**Appendix A**

**Data Access Request Procedures:**

To make an access request to Scoil Bhríde, you as a data subject must:

1. Apply in writing requesting access to your data under section 4 Data Protection Acts or, alternatively, request an Access Request Form which will greatly assist the school in processing your access request more quickly. In the case of primary schools, correspondence should be addressed to the Chairperson of the Board of Management.
2. You will be provided with a form (**Appendix D**) which will assist the school in locating all relevant information that is held subject to the exceptions and prohibitions outlined in **Appendix A.** The school reserves the **right to request official proof of identity** (e.g. photographic identification such as a passport or driver’s licence) where there is any doubt on the issue of identification.
3. On receipt of the access request form, a co-ordinator will be appointed to check the validity of your access request and to check that sufficient information to locate the data requested has been supplied (particularly if CCTV footage/images are to be searched).
4. In the case of primary schools, the co-ordinator is the chairperson of the board of management. It may be necessary for the co-ordinator to contact you in the event that further details are required with a view to processing your access request.
5. The co-ordinator will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.
6. The co-ordinator will ensure that all relevant manual files (held within a “relevant filing system”) and computers are checked for the data in respect of which the access request is made.
7. The co-ordinator will ensure that the information is supplied promptly and within the advised timeframes in items 7, 8 and 9 as appropriate.
8. **Where a request is made under Section 3 of the Data Protection Acts:**

The following information will be supplied:

(i) what the school holds by way of personal information about you (or in the case of a request under section 3 made by a parent/guardian of a student aged under 18 years, then the personal information held about that student) and

(ii) a **description** of the data together with details of the purposes for which his/her data is being kept will be provided. Actual copies of your personal files (or the personal files relating to the student) will not be supplied. No personal data can be supplied relating to another individual. A response to your request will be provided within 21 days of receipt of the access request form and no fee will apply.

1. **Where a request is made under Section 4 of the Data Protection Acts,** the following information will be supplied within **40 days and an administration fee of €6.35 will apply.** The individual is entitled to a copy of all personal data, i.e.:

* A copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts applies, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
* Be advised of the purpose/s for processing his/her data
* Be advised of the identity (or the categories) of those to whom the data is disclosed
* Be advised of the source of the data, unless it is contrary to public interest
* Where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the “decision” as to whether a loan should be made to an individual based on his/her credit rating), know the logic involved in automated decisions.

1. Where a request is made with respect to **examination results** an increased time limit of **60 days** from the date of the first publication of the results or from the date of the access request, whichever is the later will apply.
2. Before supplying the information requested to you as data subject (or where the access request is made on behalf of a student aged under 18 years, information relating to the student), the co-ordinator will check each item of data to establish:

* If any of the exemptions or restrictions set out under the Data Protection Acts apply, which would result in that item of data not being released, or
* where the data is “health data”, whether the obligation to consult with the data subject’s medical practitioner applies, or
* where the data is “social work data”, whether the prohibition on release applies.

1. If data relating to a third party is involved, it will not be disclosed without the consent of that third party or alternatively the data will be anonymised in order to conceal the identity of the third party. Where it is not possible to anonymise the data to ensure that the third party is not identified, then that item of data may not be released.
2. **Where a school may be unsure as to what information to disclose, the school reserves the right to seek legal advice.**
3. The co-ordinator will ensure that the information is provided in an intelligible form (e.g. codes explained) or will provide an explanation.
4. Number the documents supplied.
5. **Have the response “signed-off” by an appropriate person.** In the case of primary schools this is the chairperson of the board of management
6. The school will respond to your access request within the advised timeframes contingent on the type of request made.
7. The school reserves the right to supply personal information to an individual in an electronic format e.g. on tape, USB, CD etc.
8. Where a subsequent or similar access request is made after the first request has been complied with, the school has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.
9. Where you as an individual data subject may seek to rectify incorrect information maintained by the school, please notify the school and a form will be supplied to you for this purpose. You should however note that the right to rectify or delete personal data is not absolute. You have the right to make a complaint to the Data Protection Commissioner about a refusal. Where the school declines to rectify or delete the personal data as you have instructed, the school may propose to supplement your personal record, pursuant to section 6(1)(b) Data Protection Acts.
10. In circumstances where your access request is refused, Scoil Bhríde Nurney will write to you explaining the reasons for the refusal and the administration fee, if provided, will be returned. In such circumstances, you have the right to make a complaint to the Office of the Data Protection Commissioner www.dataprotection.ie. Similarly, the administration access fee will be refunded to you if the school/ETB has to rectify, supplement or erase your personal data.
11. **Where requests are made for CCTV footage,** an application must be made in writing and the timeframe for response is within 40 days. All necessary information such as the date, time and location of the recording should be given to the school to assist it in dealing with your request. Where the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data. In providing a copy of personal data, the school may provide the materials in the form of a still/series of still pictures, a tape, disk, USB, with relevant images. Other people's images will be obscured before the data is released. If other people’s images cannot be obscured, then the images/recordings may not be released.

