this at any time, and if you exercise this right, we will stop the relevant processing.

### **7.11. Right to Complain**

- i. If you are concerned about how your personal data is being processed, then please address these concerns in the first instance to the Principal of the College who is responsible for operational oversight of this policy<sup>8</sup>.
- ii. A matter that is still unresolved may then be referred to Alexandra College’s Data Controller, the Board of Management, by writing to the Chairperson at Alexandra College, Milltown, Dublin 6.
- iii. If you are 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 Data Protection Commission.
  - Telephone: +353 57 8684800 +353 (0)761 104 800
  - Lo Call Number: 1890 252 231
  - E-mail: info@dataprotection.ie

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<sup>8</sup> Parents/Guardians may also, where applicable, have the option of invoking Alexandra College's formal complaints procedure (available from school)



- Post: Data Protection Commission Canal House, Station Road Portarlinton, Co. Laois, R32 AP23
- Website: [www.dataprotection.ie](http://www.dataprotection.ie)

### **7.12. Limitations on Rights**

While Alexandra College will always facilitate the exercise of your rights, it is recognised that they are not unconditional: Alexandra College may need to give consideration to other obligations<sup>9</sup>.

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<sup>9</sup> See GDPR Articles 12-23 for a full explanation of subject rights and their application.

## Appendix 1. Glossary

**Child** - a person under the age of 18 years. Children are deemed vulnerable under GDPR and merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned, and of their rights in relation to the processing of personal data.

**Controller or Data Controller** - an entity or person who, alone or jointly with others, determines the purposes and means of the processing of personal data. In this policy, the data controller is the Board of Management of Alexandra College.

**Consent** - 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.

**Data Protection Commission** - the national supervisory authority responsible for monitoring the enforcing the data protection legislation in Ireland. The DPC is the organisation to which schools as data controllers must notify data breaches where there is risk involved.

**Data Protection Legislation** – this includes (i) the General Data Protection Regulation (GDPR) - Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and (ii) the Data Protection Act 2018. GDPR is set out in 99 separate Articles, each of which provides a statement of the actual law. The regulation also includes 171 Recitals to provide explanatory commentary.

**Data Subject** - a living individual who is the subject of the personal data, i.e. to whom the data relates either directly or indirectly.

**Data concerning health** - personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status. This is an example of special category data.

**Personal Data** - any information relating to an identified or identifiable natural person (a “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.

**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.

**Processing** - 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.

**Processor or Data Processor** - a person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract. An employee of a controller who processes such data in the course of his or her employment is not a Data Processor.

**Profiling** - any form of automated processing of personal data intended to evaluate, analyse, or predict data subject behaviour.

**(Relevant) Filing System** - any set of information that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.

**Special categories of data** - personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

## Appendix 2. Personal Data and Related Processing Purposes

Purposes for Processing	Description of Personal Data
<p><b>1. Contact and identification information</b> This information is needed to identify, contact and enrol students.</p>	
<p>Purposes may include:</p> <ul style="list-style-type: none"> <li>● to add names and contact details to a contact list prior to application</li> <li>● to provide appropriate information to prospective students/parents/guardians</li> <li>● to make contact in case of school closure</li> <li>● to send SMS text messages/ emails about events, meetings, attendance, behaviour etc.</li> </ul>	<p>Information required to confirm student/parent/guardian identity and to contact:</p> <ul style="list-style-type: none"> <li>● student name</li> <li>● gender</li> <li>● date of birth</li> <li>● Areas of interest</li> <li>● family details (parents/guardians name, address, contact details to include phone numbers, email addresses etc, country of residence).</li> </ul>
<p><b>2. Application information</b> We use this to determine if an applicant will be selected for admission based on eligibility requirements &amp; priority criteria set out in our Admissions Policy.</p>	
<p>In addition to data outlined at 1 above, we collect personal data on Application and Student Transfer Forms. If the student is offered a place, completed Application Form is placed on the student's file. If the student is not offered a place, the data may be used to respond to any section 29 appeals process. Applicants will be asked to provide data on Religion and relationship to alumnae &amp; current students as part of Alexandra College's admissions priority criteria. Any information not required to operate the Admissions Procedure, is identified as optional.</p>	<p>Information required to ascertain eligibility and priority under Alexandra College's Admissions Policy:</p> <ul style="list-style-type: none"> <li>● Name and address of current school</li> <li>● Class in current school</li> <li>● Relationship to alumna &amp; current students Religion</li> </ul>
<p><b>3. Enrolment information</b> Once Alexandra College has accepted the student's application, and has offered the student a place, further information is collected. This personal data is used for administrative and management tasks e.g. school communications, timetabling, scheduling parent teacher</p>	

meetings, school events, arrangements for academic registration, class details, start dates, book lists, subject-selection, health management, school trips etc.

Contact and Identification Information: We use this information:

- to make contact in case of school closure (e.g. adverse weather conditions) or an emergency (ill-health or injury),
- to communicate issues relating to progress, welfare or conduct in school, non-attendance or late attendance, etc.
- to send SMS text messages and emails about important events, e.g. start dates, course details, meetings, school events, school news etc.

- Student name and date of birth (requires birth certificate verification by school)
- PPSN,
- Address including Eircode
- Extended family details (parent/guardian names, contact details, postal & email address, phone numbers, details of any court orders or other arrangements governing access to or custody of child).
- Details of next of kin (for contact in case of emergency)

Academic record: We use this information to deliver education appropriate to the needs of the student, to assess the student's educational progress. Standardised test results used for the purposes of assessing literacy/numeracy progress, for Reasonable Accommodation in State Examinations, for assisting in referrals to NEPS, and for career guidance etc.

