

PRIVACY NOTICE

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1. INTRODUCTION

This policy provides an overview of how the Department of Education and Skills processes the personal data of a number of individuals who interact with it:-

- School Staff and Retired School Staff
- Parents and Children (including early years, primary and post-primary students)
- Third level students, Further Education and Training
- Others e.g. appeal committee members, suppliers, correspondents

The Department respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we use your personal data when you engage with the various different business areas within the Department and tell you about your privacy rights and how the law protects you.

Reference to your personal data in this document will include reference to any personal data relating to your children that you may provide to us directly or via a school, Education and Training Board, Tusla or the National Council for Special Education (NCSE) or other bodies in the education sector.

2. IMPORTANT INFORMATION AND WHO WE ARE

2.1. Purpose of this privacy notice

This privacy notice aims to give you information on how the Department collects and processes your personal data for the purposes of providing for education and training.

It is important that you read this privacy notice, together with other privacy notices or fair processing notices we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

2.2. Controller

The Department of Education and Skills, Marlborough Street, Dublin 1, D01 RC96 is the controller responsible for your personal data.

Please contact dpo@education.gov.ie with any questions in relation to this privacy notice. If you have any questions about this privacy notice, including any request to exercise your legal rights, please contact the Department's Data Protection Officer at dpo@education.gov.ie or by post to Department of Education and Skills, Data Protection Unit, Cornamaddy, Athlone, Co. Westmeath, N37 X659.

You have the right to make a complaint at any time to the Data Protection Commissioner, www.dataprotection.ie being the supervisory authority for data protection issues. We would however, appreciate the chance to deal with your concerns so please contact us directly in the first instance.

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3. THE DATA WE COLLECT ABOUT YOU

3.1. Personal Data

Personal data, personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymised data).

- **Reference Numbers** may include one or more of the following Personal Public Service Number (PPSN), Teaching Council Registration Number, Payroll Number, Department Pupil Identity Number
- **Identity Data** includes first name, last name, username or similar identifier, title, date of birth and gender
- **Contact Details** may include home address, Eircode, email address and telephone number
- **School Details or educational organisation** includes Roll No., Name, Address
- **Financial Details** includes bank account details
- **Service History** Data includes details of service as a school staff member
- **Payroll Data** – includes payslip details, statutory deductions, voluntary deductions
- **Education Programme** – type of educational programme, e.g. Leaving Certificate, subjects, courses or other learning modules
- **Exemption data** – exemption from the study of Irish or to repeat a year at school
- **Query or request** – information provided by you when communicating with the Department

3.2. Aggregated Data

We also collect, use and share aggregated data such as statistical or demographical data for various purposes including informing policy, planning, reviewing schemes and programmes, statistical analysis and research. Aggregated data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example the Department produces annual aggregated statistics on students and the various programmes and subjects they are studying.

3.3. Special Categories Data

School Staff and retired school staff

Special categories of particularly sensitive personal information requires higher levels of protection. The Department processes data on trade union membership deductions with the consent of the staff member. The Department by consent of the individual may process religious information where the individual wishes to be addressed by a religious title e.g. Fr. Murphy, Sr. Angela Murphy. The Department may process information on sick leave but not the nature of the illness for the purpose of payments to school staff. The Department may process data related to health where the occupational health service provides information in respect of applications for retirement on the grounds of ill health. The Department may also process data related to health when reviewing sample cases as part of an audit of public monies expended in the occupational health service. The Department in determining a pension entitlement may process information related to religion where a person was or is

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part of a religious order and the processing of this data is required under the pension schemes.

Children/Students

The Department also collects information on the ethnic/cultural background of students on the consent of the parent/guardian for statistical analysis and reporting in aggregated format for the purposes of social inclusion and integration. The Department also collects data on the religion of the student at primary level, based on the consent of the parent/guardian again for statistical purposes. The Department will only process special categories data for the purposes of allocating resources where this is provided for by way of enactment or the Constitution. The Department may also process data related to health in respect of students with special educational needs or a disability for the purpose of ensuring that there is made available to each child, support services as defined in section 2 of the Education Act 1998 including psychological services and a level and quality of education appropriate to meeting the needs and abilities of that person.

3.4. Article 10 data

This is data related to criminal convictions or allegations of offences. This may be processed for protecting the vital interests of an individual or another person where issues of child protection or welfare may arise.