**Important note to parents making access requests on behalf of their child:**

Where a parent/guardian makes an access request on behalf of their child (a student aged under 18 years), the right of access is a right of the data subject (i.e. it is the student’s right). In such a case, the access materials will be sent to the child, not to the parent who requested them. This means that the access request documentation will be sent to the address at which the child is registered on the school’s records and will be addressed to the child. The documentation will not be sent to or addressed to the parent/guardian who made the request. Where a parent/guardian is unhappy with this arrangement, the parent/guardian is invited to make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court (on application by a guardian) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent/guardian, a copy of the order should be given to the school by the parent/guardian and the school can release the data on foot of the court order.

**Important note to students making access requests:**

Where a student (aged under 18 years) makes an access request, the school may inform the student that:

(a) Where they make an access request, their parents will be informed that they have done so and

(b) A complete copy of the access request materials being furnished to the data subject by the school will also be furnished to the student’s parent/guardian.

This is provided for in the school’s Data Protection Policy. The right of access under the Data Protection Acts is the right of the data subject. However, there may be some data held by the school which may be of a sensitive nature and the school will have regard to the following guidance issued by the Office of the Data Protection Commissioner in relation to releasing such data:

* A student aged **eighteen years or older** (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves
* If a student aged **eighteen years or older** has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student
* A student aged from **twelve up to and including seventeen** can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:
* If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
* If the information is of a sensitive nature, it would be prudent to seek parental/guardian consent before releasing the data to the student
* If the information would be likely to be harmful to the individual concerned, parental/guardian consent should be sought before releasing the data to the student.
* In the case of students **under the age of twelve**, an access request may be made by their parent or guardian on the student’s behalf. However, the school must note that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation should be addressed to the child at his/her address which is registered with the school as being his/her home address. **It should not be addressed or sent to the parent who made the request**. For further information, see “Important Note to Parents Making Access Requests on Behalf of their Child”

**Important note to individuals making an access request:**

On making an access request, any individual (subject to the restrictions outlined above) about whom a school keeps Personal Data, is entitled to:

* a copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts apply, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
* know the purpose/s for processing his/her data
* know the identity (or the categories) of those to whom the data is disclosed
* know the source of the data, unless it is contrary to public interest

**Implementation & Review**:

The Data Access Request Procedures of Scoil Bhríde will be implemented from November 2015. They will be reviewed and evaluated when necessary by the Board of Management, particularly if affected by changing information or guidelines (e.g. from the Data Protection Commissioner, An Garda Síochána, Department of Education and Skills, national management bodies, legislation and feedback from parents/guardians, students, staff and others.

The date from which these procedures apply is the date of adoption by the Board of Management. Implementation of the policy will be monitored by the Principal.

**Appendix B**

**Scoil Bhríde Data Breach Code of Practice**

**Purpose of the Code of Practice**:

This Code of Practice was formulated by Scoil Bhríde, in line with its Data Protection Policy drafted and ratified by the Board of Management, in consultation with staff and the school’s Parents Association in November 2015. This code of practice applies to the school as the school is the *data controller[1]*.