- Reports, references, assessments and other records from any previous school(s) attended by the student.
- Education Passport (6th Class Report provided by primary school after post-primary school confirms enrolment.
- Protocols set out in DES Circulars 42/2015 and 34/2016).
- Standardised testing Results

Language spoken: Without this information Alexandra College will not know how to meet the student's needs to deliver appropriate education. This ensures the student has access to language support if necessary.  
Irish Exemption Information re application for Irish exemption if eligible (e.g. received primary school up to 11 years of age outside Ireland, evidence of disability, student from abroad).

- Information about language spoken (for language support)
- Details of whether the student received EAL (English as an Additional Language) support.
- Details re whether student is exempt from studying Irish
- Details to ascertain if student is eligible for exemption from study of Irish

Medical information for health purposes: This information is essential to meet our duty of care to the student. We use this information to (i) ensure we know who to contact in case

- Emergency contact details (name, telephone, details of relationship to the student etc).

<p>of emergency, (ii) ensure that we have relevant information to safeguard/prevent damage to student health (iii) meet medical/care needs when students are in school (iv) facilitate appropriate advanced planning with parents/guardians (e.g. notification to relevant personnel within Alexandra College, storage of medications, staff training where necessary etc).</p>	<ul style="list-style-type: none"> <li>● Details of the student's GP (to be contacted in case of emergency).</li> <li>● Details of any relevant medical information (e.g. medical condition, allergies, treatment/care plan) to facilitate appropriate advanced planning with parents/guardians. This may include use of student's photograph for display in the Staff room as part of the emergency action plan.</li> </ul>
<p>SEN and Medical information for educational purposes: We cannot meet our duty of care to the student and our obligations under EPSEN Act 2004 without this information. We use this information to (i) make application to the DES for allocation of resources to support student (ii) ensure school has relevant information to deliver education appropriate to student's needs (iii) apply for appropriate accommodation(s) and/or therapeutic supports where available.</p>	<ul style="list-style-type: none"> <li>● Details of any special needs/medical needs that need to be accommodated, e.g. medical assessment, hearing/vision issues, psychological assessment/report.</li> <li>● Details of whether the student has been in receipt of learning support.</li> <li>● Details of whether the student been granted resource teaching hours and/or special needs assistance hours by the NCSE.</li> </ul>
<p>Information sought by Department of Education and Skills (DES): We are under a legal obligation to return specific enrolment information concerning each student to DES (SI 317/2015). This data is used to calculate teacher and resource allocation, capitation, grant payments for schools, for statistical analysis and reporting in the areas of social inclusion and integration of students in the education system, and for planning purposes. Other (optional) information is sought for purposes relating to planning, social inclusion and integration of students in the education system.</p>	<p>Personal data is transferred to the DES through the Post-Primary Online Database as set out in the Privacy Notice for P-POD provided by DES. Required information includes: birth name of student and mother (to verify student identity). The DES seeks some additional information on an optional basis (i.e. based on parental consent), for example: Ethnic/Cultural background</p>
<p>Use of photographs &amp; video for yearbooks, social media, website etc.: Photographs, and recorded images of students may be taken at school events and to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to</p>	<ul style="list-style-type: none"> <li>● Consent to use images or recordings in printed or digital format.</li> <li>● Separate consents will be sought for different publication forums. (NB This excludes CCTV recordings - see school CCTV policy).</li> </ul>

keep a record of the history of Alexandra College.	
Consents to direct marketing: If you wish to receive direct marketing you can give consent for us to contact you by SMS text and/or email. Your right to opt-out only relates to Alexandra College contacting you for direct marketing purposes.	Note: We will still contact you on your mobile in case of an emergency relating to your child and/or to communicate messages about school events (e.g. school closure, parent-teacher meetings etc).
<p><b>4. Personal data gathered during student's time in School</b></p> <p>We cannot meet our statutory obligation to deliver appropriate education to students and/or we cannot satisfy our duty of care to each student without processing this information.</p>	
Academic progress: Alexandra College processes this personal data in order to deliver education to students, and to evaluate students' academic progress, to register the student for State Examinations (Junior Cycle, Leaving Cycle), to submit the students' work to the recognised accrediting body etc.	<p>Academic progress and results</p> <p>State exam results</p> <p>Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)</p> <p>Continuous assessment and end of term/year reports</p>
Attendance: Alexandra College is required to collect and monitor attendance data and to notify the Education Welfare Officer (TUSLA) in certain circumstances, such as (i) where the student is suspended for 6 days or more (ii) where the student is absent for an aggregate period of 20 school days during the year, (iii) where the Principal is of the opinion that the student is not attending school regularly. Alexandra College will notify parent/guardian in the event of non-attendance or absences.	<ul style="list-style-type: none"> <li>● Statutory processing pursuant to the Education (Welfare) Act 2000.</li> <li>● Attendance records including Registers and Roll books etc. Records of referrals to TUSLA</li> <li>● School Register and Roll Books are documents of enduring historical value and are retained in Alexandra College's archives for archival purposes in the public interest.</li> </ul>
School tours/trips: Information required to make appropriate travel arrangements, to implement insurance cover, to arrange appropriate supervision ratios, to ensure medical/health issues are properly accommodated, to engage in responsible planning, and to ensure necessary paperwork for INIS (Irish Border Control/Irish Naturalisation & Immigration Service requirements where children are travelling	<p>Information to ensure trip is properly organised and supervised, including:</p> <ul style="list-style-type: none"> <li>● permission slips (signed by parents/guardians),</li> <li>● itinerary reports</li> <li>● Letter from parent(s)/guardian(s) giving consent to travel.</li> <li>● Copy of birth/adoption certificate or guardianship papers</li> </ul>

