

# Rice College Ennis (An Edmund Rice School)

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## DATA PROTECTION POLICY



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## 1 Purpose and Scope

- 1.1 The purpose of this Data Protection Policy is to support Rice 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 Rice 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 Irish *Data Protection Act (2018)* and the European *General Data Protection Regulation (2016)* are the primary legislative sources.<sup>1</sup> As such they impose statutory responsibilities on Rice College as well as providing a number of fundamental rights (for students, parents/guardians and staff and others) in relation to personal data.
- 1.4 Rice College recognises the seriousness of its data processing obligations and has implemented a set of practices to safeguard personal data. Relevant policies and procedures apply to all school staff, boards of management, trustees, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within Rice College).
- 1.5 Any amendments to this Data Protection Policy will be communicated through Rice College website and other appropriate channels, including direct communication with data subjects where this is appropriate. We will endeavour to notify you if at any time we propose to use Personal Data in a manner that is significantly different to that stated in our Policy, or, was otherwise communicated to you at the time that it was collected.
- 1.6 Rice College is a *data controller of personal data* relating to its past, present and future staff, students, parents/guardians and other members of Rice College community. Formally, the statutory responsibility of Controller is assigned to the Board of Management. The Principal is assigned the role of co-ordinating the implementation of this Policy 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 the Data Processing Principles
Entire School Community	Awareness and Respect for all Personal Data

## 2 Processing Principles

- 1.1 **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 Rice College, including the storage of personal data, regardless of whether the records are processed by automated or manual means.
- 1.2 There are a number of fundamental principles, set out in the data protection legislation, that legally govern our treatment of personal data. As an integral part of its day to day operations, Rice College will ensure that all data processing is carried out in accordance with these processing principles.

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<sup>1</sup> Rice College is also cognisant of other legislation which relates to the processing of personal data, whether in manual or in electronic form. For example, 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 etc.).



- 1.3 These principles, set out under GDPR, establish a statutory requirement that personal data must 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; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes (**purpose limitation**);
  - (iii) adequate, relevant and limited to what is necessary in relation to 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**);
  - (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**).
- 1.4 GDPR also establishes **Accountability** as a core data processing principle. This places a statutory responsibility on Rice College, as Data Controller, to be able to demonstrate compliance with the other principles i.e. the 6 data processing principles set out in the previous paragraph (2.3 above).

### 3 Lawful Basis for Processing Personal Data

- 2.1 Whenever Rice College is processing personal data, all of the principles listed in the previous section(s), must be obeyed. In addition, at least one of the following bases (GDPR Article 6) 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.
- 2.2 When processing **special category personal data**, Rice 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 Rice College

- 3.1 **Record of Processing Activities** This policy sets out the purposes for which Rice College collects and uses personal data for each of the various categories of data held (student, staff, parent, etc).
- 3.2 **Student Records** The purposes for processing student personal data include the following:<sup>4</sup>

<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).

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



- (i) to provide information prior to application/enrolment;
- (ii) to determine whether an applicant satisfies Rice College's admission criteria;
- (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;
- (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 progress etc.;
- (x) to communicate information about, and record participation in, school events etc.;
- (xi) to compile yearbooks, establish a school website, and to keep a record of the history of Rice College;
- (xii) to comply with legislative or administrative requirements;
- (xiii) 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, and others in compliance with law and directions issued by government departments.

**3.3 Parent/Guardian Records** Rice College does not keep personal files for parents or guardians. However, information about, or correspondence with, parents may 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.

**3.4 Staff Records** As well as records for existing members of staff (and former members of staff), records may also relate to applicants applying for positions within Rice 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 made (documentation relating to promotions applied for) and changes in responsibilities etc.;
- (vi) to enable Rice College to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the *Safety, Health and Welfare at Work Act. 2005*);
- (vii) to enable Rice College to comply with requirements set down by the Department of Education and Skills, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies;
- (viii) and for compliance with legislation relevant to Rice College.

**3.5 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.

**3.6 Financial Records** This information is required for routine management and administration of Rice 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.

**3.7 CCTV Records** Rice College processes personal data in the form of recorded CCTV images. We use CCTV for the following purposes:

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<sup>4</sup> Appendix 2 sets out the type of personal data being processed by Rice College 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.