**Obligations under Data Protection**:

The school as data controller and appropriate data processors contracted by the school, are subject to the provisions of the Data Protection Acts, 1988 and 2003 and exercise due care and attention in collecting, processing and storing personal data and sensitive personal data provided by data subjects for defined use.

The school has prepared a **Data Protection Policy** and monitors the implementation of this policy at regular intervals. The school retains records (both electronic and manual) concerning personal data in line with its **Data Protection Policy** and seeks to prioritize the safety of personal data and particularly sensitive personal data, so that any risk of unauthorized disclosure, loss or alteration of personal data is avoided.

**Protocol for action in the event of a breach:**

In circumstances where an incident gives rise to a risk of unauthorized disclosure, loss, destruction or alteration of personal data, in manual or electronic form, the school will follow the following protocol**:**

1. The school will seek to contain the matter and mitigate any further exposure of the personal data held. Depending on the nature of the threat to the personal data, this may involve a quarantine of some or all PCs, networks etc. and requesting that staff do not access PCs, networks etc. Similarly, it may involve a quarantine of manual records storage area/s and other areas as may be appropriate. By way of a preliminary step, an audit of the records held or backup server/s should be undertaken to ascertain the nature of what personal data may potentially have been exposed.
2. Where data has been “damaged” (as defined in the Criminal Justice Act 1991, e.g. as a result of hacking), the matter must be reported to An Garda Síochána. Failure to do so will constitute a criminal offence in itself (“withholding information”) pursuant to section 19 Criminal Justice Act, 2011. The penalties for withholding information include a fine of up to €5,000 or 12 months’ imprisonment on summary conviction.
3. Where the data concerned is protected by technological measures such as to make it unintelligible to any person who is not authorized to access it, the school may conclude that there is no risk to the data and therefore no need to inform data subjects or contact the Office of the Data Protection Commissioner. Such a conclusion would only be justified where the technological measures (such as encryption) were of a high standard.
4. Depending on the nature of the personal data at risk and particularly where sensitive personal data may be at risk, the assistance of An Garda Síochána should be immediately sought. This is separate from the statutory obligation to report criminal damage to data arising under section 19 Criminal Justice Act 2011 as discussed at (2) above.

*[1] Unless otherwise indicated, terms used in this Code – such as “personal data”, “sensitive personal data”, “data controller”, “data processor” – have the same meaning as in the Data Protection Acts, 1988 and 2003.*

1. Contact should be immediately made with the data processor responsible for IT support in the school.
2. In addition and where appropriate, contact may be made with other bodies such as the HSE, financial institutions etc.
3. Reporting of incidents to the Office of Data Protection Commissioner: All incidents in which personal data (and sensitive personal data) has been put at risk shall be reported to the Office of the Data Protection Commissioner as soon as the school becomes aware of the incident (or within 2 working days thereafter), save in the following circumstances:

* When the full extent and consequences of the incident have been reported without delay directly to the affected data subject(s) **and**
* The suspected breach affects no more than 100 data subjects **and**
* It does not include sensitive personal data or personal data of a financial nature[2].

Where all three criteria are not satisfied, the school shall report the incident to the Office of the Data Protection Commissioner within two working days of becoming aware of the incident, outlining the circumstances surrounding the incident (see further details below). Where no notification is made to the Office of the Data Protection Commissioner, the school shall keep a summary record of the incident which has given rise to a risk of unauthorized disclosure, loss, destruction or alteration of personal data. The record shall comprise a brief description of the nature of the incident and an explanation why the school did not consider it necessary to inform the Office of the Data Protection Commissioner. Such records shall be provided to the Office of the Data Protection Commissioner upon request.

1. The school shall gather a small team of persons together to assess the potential exposure/loss. This team will assist the principal of the school with the practical matters associated with this protocol. The team will, under the direction of the principal, give immediate consideration to informing those affected[3].