3.5. Children's Data

The Department may collect children's data where carrying out tasks in the public interest on foot of its statutory functions. The Department processes children's data for the purposes of schemes and funding for early years education. The Department processes children's data for the purposes of a number of schemes and funding it provides in the area of home tuition, assistive technology and other supports for children with special educational needs or for children who may find themselves temporarily without a school place. It may process children's data as part of the Department's National Educational Psychological Service. It may process children's data as part of the school transport scheme. The Department may also process children's data as part of an appeal taken under section 29 of the Education Act 1998 in the case of a refusal to enrol, suspension or expulsion from school or appeals in the areas of student grants or school transport.

3.6. Further information

We will provide you with further specific information about the type of personal data and the purpose of it at the time the data is captured.

4. HOW IS YOUR DATA COLLECTED

4.1. Via the School or other educational organisation

In respect of school staff data is collected from the schools who are the employers and used by the Department for the purposes of appointment and payment of wages.

In respect of students at primary and post-primary the schools return data on the students enrolled in their schools to the Department via the Primary and Post-Primary Online Databases (POD & P-POD) in order for the Department to provide for education through the

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allocation of teaching posts and funding to schools based on the enrolment figures . Data on students are also required to authenticate the enrolment data and to account for and the auditing of the expenditure of public monies as provided by the Oireachtas.

At post-primary entrants for the state examinations are transmitted by the schools via the Department and onwards to the State Examinations Commission,

Under some of the support and funding schemes for students with special educational needs the student's application is referred to the Department by the Special Educational Needs Organiser (SENO) who is an employee of the NCSE.

In respect of school placement and applications for home tuition pending the finding of a school place the student's data may be provided by the Educational Welfare Service of Tusla to the Department.

4.2. Direct interactions

In the case of schemes, programmes, scholarships, section 29 appeals and other appeals the parent/guardian or student may apply directly to the Department.

The Department may also receive queries and requests from you in respect of the various schemes, programmes and funding which it operates as part of its statutory functions.

5. HOW DO WE USE YOUR PERSONAL DATA

In the majority of cases the Department may use your personal data for carrying out tasks in the public interest or in exercising official authority where necessary and proportionate for it to fulfil its statutory functions under enactments or the Constitution.

Processing of personal data undertaken by the Department may also rely on legal obligations e.g. deductions under the Tax and Social Welfare legislation. The Department is subject to the National Archives Act, 1986 and therefore is required to retain records which may contain personal data for the purpose of archiving.

The Department may also process your personal data where necessary for the performance of a contract for services or goods or in respect of contracts of employment with respect to its own employees.

The Department may on occasion process your personal data where it is necessary in order to protect the vital interests of you or of another person. This type of processing may be required for child welfare or protection purposes.

As a large public body the Department does not rely on consent as a legal basis other than for limited purposes where the processing is optional and where you can freely provide your consent for processing by the Department, e.g. inclusion in an e-mail distribution list, surveys.

As a public authority the Department does not rely on legitimate interest when carrying out its public tasks. The Department does however rely on the use of legitimate interest where processing of your personal data is related to the operation of the organisation, e.g. the operation of CCTV for the purposes of security and safety of persons using its facilities.

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6. PURPOSES FOR WHICH WE USE YOUR PERSONAL DATA

The following is a list of the main purposes in summary form for which your personal data may be processed depending on which category of data subject you fall within.

In some instances we may process your personal data for different purposes where you may be in more than one data subject category e.g. a school staff member and a parent of a school going child. Please note that access to data is managed and controlled within the Department and your personal data will only be accessed by the staff of the Department who have a relevant purpose for accessing your data, e.g. if you are a teacher and you correspond with us as a parent the staff member replying to you as a parent has no access to your payroll data as they has no purpose to access such data.

More specific information on the purpose, legal basis, retention/storage period, disclosures, your data protection rights and who to contact in respect of processing and your rights will be provided in specific processing notices which will be available at the time your data is collected or will be notified to you by the Department before it processes your data.

The data subjects for which data is processed in **Table 1** are

- School staff and retired school staff
- Parents and Children (including early years education, primary and post-primary)
- Third level, further education and training

The majority of the following processing activities in **Table 1** involve the processing of **Identity, Contact details** and **school details** of the individual as well as the categories of personal data listed.

