

BOYNE

COMMUNITY SCHOOL



TRIM,

CO. MEATH.

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DATA PROTECTION POLICY

Introduction

This policy was formulated in consultation with staff, students, parents and members of the Board of Management. The policy sets out the following;

- What data exists on staff, students, parents and members of the board of management
- The source of the data
- Legal basis for the holding the data
- Storage and retention of data
- Legal rights of data subjects and the management of access requests

Rationale

1. A data protection policy is necessary to fulfil the requirements as outlined in:

- The Data Protection Acts 1988 and 2003
- Section 9(g) of the Education Act 1998 which gives parents/guardians or students, over 18 years of age, access to records kept by the school in relation to student progress. Pursuant to this, we will communicate all matters related to a student's progress with his/her parent/guardian until such time that s/he attains 18-years-of-age. At this point data will only be shared with a person or persons as nominated by the data subject. *Appendix 1



- Section (20) of the Education (Welfare) Act 2000 which emphasises that a school must maintain a register of students attending the school.
 - Section (28) of the Education (Welfare) Act 2000 which specifies that the data controller may supply personal data kept by him/her to the data controller of another prescribed body provided s/he is satisfied that it will be used for a “relevant purpose” only.
 - General Data Protection Regulation (GDPR)
2. A policy is necessary to ensure that the school has proper procedures in place in relation to accountability and transparency. *Appendix 2
 3. It is necessary to record pupil’s progress so as to identify learning needs and action taken to address these needs.

Scope

The policy applies to the keeping and processing of personal data, both in manual form and computerised with respect to all members of the school community. The term school community includes school staff, board of management, parents/guardians and students.

Relation to the Mission Statement

Boyne Community School maintains an open and co-operative relationship amongst teachers, parents and students as a means of providing a supportive environment where students can strive to reach their full potential.

Aims

1. To ensure the school complies with legislative requirements.
2. To ensure that the data protection rights of students, staff and other members of the school community are safeguarded.
3. To clarify the types of records maintained and the procedures relating to making them available to relevant bodies.
4. To put in place proper storage and data protection framework on the recording of educational progress of students.
5. To establish clear guidelines for responding to access requests.
6. To stipulate the retention period for records and reports.

Data Controller

The **Principal** assumes the function of data controller and supervises the application of the Data Protection Acts in the school. Any request in respect of data held can be addressed to the Principal, Elizabeth Cahill on (046)9481654.



Categories of personal data.

Staff Record

Elements of personal data

1. Names, addresses, contact details and PPS numbers.
2. Attendance records.
3. Details of work record (qualifications, classes taught, subjects and timetable)
4. Copy of contracts in the case of PRPT staff.
5. Probationary evaluation reports.
6. Records of appointments to promotion posts
7. Details of in-service attended
8. Supervision and substitution details
9. Payroll information
10. Incident reports

Source

Data collected directly from the individual concerned and from school records.

Format

These are a combination of manual and computer records and are stored in the office either on the server or in the filing cabinets which have restricted access.

Purpose of data

- School administration purposes
- Returns to the Department of Education and Skills
- Facilitating the payment of staff
- Facilitating the inspectorate

Legal Basis

- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.



Retention Period

The following statutory obligations apply to employers in relation to retention of employment records:

