

Primary Online Database (POD) – Data Protection Notice

November 2020

The purpose of this notice

The General Data Protection Regulation (the GDPR) comes into effect on the 25th May 2018. The GDPR applies across the European Union and aims to give individuals more rights, control and understanding of how their personal data is processed.

Under GDPR the Department of Education and Skills are required to keep you informed of the types of data we hold on you and your child, the purpose it is used for and your rights in relation to how it is processed.

The personal data collected

Data is collected for all pupils enrolled in a recognised school aided by the Department. The type of data is laid out in the table below. In the case of the parent or guardian, the mother's maiden name only is collected (for verification purposes).

Personal Information	Enrolment Information
PPSN	Standard (Junior Infants, First Class)
Name	Teacher / Class Name
Birth Certificate Name (if different from above)	Enrolment Source
Date of Birth	Enrolment Date
Gender	Leaving Date
Mother's Birth Surname	Leaving Destination
Address (Including Eircode)	Pupil Type
County of Residence	Class Type**
Nationality	Integrated Indicator**
Mother Tongue* – CONSENT REQUIRED	Category of Capitation***
Irish Exemption (if any)*	Second Level Programme***
Religion – CONSENT REQUIRED	
Ethnic or cultural background – CONSENT REQUIRED	

*Pupils in Mainstream Schools Only

**Pupils in Special Classes Only

***Pupils in Special Schools Only

Consent for certain types of data

Certain data are considered sensitive personal information. In order to collect and process this information the explicit written consent of the pupil's parent or guardian is required. For the purposes of Primary Online Database (POD), sensitive data is religion and ethnic or cultural background. Where consent has been granted you are free to withdraw that consent at any time and you can do this by contacting your child's school.

The source of the data

All of the data on POD is provided by the school the pupil attends. Where a pupil moves school both the original school and the new school update the POD with the relevant enrolment information.

Purposes for which data is collected and processed

The Department of Education and Skills, which provides for the education and training of people resident in the State, requires certain personal data on all learners in order to fulfil its function. Specifically, the data on POD is used for:

- Completion of the National School Annual Census - as of September 2016 POD is the mechanism for schools to complete the Annual Census,
- Teacher allocation and payment of capitation and other grants - information submitted through the Annual Census forms the basis for teacher allocation, capitation and grant payments for each school,
- Resource allocation and planning purposes,
- Statistical information - POD is the source of statistical information for the primary school sector,
- Register of pupils - POD has removed the need for schools to maintain a hardcopy of their school's Clárleabhar, as all necessary information is recorded on the system,
- Centralised updating of school information - POD provides a single point for schools to view and correct the details held by the Department,
- Verifying student identity for services operated by the Department.

Data sharing

Data may be shared with the following:

Department of Employment Affairs & Social Protection, the Client Identity Services (of the DEASP) for verification and validation purposes.

Central Statistics Office, under Section 31 of the Statistical Act for statistical reporting and analysis.

Educational Research Centre, for assessment and reporting of both national and international studies of students. The legal basis for this data-sharing is Section 9(b) of the Educational Research Centre (Establishment) order 2015 (S.I. No. 392/2015).

Legal basis

The legal basis set out for collection of the personal information on POD is: Sections 2 and 7 of the Education Act, 1998 allows for the provision for education and support services by the Department to recognised schools as the Minister considers appropriate and in accordance with the Act.

Additional legislation

1) Social Welfare Consolidation Act Section 266. S.I. No. 317/2015 - Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Sharing of Information) Regulations 2015.

<http://www.irishstatutebook.ie/eli/2015/si/317/made/en/pdf>

2) Section 28 of the Education Welfare Act, 2000.

<http://www.irishstatutebook.ie/eli/2000/act/22/section/28/enacted/en/html>

3) Social Welfare Consolidation Act (2005) Section 262

<http://www.irishstatutebook.ie/eli/2005/act/26/schedule/5/enacted/en/html>

Data controller

The Department of Education and Skills controls and is responsible for the data provided on POD. The Department has appointed a Data Protection Officer to deal with queries in relation to how this data is processed. They may be contacted by sending an e-mail to dpo@education.gov.ie or by post to Department of Education and Skills, Data Protection Unit, Cornamaddy, Athlone, Co. Westmeath N35X659.

Further Processing

Where the Department plans to conduct data processing other than that outlined above you will be contacted in advance. Information will be provided to explain that additional data processing, the purposes for which it is being undertaken, and further information on your data protection rights.