Table 1

Processing Activity/purpose	Type of Data	Legal basis
Appointment and payment of teachers	PPSN Payroll No. Teaching Council Registration No. Payment details Statutory deductions Voluntary deductions e.g. trade union subscription Service history Leave including sick leave Secondments	Task in the public interest based on the statutory functions of the Minister Legal obligation – statutory deductions Consent – voluntary deductions
Terms and conditions of school staff	PPSN Payroll No. Particulars of your cases where you may query the	Task in the public interest based on the statutory functions of the Minister

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	application of the terms and conditions e.g. Contract of indefinite duration	
Approval and payment of pensions	PPSN Payroll No. Service history Data related to health (early retirement)	Public sector Pension Schemes
Schemes and funding for early years education	PPSN Education provider Payment details	Task in the public interest based on the statutory functions of the Minister
Annual return of primary students	Class year Exemptions Medium of learning Irish/English	Task in the public interest based on the statutory functions of the Minister
Annual return of post-primary students	Type of student, e.g. boarder, short term placement, Programme Subjects & Courses Exemptions Medium of learning Irish/English	Task in the public interest based on the statutory functions of the Minister
Junior Cycle Profile of Achievement	Classroom based assessment Priority Learning Unit (some students with special educational needs) Results of the Junior Certificate after appeal	Data processor for schools and State Examinations Commission
Schemes for home tuition, assistive technology, provision of tuition into July in some cases and funding for children with special educational needs	Data on the special educational need or disability	Task in the public interest based on the statutory functions of the Minister
Provision of psychological services to students <i>As a suitable and specific measure for the processing of this data the Department (NEPS) will seek the explicit consent of the parent/guardian for the processing of the child's data related to his/her health.</i>	Psychological assessments and reports	Task in the public interest based on the statutory functions of the Minister
School Transport Schemes including specific transport provision for some students with special educational	Transport requirements Bank or waiver details of the parent/guardian Location/route	Task in the public interest based on the statutory functions of the Minister

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needs or medical conditions. Also transport arrangements for students residing in remote areas	School contact details	
Section 29 Appeal	Details of the grounds for the appeal Details of facilitation to resolve the appeal Determination by the Committee	Legal obligation
Student Transport Appeal	Details of the grounds for the appeal Determination by the Appeal Committee	Task in the public interest based on the statutory functions of the Minister
Student Grant Appeal	Details of the grounds for the appeal Determination by the Appeal Committee	Legal obligation
School patronage determination	Patronage preference of the parent/guardian	Task in the public interest based on the statutory functions of the Minister
Scholarships for higher level education	Data related to the specific criteria for each scholarship	Task in the public interest based on the statutory functions of the Minister
EGF and ESF personal progression		Task in the public interest based on the statutory functions of the Minister And EU regulations on training

Table 2 below are general purposes for which the Department may process personal data.

Processing activity/purpose	Type of data	Legal basis
Representations from elected representatives (e.g. TD, MEP, Councillors) And Parliamentary Questions	Identity Contact Details School details (where relevant) Details of the public representative Details of the person on whose behalf the representation is being made Personal data which is necessary and proportionate to reply to the	Legal obligation

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	representation may include special categories	
General queries and requests	Identity Contact details Details of the query request <i>The department does not request special categories data as part of an initial enquiry. If require subsequently it will be requested and the purpose for which it is required will be explained.</i> <i>Unsolicited personal data sent to the Department where the Department does not have a legal basis to process it will either be returned or disposed of in a secure manner.</i>	Task in the public interest based on the statutory functions of the Minister
Freedom of Information Requests	Identity Contact details Any personal data relevant to the request	Legal obligation
Data Protection query or request to exercise data subject rights	Reference Number (where relevant to identify the person) Photographic ID Proof of address Identity Contact details Nature of query Data which may be necessary to respond to the request	Legal obligation
CCTV – for security and personal safety	Images of individuals who visit offices of the Department where CCTV is operated	Legitimate interest of the Department in order to operate securely and safely
Sign-in books for the purpose of health and safety where a building may have to be evacuated in an emergency	Identity Date and time of visit Contact in the Department	Legitimate interest of the Department for health and safety
Minutes of meetings	Identity Employer where relevant Information which is related to an individual	Task in the public interest based on the statutory functions of the Minister
Suppliers of goods and services	Identity Contact Details Tax clearance status Bank details Payment details	Contract

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7. DISCLOSURE OF YOUR PERSONAL DATA

The Department will only disclose your personal data where there is a legal basis to do so. It will also tell you when it purposes to disclose your data either at the time your data is collected or in advance of the disclosure.