1. The Terms of Employment (Information) Act, 1994 require that an employee's terms and conditions of employment be retained for the duration of their employment.
2. The National Minimum Wage Act, 2000, at section 22, provides for a 3 year retention period to show compliance with the Act's provisions, for example, payslips showing the employees were paid at least minimum wage.
3. The Organisation of Working Time Act, 1997, at section 25, and the Organisation of Working Time (Records) Prescribed Form and Exemptions) Regulations 2001, provide for a 3 year retention period for records of weekly working hours, the name and address of employee, the employee's PPS numbers and a statement of their duties.
4. The Protection of Young Persons (Employment) Act, 1996, at section 15, provides for a 3 year retention period of employment records relating to persons under 18 years of age.
5. The Protection of Employment Acts, 1977-2007, at section 18, provides that where an employer has collective redundancies, it must retain the records to show that the provisions of the Act were complied with for a 3 year period
6. The Parental Leave Acts 1998-2006, at section 27, provide for an 8 year retention period of records showing the dates and times an employee availed of parental or force majeure leave.
7. The Companies Acts and Taxes Consolidation Act, 1997 provide for a 6 year retention period of tax records.
- 8.** The Safety, Health and Welfare at Work (General Applications) Regulations 1993, at section 60, provides for a 10 year retention period from the date of an accident. For personal injuries, this is 2 years from date of cause of action and a period of 3 years is the general recommended retention period to allow time for proceedings to be served.
9. Contracts should be retained for a period of at least 7 years from the date of termination of the employment, again to allow for proceedings to be served.
10. Employment Equality Acts, 1998 to 2015, which provide for a right of action, for disgruntled candidates for employment who allege they were discriminated against in accessing employment, within 12 months from the last act of alleged discrimination. Consequently, records relating to a recruitment process should be retained for a 1 year period.
11. Information which might be pertinent to any future legal proceedings should be retained indefinitely.

For a comprehensive list of our data retention schedule please see appendix 3.



Student Records

Elements of personal data

1. Name, address, contact details, PPS number and date of birth
2. Names and addresses of parents/guardians and their contact details
3. Mother's maiden name
4. Country of birth
5. Religious beliefs
6. Membership of minority groups, where relevant
7. Any relevant special conditions (special needs, health issues etc)
8. Psychological assessments, where relevant.
9. Standardised attainment test results
10. Attendance records
11. School reports and state examination grades
12. Individual Education Plans, where applicable
13. Learning support/Resource data such as progress reports, informal tests and targets attained.
14. A record of subjects studied and levels.
15. Any correspondence with home.
16. Detention and suspension records, where applicable
17. Records of serious injuries or accidents on school grounds or on school related activities
18. Portfolios of work and profiles
19. Medical data and doctor details
20. Accredited Grades Information

Source

Data collected directly from the individual concerned or in the case of a child under 18 from their parent/guardian and /or relevant parties, such as school records, NEPS psychologist etc.

Format

These are a combination of manual and computerised records and are stored in the school office with restricted access.

Purpose of data

- For administrative purposes
- To facilitate contact with home
- To facilitate returns to the Department of Education and Skills and the National Educational Welfare Board.
- The school may also share information with the following external bodies:
 - The Department of Education and Skills



- The Inspectorate
- The National Educational Psychological Service (NEPS)
- The National Council for Special Education (NCSE)
- The National Education Welfare Board (NEWB)
- State Examinations Commission (SEC)
- Any other recognised school
- To provide information for parents and teachers
- To ensure eligible students can benefit from relevant additional resources, for example SEN Supports or Care Team Supports
- It may also be transferred to prevent injury or damage to the data subject.
- To transfer data abroad it will have to be consented to by the data subject or his/her next of kin.

Legal Basis

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data

Retention Period

The following statutory obligations apply to the retention of student records:

- There is a statute of limitations of 3 years relating to personal injuries which, in the case of a minor, is dated from his/her 18th birthday. Consequently it is suggested that relevant information in student files should be kept for a period of 7 years after each particular Year Group has completed Leaving Certificate.
- Information which might be pertinent to an allegation of abuse should be retained indefinitely.
- Information which might be pertinent to any future legal proceedings should be retained indefinitely.

For a comprehensive list of our data retention schedule please see appendix 3.

Access Requests in Relation to Accredited Grades Procedures

Right of Access: You are entitled to see any information we hold about you. Boyne Community School will, on receipt of a request from a data subject, confirm whether or not their personal data is being processed. In addition, a data subject can request a copy of their personal data.



If you are a student who is subject to estimated marks, and you make a data access request to Boyne Community School for your estimated marks before the issue of results, we will advise the following:

- that in line with section 56 of the Data Protection Act, it is not possible to respond to the request at present, and
- that the request will be taken to have been made on the later of either the date of the first publication of the results of the ‘examination’ (i.e. the Accredited Grades process), or the date of the request.