*[2] ‘personal data of a financial nature’ means an individual’s last name, or any other information from which an individual’s last name can reasonably be identified, in combination with that individual’s account number, credit or debit card number.*

*[3] Except where law enforcement agencies have requested a delay for investigative purposes. Even in such circumstances consideration should be given to informing affected data subjects as soon as the progress of the investigation allows. Where Scoil Bhríde receives such a direction from law enforcement agencies, they should make careful notes of the advice they receive (including the date and the time of the conversation and the name and rank of the person to whom they spoke). Where possible, Scoil Bhríde should ask for the directions to be given to them in writing on letter-headed notepaper from the law enforcement agency (eg. An Garda Siochána), or where this is not possible, the school should write to the relevant law enforcement agency to the effect that “we note your instructions given to us by your officer [insert officer’s name] on XX day of XX at XXpm that we were to delay for a period of XXX/until further notified by you that we are permitted to inform those affected by the data breach.”*

1. At the direction of the principal the team shall:

* Contact the individuals concerned (whether by phone/email etc.) to advise that an unauthorized disclosure/loss/destruction or alteration of the individual’s personal data has occurred.
* Where possible and as soon as is feasible, the *data subjects* (i.e. individuals whom the data is about) should be advised of the nature of the data that has been potentially exposed/compromised;
* the level of sensitivity of this data and
* an outline of the steps the school intends to take by way of containment or remediation.
* Individuals should be advised as to whether the school intends to contact other organizations and/or the Office of the Data Protection Commissioner.
* Where individuals express a particular concern with respect to the threat to their personal data, this should be advised back to the principal who may, advise the relevant authority e.g. Gardaí, HSE etc.
* Where the data breach has caused the data to be “damaged” (e.g. as a result of hacking), the principal shall contact An Garda Síochána and make a report pursuant to section 19 Criminal Justice Act 2011.
* The principal shall notify the insurance company which the school is insured and advise them that there has been a personal data security breach.

1. Contracted companies operating as data processors: Where an organization contracted and operating as a *data processor* on behalf of the school becomes aware of a risk to personal/sensitive personal data, the organization will report this directly to the school as a matter of urgent priority. In such circumstances, the principal of the school should be contacted directly. This requirement should be clearly set out in the data processing agreement/contract in the appropriate data protection section in the agreement.
2. A full review should be undertaken when necessary and having regard to information ascertained deriving from the experience of the data protection breach. Staff should be apprised of any changes to the Personal Data Security Breach Code of Practice and of upgraded security measures. Staff should receive refresher training where necessary.

**Further advice: What may happen arising from a report to the Office of Data Protection Commissioner?**

* Where any doubt may arise as to the adequacy of technological risk-mitigation measures (including encryption), the school shall report the incident to the Office of the Data Protection Commissioner within **two working days** of becoming aware of the incident, outlining the circumstances surrounding the incident. This initial contact will be by e-mail, telephone or fax and shall **not** involve the communication of personal data.
* The Office of the Data Protection Commissioner will advise the school of whether there is a need for the school to compile a detailed report and/or for the Office of the Data Protection Commissioner to carry out a subsequent investigation, based on the nature of the incident and the presence or otherwise of appropriate physical or technological security measures to protect the data.
* Should the Office of the Data Protection Commissioner request the school to provide a detailed written report into the incident, the Office of the Data Protection Commissioner will specify a timeframe for the delivery of the report into the incident and the information required. Such a report should reflect careful consideration of the following elements:

* the amount and nature of the personal data that has been compromised
* the action being taken to secure and/or recover the personal data that has been compromised
* the action being taken to inform those affected by the incident or reasons for the decision not to do so
* the action being taken to limit damage or distress to those affected by the incident
* a chronology of the events leading up to the loss of control of the personal data; and
* the measures being taken to prevent repetition of the incident.

Depending on the nature of the incident, the Office of the Data Protection Commissioner may investigate the circumstances surrounding the personal data security breach. Investigations may include on-site examination of systems and procedures and could lead to a recommendation to inform data subjects about a security breach incident where the school has not already done so. If necessary, the Commissioner may use his enforcement powers to compel appropriate action to protect the interests of data subjects.

**Appendix C**

**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, Scoil Bhríde 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 Statue 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.