<p>with someone other than their parent or guardian).</p>	<ul style="list-style-type: none"> <li>● Copy of marriage/divorce certificate (where parent has different surname to child).</li> <li>● Copy of the parent/guardian's passport or State identity document.</li> </ul>
<p>Garda vetting outcomes: Certain work experience roles may require that a student be Garda vetted (Statutory vetting process).</p>	<ul style="list-style-type: none"> <li>● Information as set down in National Vetting Bureau (Children and Vulnerable Persons) Act 2012.</li> <li>● Garda vetting form</li> </ul>
<p>CCTV images: Alexandra College processes this data for the purposes outlined in our CCTV Policy, a copy of which is attached to this Policy.</p>	<p>CCTV is in operation at the perimeter, exterior and certain internal common areas in Alexandra College both during the daytime and during the night hours each day. CCTV is used at external points on the premises (e.g. at front gates, in the car-park) and at certain internal points (e.g. front desk/reception area, corridor). In areas where CCTV is in operation, appropriate notices are displayed.</p>
<p>Special needs data, educational support records, medical data etc: Without this information, Alexandra College will not know what resources need to be put in place to meet the student's needs and to deliver appropriate education in-keeping with its statutory obligations. This is to assess student needs, determine whether resources can be obtained and/or made available to support those needs, and to develop individual education plans. Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, Alexandra College is required to furnish to the National Council for Special Education (the statutory agency established under the Education for Persons with Special Educational Needs Act 2004) such information as the Council may from time to time reasonably request.</p>	<p>Alexandra College collects information relating to any special educational needs, psychological assessments/reports, information about resource teaching hours and/or special needs assistance hours, etc. Schools are also required to share this personal data with SENOs employed by the NCSE.</p> <ul style="list-style-type: none"> <li>● Psychological assessments,</li> <li>● Special Education Needs' files, reviews, correspondence</li> <li>● Individual Education Plans,</li> <li>● Learning support file,</li> <li>● Notes relating to inter-agency meetings,</li> <li>● Medical information (including details of any medical condition and/or medication/treatment required)</li> <li>● Psychological, psychiatric and/or medical assessments</li> </ul>
<p>Child protection, child welfare records: Alexandra College is required to follow DES</p>	<p>Mandatory reporting obligations require data sharing with TUSLA, An Garda Síochána and</p>



<p>Child Protection Procedures (Circular 81/2017) and to take appropriate action to safeguard the welfare of students in its care (Child Protection Procedures for Primary and Post-Primary Schools 2017). Staff have a legal responsibility to report actual or suspected child abuse or neglect to the Child &amp; Family Agency (“TUSLA”) and to An Garda Síochána. Mandatory reporting obligations arise under Children First 2015, the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.</p>	<p>any other appropriate law enforcement or child protection authorities. DES Inspectorate may seek access to Alexandra College’s child protection records for audit purposes.</p> <ul style="list-style-type: none"> <li>● Child protection records</li> <li>● Child safeguarding records</li> <li>● Other records relating to child welfare</li> <li>● Meitheal meetings convened by TUSLA</li> </ul>
<p>Counselling &amp; Pastoral Care Records: This information is required to provide access to counselling services and/or psychological services and to provide supports to students, resolve behavioural, motivational, emotional and cognitive difficulties through assessment and therapeutic intervention, to engage in preventative work etc. Personal data (and special category personal data) will be shared with third parties (e.g. TUSLA, NEPS, CAMHS, An Garda Síochána, Medical practitioners treating the student) for the purpose of Alexandra College complying with its legal obligations and/or in the student’s vital/best interests.</p>	<ul style="list-style-type: none"> <li>● Guidance Counselling notes</li> <li>● Student Support Files</li> <li>● Psychological service notes</li> <li>● Referrals to/records relating to therapeutic services and other interventions</li> <li>● Minutes, notes and other records concerning Student Support Team/Pastoral Care Team Meetings</li> </ul>
<p>Internal school processes: This information (e.g. anti-bullying processes and disciplinary/Code of Behaviour processes) is required to meet Alexandra College’s duty of care to all its students and staff, to comply with relevant Circulars issued by the Department of Education and Skills, and to run Alexandra College safely and effectively. Data collected in these processes may be transferred to Alexandra College’s insurer and/or legal advisors or management body as appropriate where required for disputes resolution, fact verification, and for litigation purposes.</p>	<ul style="list-style-type: none"> <li>● Records of parental complaints.</li> <li>● Records of other complaints (student to student complaints etc).</li> <li>● Records relating bullying investigations.</li> <li>● Records relating to Code of Behaviour processes (expulsion, suspension etc.) including appeals data and section 29 appeals material.</li> </ul>