Board of Management records

Elements of personal data

1. Name, address and contact details of each member.
2. Minutes of board of management meetings and correspondence to the board, this may include references to particular individuals.

Source

Data collected directly from the individual concerned and Data collected directly from meetings and correspondence with the Board of Management.

Format

These are a combination of manual and computerised records and are stored in the school office with restricted access.

Purpose of data

- To enable contact to be made with members
- To document decisions taken by the board.

Legal Basis

- processing is necessary for compliance with a legal obligation to which the controller is subject;

Retention Period

The school’s board of management is responsible for all matters relating to the management of the school. The records of its meetings form the definitive record of the school’s decision-making process. It is important therefore that these records be prepared with care and kept safely and securely in line with the school’s data protection policy. Data retention



periods will be in line with legislative and other requirements, e.g. requirements set down from time to time by the Department of Education and Skills.

- Board minutes will be kept indefinitely.
- Information which might be pertinent to an allegation of abuse should be retained indefinitely.
- Information which might be pertinent to any future legal proceedings should be retained indefinitely.

For a comprehensive list of our data retention schedule please see appendix 3.

CCTV Images/Recordings

Elements and source of data

CCTV is installed in Boyne Community School, externally and internally. These CCTV systems may record images of staff, students and members of the public who visit the premises.

Format

Recorded images are in digital format.

Purpose of data

Data is recorded to ensure the safety and security of staff, students and visitors and to safeguard school property and equipment. Cameras are located externally and internally. Recording equipment is located in the office.

Legal Basis

- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

Retention Period

CCTV images will be retained for 30days. Please refer to the CCTV policy in relation to any other matters concerning the use of CCTV in and on school premises.

For a comprehensive list of our data retention schedule please see appendix 3.

Arrangements to ensure compliance with GDPR

The minimum age at which consent can legitimately be obtained for processing and disclosure of personal data is when the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child. (Art8, GDPR)



1. Data Gathering and Processing (Art13 GDPR)

Anybody providing **personal information** is made aware of the following:

1. the identity and the contact details of the controller;
2. the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
3. where the processing is based on point (f) of [Article 6\(1\)](#), the legitimate interests pursued by the controller or by a third party;
4. the recipients or categories of recipients of the personal data, if any;
5. the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
6. the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;
7. where the processing is based on point (a) of [Article 6\(1\)](#) or point (a) of [Article 9\(2\)](#), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
8. the right to lodge a complaint with a supervisory authority;
9. whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data;

2. Usage and Disclosure of Data

Data is used for the purpose it was obtained. This is outlined in each data area.

Data can be disclosed when required by law or when requested by an individual himself/herself subject to age restriction. Refer to section 8 & 9 below.

3. Data Storage

Access to information stored is restricted to school management. Teachers may have access to this information, for specific purposes, and with the permission of school management.

- Computer systems are password restricted.
- Personal information on computer screens and in files is shut down or put away as soon as possible.
- Data is backed up once every week.
- Personal data no longer required is shredded.



- Old computers have their memory wiped before they are disposed of.
- The office and school is locked and alarmed when not in use.
- Access to the office is restricted.

4. *Data Accuracy*

Data held will be as accurate and as up to date as is reasonably possible. If a data subject informs the school of a change of circumstances, their record will be updated as soon as is practicable.

5. *Right to erasure of personal data.*

The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;
- the data subject objects to the processing pursuant and there are no overriding legitimate grounds for the processing,
- the personal data have been unlawfully processed;
- the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject.

6. *Adequacy and Relevance of Data*

Every effort will be made to ensure that data is adequate, relevant and not excessive.