**Please see Retention of Records Schedule as follows:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Student Records** | **Primary** | **Vol Sec.** | **C&C** | **ETB** | **Final disposition** | **Comments** |
| **Registers/Roll books** | Indefinitely | Indefinitely | Indefinitely | Indefinitely | N/A | Indefinitely. Archive when class leaves + 2 years |
| **State exam results** | N/A | N/A | N/A | N/A | N/A | SEC responsibility to retain, not a requirement for school/ETB to retain. |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Records relating to pupils/students** | Primary | Vol.Sec | C&C | ETB | **Confidential shredding** | **Comments** |
| **Enrolment Forms** | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Confidential shredding | 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) | If a form is used- Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Confidential shredding | 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 | Never destroy | Never destroy | Never destroy | Never destroy | N/A | Never destroy |
| Results of in-school tests/exams (i.e. end of term, end of year exams, assessment results) | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Confidential shredding | 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). |
| End of term/year reports | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Confidential shredding | 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 | Never destroy | Never destroy | Never destroy | Never destroy | N/A | Never destroy |
| Scholarship applications e.g. Gaeltacht, book rental scheme | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Confidential shredding | 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** | N/A **as primary schools pupils will not be undergoing vetting** | Record of outcome retained for 12 months. | Record of outcome retained for 12 months. | Record of outcome retained for 12 months. | Confidential shredding | 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** | **Primary** | **Vol Sec.** | **C&C** | **ETB** | **Final disposition** | **Comments** |
| Psychological assessments | Indefinitely | Indefinitely | Indefinitely | Indefinitely | N/A - Never destroy | Never destroy |
| Special Education Needs’ files, reviews, correspondence and Individual Education Plans | Indefinitely | Indefinitely | Indefinitely | Indefinitely | N/A | Never destroy |
| Accident reports | Indefinitely | Indefinitely | Indefinitely | Indefinitely | N/A | Never destroy |
| Child protection records | Indefinitely | Indefinitely | Indefinitely | Indefinitely | N/A | Never destroy |
| Section 29 appeal records | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Confidential shredding | 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) |
| Enrolment/transfer forms where child is not enrolled or refused enrolment | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Student reaching 18 years + 7 years | Confidential shredding | 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) |
| Records of complaints made by parents/ guardians | Depends entirely on the nature of the complaint. | Depends entirely on the nature of the complaint. | Depends entirely on the nature of the complaint. | Depends entirely on the nature of the complaint. | Confidential shredding or N/A, depending on the nature of the records. | Depends entirely on the nature of the complaint. If it is child-safeguarding, a complaint relating to teacher-handling, or an accident, then retain indefinitely. Never destroy.  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) |

| **Staff Records** | **Primary** | **Vol Sec.** | **C&C** | **ETB** | **Final disposition** | **Comments** |
| --- | --- | --- | --- | --- | --- | --- |
| **Recruitment process**  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 periodsset out below. | **✓** | **✓** | **✓** | **✓**  **Note:** Recruitment and employment records are held at ETB Head Office in the HR and Finance Depts**.** | Confidential shredding | 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. |
| Applications & CVs of candidates called for interview |  |  |  |  | Confidential shredding | 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. |
| Database of applications |  |  |  |  | Confidential shredding | 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. |
| Selection criteria |  |  |  |  | Confidential shredding | 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. |
| Applications of candidates not shortlisted |  |  |  |  | Confidential shredding | 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. |
| Unsolicited applications for jobs |  |  |  |  | Confidential shredding | 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. |
| Candidates shortlisted but unsuccessful at interview |  |  |  |  | Confidential shredding | 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. |
| Candidates shortlisted and are successful but do not accept offer |  |  |  |  | Confidential shredding | 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. |
| Interview board marking scheme & board notes |  |  |  |  | Confidential shredding | 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. |
| Panel recommendation by interview board |  |  |  |  | Confidential shredding | 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. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Staff personnel files (whilst in employment)** | **Primary** | **Vol.Sec** | **C&C** | **ETB** | **Final Disposition** | **Comments** | |
| e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, records of staff training etc. |  |  |  | Note: records & personnel files retained at ETB head office level | Confidential shredding. Retain an anonymised sample for archival purposes. | 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) | |
| Application &/CV |  |  |  |  | Confidential shredding | 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) | |
| Qualifications |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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) |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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) |  |  |  |  | Confidential shredding | 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 |  |  |  | Records & personnel files retained at ETB head office level | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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) |  |  |  |  | Confidential shredding | 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 |  |  |  |  | ETB one doesn’t have a time period advised | 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. |