<p>Accident and injury reports: This information is processed to operate a safe environment for students and staff, to identify and mitigate any potential risks, and to report incidents/accidents. This data may be transferred to Alexandra College's insurance company and/or indemnifying body and/or legal advisors as appropriate. Data will be shared with An Garda Síochána, TUSLA and the Health &amp; Safety Authority if appropriate.</p>	<ul style="list-style-type: none"> <li>● Accident reports</li> <li>● Incident Report Forms</li> <li>● Notifications to insurance company</li> <li>● Exchanges with legal advisors.</li> <li>● Notifications to Health &amp; Safety Authority (HSA)</li> </ul>
<p>Financial information, fees etc: Without this information, Alexandra College cannot process applications, make grant payments, or receive payment of monies (e.g. course fees, school trips etc). After completion of the payments, the documentation is retained for audit and verification purposes. Alexandra College's financial data are audited by external auditors.</p>	<ul style="list-style-type: none"> <li>● Information relating to payments due from and made by student's parents/guardians (including fee support and fee waiver documentation),</li> <li>● Scholarship/Grant applications</li> </ul>
<p><b>5. Charity Tax Back Forms</b> This information is required so that Alexandra College may avail of the scheme of tax relief for donations of money received.</p>	
<p>To claim the relief, the donor must complete a certificate and forward it to Alexandra College to allow it to claim the grossed up amount of tax associated with the donation. This information is retained by Alexandra College in the case of audit by the Revenue Commissioners.</p>	<ul style="list-style-type: none"> <li>● CHY3/CHY4 tax back forms</li> <li>● Donor name, Address &amp; Telephone Number</li> <li>● PPS Number</li> <li>● Tax Rate</li> <li>● Signature</li> <li>● Gross amount of donation</li> </ul>
<p><b>6. Parent Nominees on Boards of Management</b> This information is required to enable the Board of Management to fulfil its statutory obligations.</p>	
<p>Processing undertaken in accordance with the Education Act 1998 and other applicable legislation, including decisions taken for accountability and good corporate governance.</p>	<ul style="list-style-type: none"> <li>● Name, address and contact details of Parent Nominee</li> <li>● Records in relation to appointment to the Board</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Minutes of Board of Management meetings and correspondence to the Board.</li></ul> |
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## Appendix 3. Categories of Recipients

**Department of Education and Skills (DES)** - Alexandra 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 PPS number which acts as an identifier to validate that the data belongs to a recognised student.<sup>10</sup> The DES has published a "Fair Processing Notice" to explain how the personal data of students is processed.<sup>11</sup>

**State Examinations Commission (SEC)** - data on entrants for the state examinations is provided via the October Returns to SEC to assist its planning of the state examinations.

**Student support and welfare** - 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: Alexandra College is required to share student attendance with the NEWB. Data to support student access to further and higher education may also be shared for processing as part of Student Universal Support Ireland (SUSI), Higher Education Access Route (HEAR) and Disability Access Education Route (DARE).

**Legal requirements** where appropriate, particularly in relation to Child Protection and safeguarding issues, Alexandra College may be obliged to seek advice and/or make referrals to Túsła<sup>12</sup>. Alexandra College may share personal data with An Garda Síochána where concerns arise in relation to child protection. Alexandra College 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.

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

**Professional Advisors** - some data may be shared with legal advisors, financial advisors (pension administrators, accountants, etc.) and others such as school management advisors. This processing will only take place where it is considered appropriate, necessary and lawful.

**Other schools and Universities/Colleges/Institutes** - Where the student transfers to another educational body, or goes on an exchange programme or similar, Alexandra College may be

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<sup>10</sup> Where the October Returns include sensitive personal data regarding personal circumstances then explicit and informed consent for the transfer of this data may be sought from students/parents/guardians.

<sup>11</sup> These can be found on [www.education.ie](http://www.education.ie) - Circular Letters 0047/2010 and 0023/2016. 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 & Employment Affairs 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.

<sup>12</sup> Túsła, the Child and Family Agency, is the State agency responsible for improving wellbeing and outcomes for children.

asked to supply certain information about the student, such as academic record, and references.

**Work Placement** - some data may be shared, on request, with work placement providers and employers where this is appropriate and necessary to support students engaged in work experience or similar programmes.

**Voluntary Bodies** - Some personal data may be shared as appropriate with bodies such as the ACA or JACA, Alumnae Assoc. Alexandra College's parents associations. This data sharing will only take place where consent has been provided.

**Other not-for-profit organisations** - limited data may be shared with recognised bodies who act to promote student engagement with co-curricular and other activities, competitions, recognition of achievements, etc. This would include bodies promoting participation in sports, arts, sciences, environmental and outdoor activities, etc. This data sharing will usually be based on consent.

**Service Providers** in some circumstances Alexandra College has appointed third parties to undertake processing activities on its behalf. These Data Processors have provided guarantees that their processing satisfies the requirements of the General Data Protection Regulation. Alexandra College 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:

- School Management Information Systems - VSWare, Aladdin
- Productivity Applications - Google Apps for Education, Microsoft 365
- Online Storage & File Sharing - icloud, Google Drive
- Video Sharing and Blogging Platforms - Youtube
- Virtual Learning Environments- Google Classroom, Zoom, Seesaw
- IT Systems Support - Typetec
- Fee management software - Feemaster
- School communications – Unique Schools
- Security and CCTV Systems - Unified; Darlex Risk Management;
- Pension Consultants/Trustees - Irish Pension Trusts, Zurich
- Accounting & Payroll software - SAGE, Ormsby & Rhodes
- Cashless Payment Systems – Debitrak, easypayments, SAGEpay, Stripe
- Merchant Services - Elavon, Stripe
- Canteen Management System - Sodexo, Debitrak
- Learning software and Apps – a wide and ever-changing range of browser based apps and iPad apps

**Transfers Abroad** If personal data may be transferred outside the European Economic Area (EEA) Alexandra College 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 Data Protection Commission).