7. *Retention period of personal data.*

Personal data will not be consciously kept for longer than is necessary to fulfil the function for which it was first recorded. The length of time that data is kept will vary and some instances are outlined in relation to data held. In addition to information previously outlined the following will apply;

- School roll books will be kept indefinitely in the school
- State examination results will be retained indefinitely in the school
- Information on student files will be retained for a period of **six years** subsequent to the student having completed senior cycle and/or having reached 18 years of age

For a comprehensive list of our data retention schedule please see appendix 3.

8. *Personal Access*



The Data Protection Act and GDPR extend to all data subjects a right of access to their own personal data. The Data Controller or their representative has 30 days to comply with the access request.

Access by students

Students aged 18 years and older are entitled to access their personal information in accordance with the Data Protection Acts and GDPR.

Students between 16 and 18 years of age will be given access to their personal information subject to the nature of the information. Parents will be consulted in relation to sensitive information or if the student has some disability or medical condition that would impair his/her ability to fully understand the information.

Procedures and Regulations regarding Access.

- Request must be made in writing to the data controller / principal
- Furnish his/her date of birth, PPS number and mobile telephone number
- Specify information required
- The information, if available, will be supplied within 30 days.
- The individual will be informed within 30 days if no information is available

All efforts will be made to comply with data requests within the stated timeframe, however, the need to redact certain data, to protect the rights of other data subjects, could delay this process and an extension of time may be required.

9. Restrictions regarding GDPR

With respect to Article 23 of GDPR, the data controller or processor may restrict by way of a legislative measure the scope of the obligations and rights provided for under GDPR. This is relevant with respect to;

- the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties,
- the protection of judicial independence and judicial proceedings;
- the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
- a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority
- the protection of the data subject or the rights and freedoms of others;
- the enforcement of civil law claims.

10. Responsibility of the controller

The data controller shall implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with GDPR Regulations. These measures shall be reviewed and updated where necessary.



All staff, under the direction of the principal will monitor and implement this policy. The principal will have overall responsibility for co-ordinating this policy and in ensuring that staff are familiarised with their data protection responsibilities.

11. Notification of a personal data breach

Under Article 33 & 34 of GDPR all data breaches must be brought to the attention of the necessary bodies, this may include the data subject if deemed necessary.

12. The Right to Complain to the Data Commissioner

Under Article 77 of the GDPR, data subjects have the right to lodge a complaint with the Data Protection Commission if they consider that processing of their personal data is contrary to the GDPR.

Communication of the policy to school community

A copy of the Data Protection Policy is made available to the whole school community.

Reviewing and Evaluating

This policy will be reviewed in light of new guidelines or legislation, or feedback from parents/guardians, staff or students.

Date of policy adoption

This policy was adopted by the Board of Management on [date]

Signed:

Chairperson of Board of Management

Date of next review:



Appendix 1 – Letter to parents/guardians of students over 18

Over-18 Student Nomination Form

Dear Student/Parent/Guardian

Following on from the introduction of the new General Data Protection Regulations (GDPR), Boyne Community School has reviewed the legal basis upon which it processes student data as part of our Data Protection Policy.

As you are aware, the school provides parents/guardians with information about the progress of their child periodically on various academic matters. Complying with GDPR, once the student reaches the age of 18, the school is legally obliged to share their personal data directly with him/her only.

Under section 9(g) of the Education Act 1998, all schools are under a duty to "ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education." Due to the introduction of the GDPR in May 2018, our Data Protection Policy now states; "Section 9(g) of the Education Act 1998 which gives parents/guardians or students, over 18 years of age, access to records kept by the school in relation to student progress. Pursuant to this, we will communicate all matters related to a student's progress with his/her parent/guardian until such time that s/he attains 18-years-of-age. At this point data will only be shared with a person or persons as nominated by the data subject."

Therefore, from the age of 18 the student will receive their school information, progress reports, etc. directly, unless they inform the school they would like this information to be provided to their parent/guardian.

Under GDPR, their written consent is required to legally allow the school to continue to provide the student's personal academic information in the same manner to their parent/guardian as has been given prior to turning 18 years of age. The adult student may nominate their parents/guardians to continue to receive the student's personal data on the same or similar basis as was communicated prior to reaching 18 years of age.