- (i) to secure and protect Rice College's premises and assets;
- (ii) to deter crime and anti-social behaviour;
- (iii) to assist in the investigation, detection, and prosecution of offences;
- (iv) to monitor areas in which cash and/or goods are handled;
- (v) to deter bullying and/or harassment;
- (vi) to maintain good order and ensure Rice College's Code of Behaviour is respected;
- (vii) to provide a safe environment for all staff and students;
- (viii) for the taking and defence of litigation;
- (ix) for verification purposes and for dispute-resolution, particularly in circumstances where there is a dispute as to facts and where the recordings may be capable of resolving that dispute.

## 5 Recipients

**4.1 Recipients** These are defined as organisations and individuals to whom Rice College transfers or discloses personal data. Recipients may be data controllers, joint controllers or processors. A list of the categories of recipients used by Rice College is provided in the appendices (Appendix 3). This list may be subject to change from time to time.

### 4.2 Data Sharing Guidelines

- (i) From time to time Rice 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 Irish 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, Rice College will ensure that there is an appropriate lawful basis in place (GDPR Articles 6, 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 legal obligations that are on Rice College, and the majority of the data recipients are Controllers in their own right, for example, the Department of Education and Skills. As such their actions will be governed by national and European data protection legislation as well their own organisational policies.<sup>5</sup>
- (iv) Some of Rice College's operations require support from specialist service providers. For example, Rice 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

**5.1 Definition of a Personal Data Breach** A personal data breach is defined as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

### 5.2 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.

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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)).



- (ii) In addition to any detrimental impact on individual data subjects, a data breach can also cause serious damage to Rice College. This can include reputational damage as well as exposing Rice College to other serious consequences including civil litigation.
- (iii) It should be noted the consequences of a data breach could include disciplinary action, criminal prosecution and financial penalties or damages for Rice College and participating individuals.<sup>6</sup>

### 5.3 Responding to a Data Breach

- (i) Rice College will always act to prioritise and protect the rights of those individuals whose personal data is affected.
- (ii) As soon as Rice 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 Rice College believes that there is a risk to the affected individuals, Rice College will (within 72 hours of becoming aware of the incident) submit a report to the Data Protection Commission.
- (iv) Where a breach is likely to result in a high risk to the affected individuals, Rice College will inform those individuals without undue delay.

## 7 Data Subject Rights

6.1 **Your Rights** Personal Data will be processed by Rice 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.

6.2 **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/statements which we provide at specific data collection times, for example, our Website Data Privacy Statement is available to all users of our website. Should you seek further clarification, or information that is not explicit in our Policy or Privacy Statements, then you are requested to forward your query to Rice College.

6.3 **Right of Access** You are entitled to see any information we hold about you. Rice College 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. Rice College in responding to a right of access must ensure that it does not adversely affect the rights of others.

6.4 **Right to rectification** If you believe that Rice College holds inaccurate information about you, you can request that we correct that information. The personal record may be supplemented with additional material where it is adjudged to be incomplete.

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<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.

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



- 6.5 **Right to be forgotten** Data subjects can ask Rice College to erase their personal data. Rice College will act on such a request providing that there is no compelling purpose or legal basis necessitating retention of the personal data concerned.
- 6.6 **Right to restrict processing** Data subjects have the right to seek a restriction on the processing of their data. This restriction (in effect requiring the controller to place a “hold” on processing) gives an individual an alternative to seeking erasure of their data. It may also be applicable in other circumstances such as where, for example, the accuracy of data is being contested.
- 6.7 **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.
- 6.8 **Right to object** Data subjects have the right to object when processing is based on Rice 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 Rice College’s legitimate interest in maintaining a safe and secure school building). Rice College must demonstrate compelling legitimate grounds if such processing is to continue.
- 6.9 **Right not to be subject to automated decision making** This right applies in specific circumstances (as set out in GDPR Article 22).
- 6.10 **Right to withdraw consent** In cases where Rice 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.
- 6.11 **Limitations on Rights** While Rice College will always facilitate the exercise of your rights, it is recognised that they are not unconditional: Rice College may need to give consideration to other obligations.<sup>8</sup>
- 6.12 **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 who is responsible for operational oversight of this policy.<sup>9</sup>
  - (ii) A matter that is still unresolved may then be referred to Rice College’s Data Controller (i.e., the Board of Management) by writing to the Chairperson c/o school.
  - (iii) Should you feel dissatisfied with how we have addressed a complaint or concern that you have raised, you have the right, as data subject, to bring the matter to the attention of the Irish Data Protection Commission.