## Appendix 4. Implementing the Data Processing Principles

### 1. Accountability

- a. **Accountability** means that compliance with the data protection legislation is recognised as an important Board of Management responsibility as well as one shared by each school employee and each member of the wider school community<sup>13</sup>
- b. **Demonstrating Compliance** Accountability imposes a requirement on the controller to demonstrate compliance with the other data processing principles. This means that Alexandra College retains evidence to demonstrate the actions it has taken to comply with GDPR.
- c. **School Policies** An important way for Alexandra College to demonstrate accountability is through the agreement and implementation of appropriate policies. In addition to publishing a Data Protection Policy, the College has developed and keeps under review other policies and Privacy Notices to address (i) CCTV (ii) Data Breaches (iii) Data Access Requests (iv) Record Storage and Retention (v) Data Processing Agreements.<sup>14</sup>
- d. **Record of Processing Activities** As a data controller Alexandra College is required to prepare a record of any processing activities (ROPA) that it undertakes. This record includes in accordance with GDPR Article 30:
  - i. the purposes of the processing;
  - ii. a description of the categories of data subjects and personal data;
  - iii. the categories of recipients to whom the personal data will be disclosed;
  - iv. any transfers to a third country or international organisation, including suitable safeguards;
  - v. where possible, the envisaged time limits for erasure of the different categories of data;
  - vi. where possible, a general description of the technical and organisational security measures.
- e. **Risk Assessment** Alexandra College as data controller considers any risks that may arise as a consequence of its processing activities. This assessment considers both the likelihood and the severity of these risks and their potential impact on data subjects.<sup>15</sup>

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<sup>13</sup> The GDPR4schools.ie website identifies some of the GDPR Roles and Responsibilities held by different groups, namely (i) Board of Management (ii) Principal/Deputy Principal (iii) Teaching Staff (iv) Guidance & Medical Support (v) School Administration (vi) SNAs and (vii) Caretaker.

<sup>14</sup> All school policies are applied in a manner that respects the principles, protocols and procedures inherent in Alexandra College's Data Protection strategy. Such policies include (i) Acceptable Use Policy (ICT) (ii) Child Protection Procedures (iii) Code of Behaviour (iv) Anti-Bullying Policy.

<sup>15</sup> GDPR Recital 75: The risk to the rights and freedoms of natural persons, of varying likelihood and severity, may result from personal data processing which could lead to physical, material or non-material damage, in particular: where the processing may give rise to discrimination, identity theft or fraud, financial loss, damage to the reputation, loss of confidentiality of personal data protected by professional secrecy, unauthorised reversal of pseudonymisation, or any other significant economic or social disadvantage; where data subjects might be deprived of their rights and freedoms or prevented from exercising control over their personal data; where personal data are processed which reveal racial or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, and the processing of genetic data, data concerning health or data concerning sex life or criminal convictions and

- f. **Data Protection Impact Assessment (DPIA)** A DPIA is a type of risk assessment that is mandatory in specific circumstances (GDPR Article 35). Alexandra College will ensure that a DPIA is undertaken where this is appropriate, typically, where a new processing activity has the potential to have a high impact on individual privacy or rights. The purpose of undertaking a DPIA is to ensure that any risks associated with the new processing activity are identified and mitigated in an appropriate manner.
- g. **Security of Processing** As a consequence of having assessed the risks associated with its processing activities, Alexandra College will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk. For example, these measures might include training of staff, establishment of password policies, protocols around device encryption, procedures governing access to special category data.
- h. **Data Protection by Design** Alexandra College aims to apply the highest standards in terms of its approach to data protection. For example, school staff will use a Privacy by Design approach when any activity that requires the processing of personal data is being planned or reviewed. This may mean implementing technical measures (e.g. security) and organisational measures (e.g. protocols and training).
- i. **Data Protection by Default** A Privacy by Default approach means that minimal processing of personal data is Alexandra College's default position. In practice this means that only essential data will be collected from data subjects, and that in Alexandra College, access to this data will be carefully controlled and only provided to employees where this is appropriate and necessary.
- j. **Data Processing Agreements:** Alexandra College will put written contracts in place with organisations that process data on its behalf (as required under GDPR Article 28).<sup>16</sup>
- k. **Data Breach Records:** Alexandra College will retain records that document its handling of any personal data breaches. These records will clearly set out the facts relating to any personal data breach, its effects and the remedial action taken.<sup>17</sup>
- l. **Staff Awareness and Training** All who are granted access to personal data that is under the control of Alexandra College have a duty to observe the data processing principles. Alexandra College will provide appropriate information, training and support so that staff may gain a clear understanding of these requirements.<sup>18</sup>

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offences or related security measures; where personal aspects are evaluated, in particular analysing or predicting aspects concerning performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements, in order to create or use personal profiles; where personal data of vulnerable natural persons, in particular of children, are processed; or where processing involves a large amount of personal data and affects a large number of data subjects.

<sup>16</sup> A Data Processing Agreement may be provided as a set of agreed clauses or as an addendum to a broader (Third Party) Service Agreement.

<sup>17</sup> These record-keeping requirements are detailed under GDPR Article 33(5). Documentation needs to be retained in school setting out details of all data breaches that have occurred. This includes those that were adjudged not to require notification to the Data Protection Commission (in addition to data breaches that required formal DPC notification via <https://forms.dataprotection.ie/report-a-breach-of-personal-data>).

<sup>18</sup> All current and former employees of Alexandra College may be held accountable in relation to data processed by them during the performance of their duties. For example, employees acting in breach of

## 2. Lawful Processing

As part of its decision to collect, use or share personal data, Alexandra College as Controller will identify which of the lawful bases is applicable to each processing operation. In the absence of a lawful basis the personal data cannot be processed.