Storage period

Pupil data will be retained for administration, identification and analysis purposes on POD until the pupil's 19th birthday. After this point the sensitive data will be anonymised in line with national and international best practices (and in keeping with the National Archives Act 1986) and used only for statistical and longitudinal analysis.

Third Country

No data collected on POD will ever be transferred to a third country other than in the form of statistical tables.

Data subjects rights

Please follow the following link for information on your right to access your child's data. <https://www.education.ie/en/The-Department/Data-Protection/Information.html>

You may also exercise your right to correct the data, seek to restrict how it may be processed or object to how it may be processed. Data on POD will not be used for automated decision-making or profiling, see; <http://gdprandyou.ie/wp-content/uploads/2018/03/Rights-of-Individuals-under-the-General-Data-Protection-Regulation.pdf>.

While you have a right to request the data on POD is deleted the Department may not be able to agree to your request if the pupil is less than 19 years old.

You have the right to lodge a complaint with the Data Protection Commissioner, please see www.dataprotection.ie.

Further Information

Further information on GDPR and how it is being implemented within the Department of Education and Skills is available at;

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

Appendix A provides further information on the legal and technical basis for processing personal data plus details on the data items collected and processed.

Contact Details

The Department of Education and Skills is the data controller for the processing of POD data. If you have any query in respect of this you may email pod@education.gov.ie.

The Department's Data Protection Officer may be contacted by sending an e-mail to dpo@education.gov.ie or by post to Department of Education and Skills, Data Protection Unit, Cornamaddy, Athlone, Co. Westmeath N35X659.

Appendix A

Table 1: Personal data collected by the Department of Education and Skills on POD.

Variable collected on each Student	Purpose	POD retention period	Legal bases for collection by the Department of Education and Skills	Legal bases for collection by schools
Personal Public Service Number (PPSN)	This is the unique identifier for each student. This is part of the Public Service Identity dataset that is used for pupil validation. The PPS numbers will be validated using an automated matching service hosted by the Department of Public Expenditure and Reform.	The PPSN will be retained for identification purposes on POD until the pupil's 19 th birthday. After this point the PPSN will be anonymised in line with national and international best practices and used only for statistical purposes.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>).	Section 262 (4) of the Social Welfare Consolidation Act 2005 states where a person has a transaction with a specified body. A person shall give to a specified body his or her Personal Public Service Number and the Personal Public Service Numbers of his or her spouse and children, where relevant, as required by the body for the purposes of the person's transaction.
Student name	This is part of the Public Service Identity Dataset that is used for student validation	Student name will be retained for identification purposes on POD until the pupil's 19 th birthday. After this point the name will be deleted from the Student Record.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>).	Section 262 (6)(a) of the Social Welfare Consolidation Act 2005.

Student home address (including Eircode)	This is part of the Public Service Identity Dataset that is used for student validation. This will also be used in aggregate format for statistical and planning purposes.	Student home address will be retained on POD until the pupil's 19 th birthday. After this point the record will be amended to fully preserve pupil anonymity.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>).	Section 262 (6)(a) of the Social Welfare Consolidation Act 2005.
Student birth certificate name	Used to validate PPSN where current name differs from name used when PPSN assigned.	This will be deleted once the student record has been validated.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>).	Section 262 (6)(a) of the Social Welfare Consolidation Act 2005.
Date of birth	PPSN Validation purposes. This will also be used for statistical purposes.	Date of birth will be retained on POD until the pupil's 19 th birthday. After this point the record will be amended to fully preserve pupil anonymity.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>).	Section 262 (6)(a) of the Social Welfare Consolidation Act 2005.
Gender	PPSN validation purposes. This will also be used for statistical and data quality validation purposes.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis	By regulation under the Social Welfare Consolidation Act 2005	Section 262 (6)(a) of the Social Welfare Consolidation Act 2005.

			<i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	
Mother's birth certificate name	PPSN validation	This is removed from the Department's records when confirmation of a valid PPSN is received.	By regulation under the Social Welfare Consolidation Act 2005 <i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	Section 262 (6)(a) of the Social Welfare Consolidation Act 2005.
Roll Number	Used to associate a pupil with a particular school.		By Regulation under the Social Welfare Consolidation Act 2005 <i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	
Pupil standard	Used for statistical analysis and data quality validation.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By regulation under the Social Welfare Consolidation Act 2005	This is a variable generated by the school.