Telephone	+353 57 8684800
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E-mail	info@dataprotection.ie
Post	Data Protection Commission

<sup>8</sup> See GDPR Articles 12-23 for a full explanation of subject rights and their application.

<sup>9</sup> Parents/Guardians may also, where applicable, have the option of invoking Rice College’s formal complaints procedure (available from school).



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Website

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



APPENDIX 1. **GLOSSARY**

**Child** - a person under the age of 18 years. Children are deemed as 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 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 Rice 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 within 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 Irish 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 (as is data concerning special education needs).

**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 (but does not include an employee of a controller who processes such data in the course of his or her employment).

**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 to a contact list prior to formal application</li> <li>● to provide appropriate information to prospective students</li> <li>● to make contact in case of school closure (e.g. adverse weather conditions)</li> <li>● to send SMS text messages and emails about meetings, etc.</li> </ul>	<p>Information required to confirm student/parent identity and contact through communications:</p> <ul style="list-style-type: none"> <li>● student name</li> <li>● gender</li> <li>● date of birth</li> <li>● family details (parents/guardians name, address, contact details to include phone numbers, email addresses etc).</li> </ul>
<p><b>2. Application information</b> We use this to determine whether an applicant meets eligibility requirements as set out in our Admission Policy.</p>	
<p>In addition to data outlined at (1) above, we collect personal data via Application Forms and Student Transfer Forms. Where the student is offered a place, completed Application Forms are placed on the student's file. Where the student is not offered a place, the data will be used for the purposes of responding to any section 29 appeals process.</p> <p>Applicants may opt to provide data on "Religion" at this stage where this forms part of Rice College's admissions criteria.</p> <p>Any information not required to operate the Admissions <u>Procedure</u>, is identified as <u>optional</u>.</p>	<p>Information as required to ascertain eligibility under Rice 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>● Details of siblings, etc.</li> <li>● Details of any special educational needs (SEN). (NB <u>only</u> for admission to a special school, or a SEN unit).</li> <li>● Language: details re Irish language. (Gaelscoil / Gaelcholáiste only)</li> <li>● Religion (based on consent)</li> </ul>
<p><b>3. Enrolment information</b> Once Rice College has accepted the student's application, and has offered the student a place, other information is collected in addition to the data outlined at (1) and (2) above. This personal data is used for administrative and management tasks e.g. school communications, timetabling, scheduling parent teacher meetings, school events, arrangements for academic registration, class details, start dates, book lists, subject-selection, school trips etc.</p>	
<p><u>Contact and Identification Information</u>: We use this information:</p> <ul style="list-style-type: none"> <li>● to make contact in case of school closure (e.g. adverse weather conditions), or an emergency (ill-health or injury),</li> <li>● to communicate issues relating to progress, welfare or conduct in school, non-attendance or late attendance, etc.</li> <li>● to send SMS text messages and emails about important events, e.g. start dates, course details, meetings, school events, etc.</li> </ul>	<ul style="list-style-type: none"> <li>● Student name and date of birth (requires birth certificate verification by school)</li> <li>● PPSN, Address including Eircode</li> <li>● Extended family details (parent/guardian names, contact details, postal &amp; email address, phone numbers, addresses, details of any court orders or other arrangements governing access to, or custody of, child).</li> <li>● Details of next of kin (for contact in case of emergency)</li> </ul>
<p><u>Academic record</u>: 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.</p>	<ul style="list-style-type: none"> <li>● Reports, references, assessments and other records from any previous school(s) attended by the student.</li> <li>● Education Passport (6<sup>th</sup> Class Report provided by primary school <u>after post-primary school confirms enrolment</u>. Protocols set out in DES Circulars 42/2015 and 34/2016).</li> <li>● Standardised testing Results</li> </ul>
<p><u>Language spoken</u>: Without this information Rice College will not</p>	<ul style="list-style-type: none"> <li>● Information about language spoken (for language support)</li> </ul>