- a. Many of the school's data processing activities rely on legal obligations. These tasks are undertaken because Alexandra College must comply with Irish (or European) law.<sup>19</sup> For example, there is a legislative basis underpinning the sharing of specific student data with the Department of Education and Skills and other public bodies.
- b. Another set of data processing activities are undertaken in the public interest i.e. so that Alexandra College can operate safely and effectively. For example, an educational profile of the student: literacy competence, language spoken at home etc. may help Alexandra College to target learning resources effectively for the benefit of the student.
- c. In some situations, for example the use of CCTV, Alexandra College may rely on its legitimate interests to justify processing. In such cases the specific legitimate interests e.g. health and safety, crime prevention, protection of school property must be identified and notified to the data subjects<sup>20</sup>
- d. Contract will provide a lawful basis for some processing of data by Alexandra College. For example, the processing of some employee data may rely on this lawful basis.
- e. There is also the possibility that processing can be justified in some circumstances to protect the Vital Interests of a data subject, or another person. For example, sharing some data subject data with emergency services might rely on this lawful basis.
- f. Finally there is the option of using a data subject's consent as the lawful basis for processing personal data. Alexandra College will not rely on consent as the basis for processing personal data if another lawful condition is more appropriate. Consent will usually be the lawful basis used by Alexandra College to legitimise the publication of student photographs in print publications and electronic media.

## 3. Consent

Where consent is relied on as the appropriate condition for lawful processing, then that consent must be freely given, specific, informed and unambiguous. All of these conditions must be satisfied for consent to be considered valid. There are a significant number of restrictions on using consent.

- a. A separate consent will be sought for each processing activity (together with appropriate guidance as necessary to ensure the data subject is informed).
- b. When asking for consent, Alexandra College will ensure that the request is not bundled together with other unrelated matters.

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the Data Protection Act 2018 could, in certain circumstances, be found to have committed a criminal offence.

<sup>19</sup> For example, the Education Act 1998, the Education (Welfare) Act 2000 & the Education for Persons with Special Education Needs Act 2004.

<sup>20</sup> Data subjects have a right to object to processing that is undertaken based on legitimate interests. In such cases the Controller must demonstrate that there is an overriding need if the processing is to continue.



- c. Consent requires some form of clear affirmative action - Silence or a pre-ticked box is not sufficient to constitute consent. Consent can be provided by means of an oral statement.
- d. Consent must be as easy to withdraw as to give.
- e. A record should be kept of how and when consent was given.
- f. Alexandra College will take steps to ensure the consent is always freely given: that it represents a genuine choice and that the data subject does not feel under an obligation to consent to processing.
- g. If the consent needs to be explicit, this means Alexandra College must minimise any future doubt about its validity. This will typically require Alexandra College to request and store a copy of a signed consent statement.

#### 4. Special Category Data

Some personal data is defined as Special Category Data and the processing of such data is more strictly controlled. In a school context this will occur whenever data that relates to Special Needs or Medical Needs is being processed. GDPR Article 9 identifies a limited number of conditions, one which must be applicable if the processing of special category data is to be lawful.<sup>21</sup> Some of these processing conditions, those most relevant in Alexandra College context, are noted here.

- a. Processing is necessary for reasons of substantial public interest on the basis of EU or Member State law. This condition could provide an appropriate basis for processing of data relating to employee and student health e.g. proportionate sharing of special category data to ensure Alexandra College is compliant with provisions in health, safety and welfare legislation.
- b. Processing is necessary for the assessment of the working capacity of an employee; or for the provision of health or social care or treatment on the basis of EU or Member State law.
- c. Processing is based on Explicit Consent. Where a school is processing biometric data for identification purposes, e.g. facial image recognition or the use of fingerprint systems, it is unlikely that this processing will be justifiable on any lawful basis other than consent. A data subject should be able to withhold consent without suffering any detriment, so Alexandra College would need to provide access to an alternative processing option which is not reliant on biometric data.

#### 5. Transparency

Alexandra College as Controller will act with Transparency when processing personal data. This requires the communication of specific information to individuals in advance of any processing of their personal data.<sup>22</sup>

- a. Transparency is usually achieved by providing the data subject with a written document known as a Privacy Notice or a Privacy Statement. This notice will normally communicate:
  - i. the name of the controller and their contact details;
  - ii. the categories of personal data being processed;
  - iii. the processing purposes and the underlying legal bases;

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<sup>21</sup> The Data Protection Act 2018 makes provision for some additional conditions that can legitimise the processing of special category data.

<sup>22</sup> GDPR Articles 13 (or 14)

- iv. any recipients (i.e. others with whom the data is shared/disclosed);
  - v. any transfers to countries outside the EEA (and safeguards used);
  - vi. the storage period (or the criteria used to determine this);
  - vii. the rights of the data subject.<sup>23</sup>
- b. Transparency information should be provided in a manner that is concise and easy to understand. To best achieve this, Alexandra College may use a “layering” strategy to communicate information.<sup>24</sup> And, while a written Privacy Notice is the default mode, transparency information may also be communicated using other means, for example through the spoken word or through use of pictorial icons or video.
- c. Privacy statements will be reviewed regularly to take account of any enhancements, new practices or additional services which involve the collection and use of personal data.

## 6. Purpose Limitation

- a. Personal data stored by Alexandra College has been provided by data subjects for a specified purpose or purposes.<sup>25</sup> Data must not be processed for any purpose that is incompatible with the original purpose or purposes.<sup>26</sup>
- b. Retaining certain data (originally collected or created for a different purpose) with a view to adding to a school archive for public interest, scientific or historical research purposes or statistical purposes is acceptable subject to certain safeguards, most particularly the need to respect the privacy of the data subjects concerned.