The following are some of the main purposes for which the Department may share data with another body.

The Department shares data on statutory deductions with Revenue and the Department of Employment Affairs and Social Protection where there is a legal obligation to do so.

The Department shares data with the CSO for statistical purposes under the Statistics Act.

The Department shares data with Educational Research Centre on students aged 15 in schools identified by the ERC for the purposes of organising PISA assessments as part of the ERC statutory functions.

The Department may share personal data with other educational organisations including schools, NCSE, Tusla where this is provided for by law.

For some processing activities the Department may be a Joint Data Controller with another party e.g. Online Claims System (OLCS) which is used by the Department and schools to process data on school staff leave and arranging the payment of substitute teachers.

In other instance the Department may engage a data processor to provide cloud services (limited to the Student Grant Appeal and School Transport Appeal systems at present). In the area of school transport the Department in conjunction with Bus Eireann operate the school transport service.

In other areas the Department may act as a data processor in facilitating the production of Junior Cycle Profile of Achievement reports by schools for their students. The Department also provides administrative support for a number of independent appeal committees and boards.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

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Details of any data sharing will be outline in the specific privacy notice for a processing activity.

8. INTERNATIONAL TRANSFERS

The Department in general does not transfer personal data to locations outside the EEA. For a small number of specific schemes or programmes the Department may transfer data to a third country where there are appropriate controls and safeguards in place and with your knowledge.

9. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have an official capacity from their role in the Department to process your personal data.

10. DATA RETENTION/STORAGE

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purpose for which we process through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in the privacy notices for specific processing activities which are made available where your data is being collected or being processed by the Department.

In general student data is retained until 25 years and subject to review thereafter. This is to facilitate accounting and auditing of public monies for up to 7 years after last processing of the student's data by the Department.

In general personal data which may lead to the expenditure of public monies provided by the Oireachtas will be retained for up to 7 years and subject to review thereafter to facilitate accounting and auditing of expenditure.

In respect of school staff their data may be retained for up to 80 years to facilitate the processing of relevant data for the purposes of approving a pension for the retired staff member or a survivor's pension.

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The Department is subject to the provisions of the National Archives Act, 1986 and this requires the Department to retain records including those with personal data for archiving purposes until such time as the National Archives makes a disposal order for that class of record.

This is a summary of retention policy you will need to refer to the privacy notice for a specific processing activity to identify a specific retention period/criteria.

11. YOUR LEGAL RIGHTS

The Department will design and maintain appropriate policies, procedures and training to implement your data subject's rights as follows.

11.1. Right of access by the data subject

The Department will implement procedures to ensure that you can request access to your personal data.

11.2. Right to rectification

The Department is committed to holding accurate data about you and will implement processes and procedures to ensure that you can rectify their data where inaccuracies have been identified.

11.3. Right to erasure (right to be forgotten)

The Department processes your personal data it collects because there is a legal basis for the processing. Where the Department receives requests from you looking to exercise their right of erasure then the Department will carry out an assessment of whether the data can be erased without affecting the ability of the Department to provide future services to you or to meet its statutory obligations for example under the National Archives Act, 1986.

11.4. Right to restriction of processing

The Department will implement and maintain appropriate procedures to assess whether your request to restrict the processing of your data can be implemented. Where the request for restriction of processing is carried out then the Department will write to you to confirm the restriction has been implemented and when the restriction is lifted.

11.5. Right to data portability

The Department processes your personal data its collects because there is a legal basis for the processing. Where the Department has collected your personal data by consent or by contract then you have a right to receive the data in electronic format to give to another data controller. It is expected that this right will apply only to a small number of data subjects.

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11.6. Right to object

You have a right to object to the processing of your personal data in specific circumstances. Where such an objection is received, Department will assess each case on its merits.

11.7. Right not to be subject to automated decision making

You have the right not to be subject to a decision based solely on automated processing, where such decisions would have a legal or significant effect concerning you. At present there is no automated processing within the Department if in future such processing is commenced the Department will ensure that where systems are implemented then an appropriate right of appeal is available to you.

11.8. Right to complain

The Department will implement and maintain a complaints process whereby you will be able to contact the Data Protection Officer. The Data Protection Officer will work with you to bring the complaint to a satisfactory conclusion for both parties. You will be informed of their right to bring your complaint to the Data Protection Commissioner and their contact details.

If you wish to exercise any of your rights set out above please contact dpo@education.gov.ie