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<p>know how to meet the student's needs and to deliver appropriate education. This ensures the student has access to language support (where necessary).</p> <p><u>Irish Exemption</u> 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 etc).</p>	<ul style="list-style-type: none"> <li>● Details of whether the student received EAL (English as an Additional Language) support.</li> <li>● Details re whether student is exempt from studying Irish</li> <li>● Details to ascertain if student is eligible for exemption from study of Irish</li> </ul>
<p><u>Medical information for health purposes:</u> 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 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 Rice College, storage of medications, staff training where necessary etc).</p>	<ul style="list-style-type: none"> <li>● Emergency contact details (name, telephone, details of relationship to the student etc).</li> <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 etc) 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><u>SEN and Medical information for educational purposes:</u> 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><u>Information sought by Department of Education and Skills (DES):</u> 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 via the Post-Primary Online Database as set out in the <u>Privacy Notice for P-POD</u> provided by DES. Required information includes, e.g. 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,</p> <ul style="list-style-type: none"> <li>● Ethnic/Cultural background</li> </ul>
<p><u>Use of photographs for yearbooks, social media, website etc.:</u> 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 keep a record of the history of Rice College.</p>	<ul style="list-style-type: none"> <li>● Consent to use (for these purposes) images or recordings in printed or digital format.</li> <li>● Separate consents will be sought for different publication forums. (NB This <u>excludes</u> CCTV recordings - see school CCTV policy).</li> </ul>
<p><u>Religion</u> only sought where Rice College facilitates religious instruction/faith formation at the request of parent(s)/guardian(s).</p>	<ul style="list-style-type: none"> <li>● Religious denomination (based on consent)</li> </ul>
<p><u>Consents to direct marketing:</u> 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 Rice College contacting you for direct marketing purposes.</p>	<p><u>Note:</u> 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>
<p><b>4. Personal data gathered during student's time in School</b> 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>	
<p><u>Academic progress:</u> Rice College processes this personal data in order to deliver education to students, and to evaluate students' academic progress, to register the student for State</p>	<ul style="list-style-type: none"> <li>● Academic progress and results</li> <li>● State exam results</li> </ul>



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<p>Examinations (Junior Cycle, Leaving Cycle), to submit the students' work to the recognised accrediting body etc.</p>	<ul style="list-style-type: none"> <li>• Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results)</li> <li>• Continuous assessment and end of term/year reports</li> </ul>
<p><u>Attendance:</u> Rice 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 course of the year, (iii) where the Principal is of the opinion that the student is not attending school regularly. Rice College will notify parent/guardian in the event of non-attendance or absences.</p>	<p>Statutory processing pursuant to the Education (Welfare) Act 2000.</p> <ul style="list-style-type: none"> <li>• Attendance records including Registers and Roll books etc.</li> <li>• Records of referrals to TUSLA</li> </ul> <p>School Register and Roll Books are documents of enduring historical value and are retained in Rice College's archives for archival purposes in the public interest.</p>
<p><u>School tours/trips:</u> 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 &amp; Immigration Service requirements where children are travelling with someone other than their parent or guardian).</p>	<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> <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><u>Garda vetting outcomes:</u> Certain work experience roles may require that a student be Garda vetted (Statutory vetting process).</p>	<p>Information as set down in National Vetting Bureau (Children and Vulnerable Persons) Act 2012.</p> <ul style="list-style-type: none"> <li>• Garda vetting form</li> </ul>
<p><u>CCTV images:</u> Rice College processes this data for the purposes outlined in our CCTV Policy, a copy of which is available on Rice College's website e.g. <i>We use CCTV for security purposes; to protect premises and assets; to deter crime and anti-social behaviour; to assist in the investigation, detection, and prosecution of offences; to monitor areas in which cash and/or goods are handled; to deter bullying and/or harassment; to maintain good order and ensure Rice College's Code of Behaviour is respected; to provide a safe environment for all staff and students; for verification purposes and for dispute-resolution, particularly in circumstances where there is a dispute as to facts and the recordings may be capable of resolving that dispute; for the taking and defence of litigation.</i></p>	<p>CCTV is in operation at the perimeter, exterior and certain internal common areas within Rice 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 etc) and at certain internal points (e.g. front desk/reception area, corridors etc). In areas where CCTV is in operation, appropriate notices will be displayed.</p>
<p><u>Special needs data, educational support records, medical data etc:</u> Without this information, Rice College will not know what resources need to be put in place in order to meet the student's needs and to deliver appropriate education in-keeping with its statutory obligations. This is in order 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, Rice 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>Rice 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> </ul>