## 7. Data Minimisation

As Controller, Alexandra College must ensure that personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. In practice, this principle has a number of important implications illustrated in the examples below.

- a. Alexandra College should ensure, when data is being collected from data subjects, that this is limited to what is necessary for the completion of the duties. For example, where information is being collected from students and parents/guardians, as part of the admissions process, this should be limited to whatever information is needed to operate the admissions process. This means that it is usually not appropriate for Alexandra College to seek information

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<sup>23</sup> Other terms in common use include Fair Processing Notice and Data Protection Notice. Schools may prepare a number of different Privacy Notices for use in different contexts. For example, a Website Privacy Notice, may relate specifically to personal data that is collected through the Alexandra College website.

<sup>24</sup> In the interests of transparency, Alexandra College ensures that its preferred route for a rights request is identified clearly in Privacy Notices and elsewhere e.g. “A data subject wishing to make an access request should apply in writing to the Principal.” Notwithstanding this, school staff should be made aware that valid requests may be submitted in a variety of formats (i.e. not necessarily in writing).

<sup>25</sup> For example, where the first point of contact is by telephone, this information could be provided during the telephone call with the data subject and they could be provided with the balance of the information required under Article 13 by way of further, different means, such as by sending a copy of the privacy policy by email and/or sending the data subject a link to the controller’s layered online privacy statement/notice.

<sup>26</sup> This purpose is usually communicated to data subjects at the time of collection through providing them with a Privacy Notice. Data Protection Commission: Any use or disclosure must be necessary for the purpose(s) or compatible with the purpose(s) for which you collect and keep the data. You should ask yourself whether the data subject would be surprised to learn that a particular use of or disclosure of their data is taking place.

about Special Education Needs (SEN) in order to decide whether a place should be offered.<sup>27</sup>

- b. Data minimisation also requires that the sharing of student data within Alexandra College should be carefully controlled. Members of staff may require varying levels of access to student data and reports. Access should be restricted to those who have a defined processing purpose. Staff will not access personal data unless processing is essential to deliver on their role within Alexandra College.
- c. School staff will necessarily create personal data in the course of their duties. Employees should ensure that this processing is necessary and appropriate. For example, while it will often be necessary for school staff to communicate information to each other by email, consideration should be given, on a case by case basis, as to whether it is necessary for personal data to be included in these communications.
- d. Data sharing with external recipients should be continuously reviewed to ensure it is limited to that which is absolute necessary. This may mean, for example, that when Alexandra College is seeking professional advice, no personal data will be included in communications unless the disclosure of this information is essential.

## **8. Storage Limitation**

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.

- a. When deciding on appropriate retention periods, Alexandra College's practices will be informed by advice published by the relevant bodies, notably the Department of Education and Skills, the Data Protection Commission, and Alexandra College management advisory bodies.<sup>28</sup>
- b. 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.
- c. Data subjects are free to exercise a "right to erasure"/ "right to be forgotten" at any time.
- d. Data should be stored in a secure manner that recognises controller obligations under GDPR and the Data Protection Act. This requires Alexandra College for example, to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk.

## **9. Integrity and Confidentiality**

Whenever personal data is processed by Alexandra College, technical and organisational measures are implemented to safeguard the privacy of data subjects. Alexandra College as controller takes its security responsibilities seriously, employing

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<sup>27</sup> SEN data may be sought where the processing of such data is necessary as part of the Admissions Policy. For example, SEN data may be required to consider whether the student fulfils the criteria for admission to a special education needs unit within a mainstream school.

<sup>28</sup> see <http://www.dataprotectionschools.ie/en/Data-Protection-Guidelines/Records-Retention/>

the most appropriate physical and technical measures, including staff training and awareness. These security procedures are subject to regular review.

- a. School employees are required to act at all times in a manner that helps to maintain the confidentiality of any data to which they have access. Guidance and training are important to help identify and reinforce appropriate protocols around data security.
- b. Alexandra College is legally required to consider the risks to the data subject when any processing of personal data is taking place under its control. Any Risk Assessment should take particular account of the impact of incidents such as accidental or unlawful destruction, loss, alteration, or unauthorised disclosure of, or access to, the personal data.
- c. As well as considering the potential severity of any data incident, a risk assessment should also consider the likelihood of any incident occurring. In this way risks are evaluated on the basis of an objective assessment, by which it is established whether the data processing operations involve a risk or a high risk.<sup>29</sup>
- d. The follow-on from any risk assessment is for Alexandra College to implement appropriate technical and organisational measures that ensure a level of security appropriate to the risk. These measures should ensure an appropriate level of security, including confidentiality, taking into account the state of the art and the costs of implementation in relation to the risks and the nature of the personal data to be protected (GDPR 83).
- e. As well as processing activities undertaken by staff, Alexandra College also considers the risks associated with any processing that is being undertaken on behalf of Alexandra College by other individuals or organisations (Data Processors). Only processors who provide sufficient guarantees about the implementation of appropriate technical and organisational measures can be engaged.
- f. The important contribution that organisational policies can make to better compliance with the Accountability principle was previously highlighted. Similarly, the implementation of agreed policies and protocols on data security is very helpful. Some possible areas are listed below.
  - i. School ICT and Social Media Policy
  - ii. Acceptable User Policies for employees, board members, students etc
  - iii. Accessing school data from home
  - iv. Password policy
  - v. Use of staff personal devices in school
  - vi. Use of school devices outside school
  - vii. Bring Your Own Device Policy
  - viii. Mobile Phone Policy
  - ix. School use of Apps and Cloud Based Systems

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<sup>29</sup> The likelihood and severity of the risk to the rights and freedoms of the data subject should be determined by reference to the nature, scope, context and purposes of the processing. Risk should be evaluated on the basis of an objective assessment, by which it is established whether data processing operations involve a risk or a high risk (GDPR Recital 76).



