

## DATA PROTECTION - SOME FREQUENTLY ASKED QUESTIONS

**Q1:** What is Data Protection, and why does it apply to schools?

**A:** Schools hold data on pupils and staff. Schools are obligated to seek and hold such information in compliance with Data Protection Rules. Whilst there are eight rules, the following four are the most pertinent to schools;

- (a) Obtain and process information fairly.
- (b) Keep it for one or more specified, explicit and lawful purposes.
- (c) Use and disclose it in ways compatible with these purposes.
- (d) Keep it safe and secure.

**Q2:** What is the difference between sensitive and non-sensitive data?

**A:** Non sensitive data relates to PPSN, name and address. Sensitive data refers to matters such as ethnic/cultural background of the pupil and religion. The express written consent is required from parents/guardians before such information is recorded on the Dept. of Education Pupil Online Database.

**Q3:** Who is the Data Controller in a school?

**A:** This is the person who either alone or with others controls the content and use of the personal data (normally the School Principal).

**Q4:** What about the transfer of information about pupils between schools, and other Educational Agencies?

**A:** Section (28) of the Education Welfare Act allows for personal data to be transferred to other schools, the DES, the National Council for Special Education, and the Child and Family Agency. The Education Passport requires the principals of primary schools to furnish post primary schools for which the pupils have been accepted a copy of the end of year report card to include information from standardised Literacy & Numeracy tests. Reporting templates are available from the National Council for Curriculum and Assessment.

**Q5:** Can State agencies request sensitive information from the school about pupils and their families?

**A:** Section (8) of the Data Protections Acts 1988-2003 allows exemptions in relation to schools providing information to: The Gardaí, The Revenue Commissioners, Department of Social Protection (DSP), and Applications on foot of a court order ie. Child Protection.

Applications for the release of Data should be made in writing (rather than over the phone) and should state the purpose for which it is required. Schools may seek advice from The Data Protection Commission Office.

**Q6:** Can schools now collect PPSN?

**A:** Yes. The (DES) has consulted with the Data Protection Commissioner in relation to the collection of individual pupil information for the Primary Online Database. It has been confirmed that PPSN can be collected by schools, the purpose being that it is a requirement of the POD. A field in POD for the mothers' maiden name has been included because if a school cannot get the child's PPSN, an arrangement is in place to obtain the PPSN from the Department of Social Protection (DPS) by matching the child details with the mother's maiden name.