			<i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	
Pupil class	Used to calculate average class sizes in each school in order to monitor class sizes nationally.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By Regulation under the Social Welfare Consolidation Act 2005 <i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	This is a variable generated by the school.
Pupil nationality	Used for statistical analysis and for research.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By regulation under the Social Welfare Consolidation Act 2005 <i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	Section 262 (6)(a) of the Social Welfare Consolidation Act 2005.
Enrolment date	Necessary to ensure pupil is validly enrolled for allocation purposes and statistical analysis.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By regulation under the Social Welfare Consolidation Act 2005 <i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and</i>	Section 28 of the Education Welfare Act 2000.

			<i>Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	
Enrolment source	Used for statistical analysis and data quality validation.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	Section 28 of the Education Welfare Act 2000.
Leaving date	Used for statistical analysis and to ensure pupil is validly enrolled, and to ensure pupil is in continuing education as required by the Education Welfare Act.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By Regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	Section 28 of the Education Welfare Act 2000.
Leaving destination	Used for statistical analysis and to ensure pupil is validly enrolled, and the pupil is in continuing education as required by the Education Welfare Act.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	Section 28 of the Education Welfare Act 2000.

Pupil integrated indicator	Used to monitor pupils in special classes that are integrated into mainstream classes, and to monitor class sizes including integrated pupils. Used for statistical analysis.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By Regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>).	This is a variable generated by the school.
Irish exemption indicator	Used to assist in the inspection of Irish language teaching. Used for statistical purposes.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By Regulation under the Social Welfare Consolidation Act 2005. (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>)	This is a variable generated by the school.
Pupil type	Used for statistical purposes and for the payment of capitation and allocation of resources.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By regulation under the Social Welfare Consolidation Act 2005 (<i>Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015</i>).	This is a variable generated by the school.
Indicator for receipt of Learning Support under the General	Used for statistical and planning purposes. Used to show aggregate information on how schools are currently	This information will not be rolled forward each year, this data will be extracted and aggregated and then deleted from the database.	By Regulation under the Social Welfare Consolidation Act 2005	This is a variable generated by the school.

Allocation Model (GAM) and through the NCSE (5 categories)	allocating resources under GAM.		<i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	
Pupil special class type	For pupils in special classes only. Used to pay capitation and allocate resources.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	By regulation under the Social Welfare Consolidation Act 2005 <i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015).</i>	This is a variable generated by the school.
Mother tongue	To identify need for English as an additional language (EAL) support. To monitor and evaluate policy through assessment of outcomes where supports given.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	This field is optional in POD, explicit written parental or guardian consent should be sought to allow the transfer of the information to the Department.	This field is optional in POD, explicit written parental or guardian consent should be sought to allow the transfer of the information to the Department.

Table 2: Sensitive personal data used by the Department of Education and Skills on POD provided by consent.

Variable collected on each Student	Purpose	Retention period	Legal basis for collection by Department of Education and Skills	Legal basis for collection by schools
Ethnic or cultural background	Planning of policy and supports for minority groups, monitoring. Monitoring and evaluation of policy and supports. Data on membership of the Traveller Community required for payment of enhanced capitation. Data on Roma required for reporting on a number of EU, UN human rights indicators. Conventions to which Ireland is a contracting party e.g. EU Framework for National Roma Integration Strategies	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	This field is optional in POD, explicit written parental or guardian consent should be sought to allow the transfer of the information to the Department.	This field is optional in POD, explicit written parental or guardian consent should be sought to allow the transfer of the information to the Department.

	up to 2020. Used for statistical analysis.			
Pupil religion	Used to inform policy on school ethos and for general statistical purposes.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis.	This field is optional in POD, explicit written parental or guardian consent should be sought to allow the transfer of the information to the Department.	This fields is optional in POD, explicit written parental or guardian consent should be sought to allow the transfer of the information to the Department.

Legal Bases

The legal bases set out for collection of the personal information on POD, including the list of personal items is as follows;

1) **Social Welfare Consolidation Act Section 266.**—

Notwithstanding anything contained in any other enactment, a specified body may share any information that may be prescribed with—
(a) the Minister for Education and Science, where that Minister requires the information for the purpose of enabling him or her to provide education in accordance with section 6(b) of the Education Act 1998, or

(b) an tÚdarás Uim Ard-Oideachas, where that body requires the information for the purpose of performing its functions under section 3(a), (b) or (d) of the Higher Education Authority Act 1971.