## Appendix 5. Managing Rights Requests

### Responding to rights requests

- a. Alexandra College will log the date of receipt and subsequent steps taken in response to any valid request. This may include asking the data subject to complete an Access Request Form to facilitate efficient processing of the request. There is no charge for this process.<sup>30</sup>
- b. Alexandra College is obliged to confirm the identity of anyone making a rights request and, where there is any doubt on the issue of identification, will request official proof of identity (e.g. photographic identification)<sup>31</sup>
- c. If requests are manifestly unfounded or excessive<sup>32</sup>, in particular because of their repetitive character, Alexandra College may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or refuse to act on the request.
- d. Alexandra College will need to confirm that sufficient information to locate the data requested has been supplied, particularly if CCTV footage/images are to be searched<sup>33</sup>. Where appropriate the College may contact the data subject if more details are needed.
- e. In responding to rights requests (e.g. data access requests) the school will ensure that all relevant manual<sup>34</sup> and automated systems (computers etc.) are checked.
- f. The school will be conscious of the need to respond without undue delay and within the advised timeframes. A response will be made within one month of receipt of any request<sup>35</sup>.

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<sup>30</sup> Alexandra College may charge a reasonable fee for any further copies requested by the data subject, or where access requests are manifestly unfounded or excessive, taking into account the administrative costs of providing the information. Where a subsequent or similar access request is made after the first request has been complied with, Alexandra College has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.

<sup>31</sup> Where a subject access request is made via a third party (e.g. a solicitor) Alexandra College will need to be satisfied that the third party making the request is entitled to act on behalf of the individual. It is the third party's responsibility to provide evidence of this entitlement.

<sup>32</sup> In such circumstances, Alexandra College must be able to demonstrate the manifestly unfounded or excessive character of a request.

<sup>33</sup> Alexandra College will always endeavour to respond to any access request within the stipulated time period. However a timely response can be greatly facilitated by provided (in writing to Alexandra College) all necessary information such as date, time and location of any recording.

<sup>34</sup> Non-automated personal data that is held within a filing system or intended to form part of a filing system (GDPR Article 2)

<sup>35</sup> That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. Alexandra College must inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

- g. Alexandra College must be conscious of the restrictions that apply to rights requests.<sup>36</sup> Where unsure as to what information to disclose, Alexandra College reserves the right to seek legal advice.<sup>37</sup>
- h. Where a request is not being fulfilled, the data subject will be informed as to the reasons and the mechanism for lodging a complaint, including contact details for the Data Protection Commission.
- i. Where action has been taken by Alexandra College with regard to rectification, erasure or restriction of processing, Alexandra College will ensure that relevant recipients (i.e. those to whom the personal data has been disclosed) are appropriately informed.

## **2. Format of Information supplied in fulfilling a request**

- a. The information will be provided in writing, or by other means, including where appropriate, by electronic means. (When requested by a data subject the information access may be provided in alternative means e.g. orally.)
- b. Alexandra College will endeavour to ensure that information is provided in an intelligible and easily accessible format.
- c. Where a request relates to video, then Alexandra College may offer to provide the materials in the form of a series of still images. If other people's images cannot be obscured, then it may not prove possible to provide access to the personal data.<sup>38</sup>

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<sup>36</sup> See for example GDPR Article 23 and Irish Data Protection Act 2018 S.56, S.60, S.61.

<sup>37</sup> Decisions around responding to data access requests will need to give due regard to rights and responsibilities that derive from other legislation, not least Article 42A of the Irish Constitution which recognises and affirms the natural and imprescriptible rights of all children. Examples of other factors that might need to be considered include: any court orders relating to parental access or responsibility that may apply; any duty of confidence owed to the child or young person; any consequences of allowing those with parental responsibility access to the child's or young person's information (particularly important if there have been allegations of abuse or ill treatment); any detriment to the child or young person if individuals with parental responsibility cannot access this information; and any views the child or young person has on whether their parents should have access to information about them.

<sup>38</sup> Where an image is of such poor quality that it does not relate to an identifiable individual, then it may not be considered to be personal data.

## Appendix 6. Reference Sites

Data Protection Act 2018 <http://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/html>

General Data Protection Regulation (GDPR official text) 2016 <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

General Data Protection Regulation (GDPR unofficial web version) 2016 <https://gdpr-info.eu/>  
GDPR for Schools website <https://gdpr4schools.ie/>

Data Protection for Schools <http://dataprotectionschools.ie/en/>

Data Protection Commission <https://www.dataprotection.ie/>

Data Breach Report <https://forms.dataprotection.ie/report-a-breach-of-personal-data>

European Data Protection Board (EDPB) <https://edpb.europa.eu/>

EDPB Guidelines, Recommendations and Best Practices on GDPR [https://edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices\\_en](https://edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices_en)

DES Data Protection Page <https://www.education.ie/en/The-Department/Data-Protection/Information.html>

PDST Technology in Education <https://www.pdsttechnologyineducation.ie>

Cyber Security Centre (Ireland) <https://www.ncsc.gov.ie/>