Please find the attached Over 18 Student Nomination Form, which can be completed and



returned to the school prior to or after the student turns 18 if they wish to nominate an adult parent/guardian to receive their personal information from the school.

Yours sincerely

Principal

Over-18 Student Nomination Form

Under Section 9(g) of The Education Act 1998, all schools are under a duty to "ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education."

Following the introduction of the GDPR in May 2018, Boyne Community School Data Protection Policy states; "Pursuant to section 9(g) of the Education Act 1998, we will communicate all matters related to a student's progress with his/her parent/guardian until such time that s/he attains 18-years-of-age."

I, _____ student at Boyne Community School, aged 18 years or older, hereby request and give consent to Boyne Community School for the purpose of providing the adult person(s) nominated below with my personal data, on the same or similar basis as such was communicated prior to my reaching 18 years of age.

For the purpose of this request, please inform your nominee(s) of your decision to nominate them and obtain from them the information required below.

Please also have your nominee(s) sign this request.

I wish my nominee(s) to be contacted by:

- Ordinary post
- Email
- SMS/text message/telephone call

(Please tick as appropriate)

Details of Nominee(s):

	Nominee 1	Nominee 2
First Name		
Surname		
Address (if selected)		
Email Address (if selected)		
Mobile Number (if selected)		



Landline Number (if selected)		
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I _____ acknowledge and agree that I have made this request to share my personal data of my own free will and volition and was not coerced to do so, nor was I under duress at the time of signing this nomination form, and that I have chosen to make this request voluntarily and knowingly.

Signed: _____ Date: _____
(Student / data subject)

I _____ acknowledge this request and hereby consent to the nomination such that I will receive from the school personal data regarding the data subject. I give this consent voluntarily and knowingly.

Signed: _____ Date: _____
(Nominee 1)

I _____ acknowledge this request and hereby consent to the nomination such that I will receive from the school personal data regarding the data subject. I give this consent voluntarily and knowingly.

Signed: _____ Date: _____
(Nominee 2)



Appendix 2 – Privacy Notice for inclusion in school journal

Privacy Notice to students (and their parents/guardians)

By enrolling in and attending Boyne Community School, you acknowledge that your personal data (including special category personal data) shall be processed by Boyne Community School.

This Privacy Notice gives you some helpful information about who we are, what personal data we collect about you, why, who we share it with and why, how long we keep it, and your rights.

If you need more information, please see our Data Protection Policy available from the school office.

1. Who we are:

We are Boyne Community School. We, Boyne Community School, are a Data Controller as defined by General Data Protection Regulations

Our address and contact details are Dublin Road, Trim, Co. Meath. Phone (046)9481654
We provide second level education.

2. The information we collect about you

When you are a student with Boyne Community School, we collect and use your personal data.

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

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

If you are under 18 years when you enrol, we collect the name, address, contact details and other information about your parents/guardians. If you are under 18 years, your parent/guardian is consulted and asked to give consent for certain things like taking your photograph, going on school trips etc.

3. How we use your information and the legal basis

We use your personal data for purposes including:

- your application for enrolment;*
- to provide you with appropriate education and support;*
- to monitor your academic progress;*



- to care for your health and well-being;
- to care for our staff and students;
- to process grant applications, fees and scholarships;
- to coordinate, evaluate, fund and organise educational programmes;
- to comply with our legal obligations as an education body;
- to comply with our monitoring and reporting obligations to Government bodies,
- to process appeals, resolve disputes, and defend litigation etc.

For further information on what data we collect, why we collect it, how we use it, and the legal basis for same, please go to our Data Protection Policy.

4. Who we share your information with

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

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

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

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

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

7. How long we hold your data

Some personal data is only kept for a short period (e.g. we will destroy at the end of an academic year because it is no longer needed). Some data we retain for a longer period (e.g. retained after you leave or otherwise finish your studies with Boyne Community School). For further information on the retention periods, please go to our Data Protection Policy.