Sharing of information

<http://www.irishstatutebook.ie/eli/2015/si/317/made/en/pdf>

2. Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) is amended by the substitution of the following sub-articles for sub-article (1):

“(1) The following information is prescribed as the information that may be shared, in accordance with section 266, by a body specified in paragraph 2 of Schedule 5 with the Minister of Education and Skills or an tÚdarás um Ard-Oideachas:

- (a) in relation to a student of that body –
 - (i) his or her –
 - (I) forename,
 - (II) surname,
 - (III) date of birth,
 - (IV) address,
 - (V) sex,
 - (VI) nationality,
 - (VII) personal public service number, and
 - (VIII) mother’s birth surname,

and

(ii) whether the student –

- (I) boards at his or her school,
- (II) is exempt from studying the Irish language and, if so, the date, category and grantor of such exemption,
- (III) is in receipt of resource teaching support or learning support, and, if so, the type of such support,
- (IV) is in a class for students with special educational needs, and if so, the level of integration of the pupil, if any, in mainstream class settings,
- (V) is a student in a special class, and, if so, the type of special class,
- (VI) is a student in a special school, and, if so, the category of capitation grant that is paid in respect of that student,
- (VII) is a new entrant,
- (VIII) is repeating a year, and, if so, the reasons why,
- (IX) is a short-term placement student and, if so, the duration for which he or she has been enrolled;

(b) in relation to the course of study being undertaken by a student of that body –

- (i) the date of enrolment of the student,
- (ii) the source of enrolment for the student,
- (iii) the class group and standard of the student,
- (iv) the class type of the student,
- (v) the student type,

- (vi) the current school roll number for the student,
- (vii) the former school roll number for the student, if applicable,
- (viii) the date that the student leaves the course of study and the leaving destination,
- (ix) the programme for which the student is studying and his or her programme year,
- (x) the examination candidate number for the student,
- (xi) the subjects which the student is studying and the subject level at which he or she is studying those subjects,
- (xii) the language through which the student is studying,
- (xiii) whether the student is participating in a scheme administered by an Education and Training Board and known as the Vocational Training Opportunity Scheme, and
- (xiv) where the student is enrolled in a Post Leaving Certificate or an Applied Leaving Certificate Programme, the highest level of academic attainment previously achieved.

(1A) In sub-article (1), 'student' has the same meaning as it has in section 2(1) of the Education Act 1998 (No. 51 of 1998).”.

2) **Section 28 of the Education Welfare Act, 2000.**

<http://www.irishstatutebook.ie/2000/en/act/pub/0022/sec0028.html#sec28>

(1) The data controller of a prescribed body may supply personal data kept by him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a relevant purpose only.

(2) The data controller of a prescribed body may, for a relevant purpose only, keep and use personal data supplied to him or her under this section.

(3) In this section— "data controller" and "personal data" have the meanings assigned to them by the Data Protection Act, 1988;

"prescribed body" means a body prescribed by the Minister; "relevant purpose" means the purpose of—

- (a) recording a person's educational or training history or monitoring his or her educational or training progress in order to ascertain how best he or she may be assisted in availing of educational or training opportunities or in developing his or her full educational potential, or
- (b) carrying out research into— (i) the extent to which persons in receipt of, or who have received, a certain minimum education present for examinations to which Part VIII of the Act of 1998 applies, and the performance in such examinations of persons who so present, (ii) the extent to which persons who have received a certain minimum education participate further in programmes of education, training or instruction, or (iii) the general effectiveness of educational or training programmes.

A recognised school within the meaning of section 2 of the Education Act has been designated a prescribed body for these purposes.

3) **Social Welfare Consolidation Act (2005) Section 262**

<http://www.irishstatutebook.ie/eli/2005/act/26/section/262/enacted/en/html#sec262>

(4) A person shall give to a specified body his or her personal public service number and the personal public service numbers of his or her spouse and children, where relevant, as required by the body for the purposes of the person's transaction.

(6) (a) Where a specified body has a transaction with a person, the Minister may share the person's public service identity with the specified body to the extent necessary for authentication by the specified body of the person's public service identity.

SCHEDULE 5 of the Social Welfare consolidation Act contains a list of Specified Bodies.

<http://www.irishstatutebook.ie/2005/en/act/pub/0026/sched5.html>

1. Each of the following shall be a specified body for the purposes of this Schedule and sections 262 to 270

(1) A minister of the Government

2. Each of the following shall be a specified body for the purposes of this Schedule and section 266 : a recognised school or centre for education (within the meaning of section 2 of the Education Act 1998),