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| **Occupational Health Records** | Primary | Vol Sec. | C&C | ETB | | **Confidential Shredding** | **Comments** | |
| Sickness absence records/certificates |  |  |  | Retain on staff personnel file at ETB HO | Confidential shredding  Or do not destroy. | | 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), 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. |
| Pre-employment medical assessment |  |  |  |  | Confidential shredding  Or do not destroy? | | 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. |
| Occupational health referral |  |  |  |  | Confidential shredding  Or  Do not destroy. | | 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 |  |  |  |  | Confidential shredding  Or  Do not destroy. | | 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. |
| Accident/injury at work reports |  |  |  |  | Confidential shredding | | 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 (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). |
| Medical assessments or referrals |  |  |  |  | Confidential shredding  Or  Do not destroy. | | 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 Medmark assessment 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. |
| Sick leave records (sick benefit forms) |  |  |  |  | Confidential shredding | | 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) |

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| **Superannuation /Pension /Retirement records** | **Primary** | **Vol Sec.** | **C&C** | **ETB** | **Final Disposition** | **Comments** |
| Records of previous service (incl. correspondence with previous employers) |  |  |  | Superannuation records are held at ETB head office in the HR and Finance Depts. | N/A | DES advise that these should be kept indefinitely. |
| Pension calculation |  |  |  |  | Confidential shredding | 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.) |  |  |  |  | Confidential shredding | 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 |  |  |  |  | Confidential shredding | 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) |

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| **Government returns** | **Primary** | **Vol Sec.** | **C&C** | **ETB** | **Final disposition** | **Comments** |
| Any returns which identify individual staff/pupils, |  |  |  | Submitted online to DES. Printout retained by ETB HO | N/A | **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.** | |

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| **Board of Management Records** | **Primary** | **Vol Sec.** | | **C&C** | **ETB** | **Final disposition** | **Comments** |
| Board agenda and minutes |  |  | |  | Sent to ETB for approval | N/A | 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](http://www.dataprotectionschools.ie/en/Data-Protection-Guidelines/Records-Retention/School-Closure-Amalgamation/). A decommissioning exercise should take place with respect to archiving and recording data. |
| **Other school based reports/minutes** | **Primary** | **Vol Sec.** | | **C&C** | **ETB** | **Final disposition** | **Comments** |
| CCTV recordings |  |  | |  |  | Safe/secure deletion. | 28 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 |  |  | |  | Submitted to ETB HO | N/A | 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** | **Primary** | **Vol Sec.** | **C&C** | | **ETB** | **Final disposition** | **Comments** |
| Audited Accounts |  |  |  | | Retained ETB head office | n/a | Indefinitely |
| Payroll and taxation |  |  |  | | Retained ETB head office |  | 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** | Primary | Vol Sec. | C&C | ETB  Employment records are held at ETB head office in the HR and Finance Depts. | **Final Disposition** | **Comments** |
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| **Posts of Responsibility** |  |  |  |  | N/A | **Retain indefinitely on master file as it relates to pay/pension etc. (See DES guidelines)** |
| Calculation of service |  |  |  |  | N/A | Retain indefinitely on master file |
| Promotions/POR Board master files |  |  |  |  | N/A | Retain indefinitely on master file |
| Promotions/POR Boards assessment report files |  |  |  |  | N/A | Retain original on personnel file in line with retention periods in “Staff Records” retention guidelines above |
| POR appeal documents |  |  |  |  | N/A | 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 |  |  |  |  | N/A | Depends upon 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 unsuccessful candidate who is already an employee within the school, keep in line with “Staff personnel while in employment” above. |