8. You have the following statutory rights that can be exercised at any time:

- (a) Right to complain to supervisory authority.
- (b) Right of access.
- (c) Right to rectification.
- (d) Right to be forgotten.
- (e) Right to restrict processing.
- (f) Right to data portability.
- (g) Right to object and automated decision making/profiling.

For further information, please see our Data Protection Policy.

9. Contact

If you would like to discuss anything in this privacy notice, please contact the school office on



(046)9481654 or at Info@boynecs.ie, your query will be passed on to the privacy officer.

APPENDIX 3: Records Retention Schedule

Retention of Records

Schools as *data controllers* must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, Boyne Community School has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

IMPORTANT: In all cases, schools should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/board of management/an officer or employee of the school (which may include a volunteer)), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statute of Limitations may be different in every case. In all cases where reference is made to “18 years” being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school must be aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations **may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by schools on a case-by-case basis.** In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school should be aware that the claim could arise many years after the incident complained of and the courts/tribunals/employment fora may not consider the complainant to be “out of time” to make their claim.



Student Records	Comments
Registers/Roll books	Indefinitely. Archive when class leaves + 2 years
State exam results	SEC responsibility to retain, not a requirement for school to retain.

Records relating to pupils/students	Comments
Enrolment Forms	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Student transfer forms (Applies from primary to primary; from one second-level school to another)	Student reaching 18 years + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Disciplinary notes	18 years + 2
Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)	18 is the age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
End of term/year reports	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Records of school tours/trips, including permission slips, itinerary reports	For so long as the purpose exists.
Scholarship applications e.g. Gaeltacht, book rental scheme	18 is age of majority plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Garda vetting form & outcome - STUDENTS	Record of outcome retained for 12 months. School to retain the reference number and date of disclosure on file, which can be checked with An Garda Siochana in the future.



Sensitive Personal Data Students	Comments
Psychological assessments	Age 18 + 7 years.
Special Education Needs' files, reviews, correspondence and Individual Education Plans	Age 18 + 7 years.
Accident reports	10 years, then age 18 + 2 years
Child protection records	Age 18 + 7 years.
Section 29 appeal records	2 years at least then at school's discretion as needed.
Enrolment/transfer forms where child is not enrolled or refused enrolment	2 years at least then at school's discretion as needed.
Records of complaints made by parents/guardians	<p>Depends entirely on the nature of the complaint but no longer than is necessary for the purpose of recording.</p> <p>If it is a complaint of a more mundane nature (e.g. misspelling of child's name, parent not being contacted to be informed of parent-teacher meeting) or other minor matter, then student reaching 18 years + 7 years (6 years in which to take a claim, and 1 year for proceedings to be served on school)</p>



Staff Records	Comments
<p>Recruitment process</p> <p>Note: these suggested retention periods apply to unsuccessful candidates only. They do NOT apply to successful candidates, or candidates who are/were also employees already within your school applying for another post/position. For successful candidates, or candidates who are/were also employees already within your school applying for another post/position, see retention periods set out below.</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Applications & CVs of candidates called for interview</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Database of applications</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Selection criteria</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Applications of candidates not shortlisted</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Unsolicited applications for jobs</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Candidates shortlisted but unsuccessful at interview</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Candidates shortlisted and are successful but do not accept offer</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Interview board marking scheme & board notes</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>
<p>Panel recommendation by interview board</p>	<p>18 months from close of competition: 12 months from close of competition plus 6 months for the Equality Tribunal to inform the school that a claim is being taken.</p>

Staff personnel files (whilst in employment)	Comments
<p>e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training etc.</p>	<p>Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)</p>
<p>Application &/CV</p>	<p>Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)</p>



Qualifications	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
References	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview: database of applications (the section which relates to the employee only)	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Selection criteria	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Interview board marking scheme & board notes	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Panel recommendation by interview board	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Recruitment medical	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job specification/ description	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Contract/Conditions of employment	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Probation letters/forms	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
POR applications and correspondence (whether successful or not)	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Leave of absence applications	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Job share	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Career Break	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Maternity leave	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Paternity leave	Retain for 2 years following retirement/resignation or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater).
Parental leave	Must be kept for 8 years - Parental Leave Act 1998



	Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Force Majeure leave	Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years.
Carers leave	Must be kept for 8 years - Carer's Leave Act 2001 Retain for 8 years or the duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the greater). There is a statutory requirement to retain for 8 years
Working Time Act (attendance hours, holidays, breaks)	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school). There is a statutory requirement to retain for 3 years
Allegations/complaints	Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). Please note the relevant DES Circular re Disciplinary Procedures in relation to the period of time for which a warning remains “active” on an employee’s record.
Grievance and Disciplinary records	Retain for duration of employment plus 7 years (6 years to take a claim, plus 1 year for proceedings to be served). Please note the relevant DES Circular re Disciplinary Procedures in relation to the period of time for which a warning remains “active” on an employee’s record.

Occupational Health Records	Comments
Sickness absence records/certificates	Re sick leave scheme (1 in 4 rule) ref DES C/L 0060/2010 Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
Pre-employment medical assessment	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
Occupational health referral	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to or in connection with the individual’s duties within the school, in which case, do not destroy.
Correspondence re retirement on ill-health grounds	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
Accident/injury at work reports	Retain for 10 years, or the duration of the employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), whichever is the greater.
Medical assessments or referrals	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school).
Sick leave records (sick benefit forms)	In case of audit/refunds, Current year plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)



Superannuation /Pension /Retirement records	Comments
Records of previous service (incl. correspondence with previous employers)	DES advise that these should be kept indefinitely.
Pension calculation	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Pension increases (notification to Co. Co.)	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)
Salary claim forms	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) or for the life of employee/former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) (whichever is the longer)

Government returns	Comments
Any returns which identify individual staff/pupils,	Depends upon the nature of the return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DES guidelines. If it relates to information on students, e.g. October Returns, Annual Census etc., keep in line with "Student Records" guidelines above.

Board of Management Records	Comments
Board agenda and minutes	Indefinitely. These should be stored securely on school property
School closure	On school closure, records should be transferred as per Records Retention in the event of school closure/amalgamation. A decommissioning exercise should take place with respect to archiving and recording data.
Other school based reports/minutes	Comments
CCTV recordings	30 days in the normal course, but longer on a case-by-case basis e.g. where recordings/images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage/vandalism to school property and where the images/recordings are retained to investigate those issues.
Principal's monthly report including staff absences	Indefinitely. Administrative log and does not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".



Financial Records	Comments
Audited Accounts	Indefinitely
Payroll and taxation	Revenue Commissioners require that records be kept for at least six years after the end of the tax year. Records must be made available for inspection by authorised officers of the Revenue Commissioners or of the Dept. of Social Protection. Note: The DES requires of schools that “pay, taxation and related school personnel service records should be retained indefinitely within the school. These records can be kept either on a manual or computer system.
Invoices/back-up records/receipts	Retain for 7 years

Promotion process	Comments
Posts of Responsibility	Retain indefinitely on master file as it relates to pay/pension etc. (See DES guidelines)
Calculation of service	Retain indefinitely on master file as it relates to pay/pension etc. (See DES guidelines)
Promotions/POR Board master files	Retain in line with personnel file.
Promotions/POR Boards assessment report files	Retain original on personnel file in line with retention periods in “Staff Records” retention guidelines above
POR appeal documents	Retain original on personnel file, and copy of master & appeal file. Retain for duration of employment + 7 years (6 years in which to take a claim, plus 1 year to serve proceedings on school). Copy on master and appeal file.
Correspondence from candidates re feedback	Depends upon the nature of feedback. If feedback is from unsuccessful candidate who is not an employee within the school, keep in line with retention periods in “Staff Records” above. If feedback is from successful candidate or from an unsuccessful candidate who is already an employee within the school, keep in line with “Staff personnel while in employment” above.