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	<ul style="list-style-type: none"> <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><u>Child protection, child welfare records:</u> Rice College is required to follow DES 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>Mandatory reporting obligations require data sharing with TUSLA, An Garda Síochána and any other appropriate law enforcement or child protection authorities. DES Inspectorate may seek access to Rice 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><u>Counselling &amp; Pastoral Care Records:</u> 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 Rice 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>• 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><u>Internal school processes:</u> This information (e.g. anti-bullying processes and disciplinary/Code of Behaviour processes) is required to meet Rice 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 Rice College safely and effectively. Data collected in these processes may be transferred to Rice 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><u>Accident and injury reports:</u> 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 Rice 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 where 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><u>Financial information, fees etc:</u> Without this information, Rice 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. Rice College’s financial data are audited by external auditors.</p>	<ul style="list-style-type: none"> <li>• Information relating to payments from student’s parents/guardians (including fee support and fee waiver documentation),</li> <li>• Scholarship/Grant applications (including Gaeltacht, book rental scheme etc).</li> </ul>
<p><b>5. Charity Tax Back Forms</b> This information is required so that Rice 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</p>	<ul style="list-style-type: none"> <li>• CHY3/CHY4 tax back forms</li> </ul>



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<p>forward it to Rice College to allow it to claim the grossed up amount of tax associated with the donation. This information is retained by Rice College in the case of audit by the Revenue Commissioners.</p>	<ul style="list-style-type: none"><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>
<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>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><li>• Minutes of Board of Management meetings and correspondence to the Board.</li></ul>



### APPENDIX 3. CATEGORIES OF RECIPIENTS

**Department of Education and Skills (DES)** Rice 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* (Rice 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, Rice College may be obliged to seek advice and/or make referrals to *Túsla*.<sup>12</sup> Rice College may share personal data with *An Garda Síochána* where concerns arise in relation to child protection. Rice 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 Rice College’s insurers where this is appropriate and proportionate. Rice College may also be obliged to share personal data with the *Health and Safety Authority*, for example, where this is required as part of an accident investigation.

**Professional Advisors** some data may be shared with legal advisors (solicitors, etc.), financial advisors (pension administrators, accountants, etc.) and others such as school management advisors; this processing will only take place where it is considered appropriate, 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, Rice College may be asked to supply certain information about the student, such as academic record, references, etc.

**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.

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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) (search for Circular Letters 0047/2010 and 0023/2016 in the “Circulars” section). 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> Túsla, the Child and Family Agency, is the State agency responsible for improving wellbeing and outcomes for children.



**Voluntary Bodies** some personal data may be shared as appropriate with bodies such as Rice College's *Parents Association*. 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 Rice 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. Rice 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 (e.g. VSWare/Advanced)
- Productivity Applications (e.g. Google Apps for Education, Microsoft 365)
- Online Storage & File Sharing (e.g. Dropbox, Google Drive, iCloud, OneDrive)
- Video Sharing and Blogging Platforms (e.g. Youtube, Wordpress)
- Virtual Learning Environments (e.g. Edmodo, Schoology, Schoolwise, Google Classroom)
- IT Systems Support (local ICT Support Company)
- Fee management software
- School communications
- Security and CCTV Systems
- Pension Consultants/Trustees
- Accounting & Payroll software
- Cashless Payment Systems
- Canteen Management System
- Learning software and Apps

**Transfers Abroad** In the event that personal data may be transferred outside the European Economic Area (EEA) Rice 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 Irish Data Protection Commission).

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Reviewed by Rice College Staff on the 20<sup>th</sup> of November, 2019

Reviewed by Rice College Ennis Parents Council on 26<sup>th</sup> of November, 2019

Reviewed by Rice College Students Council on 3<sup>rd</sup> of December, 2019

Ratified by Rice College Board of Management on the 9<sup>th</sup> of December, 2019

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