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## Scoil Nano Nagle Data Protection Policy

### **Introduction:**

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Scoil Nano Nagle. This includes obligations in dealing with personal and sensitive personal data, in order to ensure that our school complies with the requirements of the relevant Irish Data Protection legislation.

### **Rationale:**

Scoil Nano Nagle must comply with the Data Protection principles set out in the relevant legislation. This policy applies to all personal and sensitive personal data collected, processed and stored by Scoil Nano Nagle in relation to its staff, service providers and clients in the course of its activities. Scoil Nano Nagle makes no distinction between the rights of Data Subjects who are employees and those who are not. All are treated equally under this policy.

### **Scope:**

The policy covers both personal and sensitive personal data held in relation to data subjects by Scoil Nano Nagle. The policy applies equally to personal data held in manual and automated form.

All personal and sensitive personal data will be treated with equal care by Scoil Nano Nagle. Both categories will be equally referred to as Personal Data in this policy, unless specifically stated otherwise.

This policy should be read in conjunction with the associated Subject Access Request procedure, the Data Retention and Destruction Policy, the Data Retention Periods List and the Data Loss Notification procedure.

### **Scoil Nano Nagle as a Data Controller**

In the course of its daily organisational activities, Scoil Nano Nagle acquires, processes and stores personal data in relation to:

- Employees of Scoil Nano Nagle
- Children and their families
- Companies engaged in work for the school

In accordance with the Irish Data Protection legislation, this data must be acquired and managed fairly. Not all staff members will be expected to be an expert in Data Protection legislation. However, Scoil Nano Nagle is committed to ensuring that its staff have sufficient awareness of the legislation in order to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, staff must ensure that the Data Protection Officer is informed and in order that appropriate corrective action is taken.

Due to the nature of the service provided by our school, there is regular and active exchange of personal data between us and our Data Subjects. In addition, we exchange personal data with Data Processors on the Data Subjects' behalf.

This is consistent with our obligations under the terms of our contract with our Data Processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a staff member is unsure whether such data can be disclosed.

In general terms, the staff member should consult with the data Protection Officer to seek clarification.

### **Subject Access Requests**

Any formal, written request by a data Subject for a copy of their personal data (a Subject Access Request) will be referred, as soon as possible, to the Data Protection Officer and will be processed as soon as possible.

It is intended that by complying with these guidelines, Scoil Nano Nagle will adhere to best practice regarding the applicable Data Protection legislation.

### **Third-Party processors**

In the course of its role as Data Controller, Scoil Nano Nagle engages a number of Data Processors to process Personal Data on its behalf. In each case, a formal, written contract is in place with the processor, outlining their obligations in relation to the Personal Data, the specific purpose or purposes for which they are engaged and the understanding that they will process the data in compliance with the Irish Data Protection legislation.

These Data Processors include:

- Aladdin Schools
- Anthony Ferguson Accountants

## **The Data Protection Principles**

The following key principles are enshrined in the Irish legislation and are fundamental to the Data Protection policy of Scoil Nano Nagle.

In its capacity as Data Controller, Scoil Nano Nagle ensures that all data shall:

*1. Be obtained and processed fairly and lawfully.*

For data to be obtained fairly, the data subject will, at the time the data is being collected, be made aware of:

- The identity of the Data Controller of Scoil Nano Nagle
- The purpose for which the data is being collected
- The persons to whom the data may be disclosed by the Data Controller
- Any other information that is necessary so that the processing may be fair.

Scoil Nano Nagle will meet this obligation in the following way.

- Where possible, the informed consent of the Data Subject will be sought before their data is processed
- Where it is not possible to seek consent, Scoil Nano Nagle will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.
- Where Scoil Nano Nagle intends to record activity on CCTV or video, a Fair Processing Notice will be posted in full view
- Processing of the personal data will be carried out only as part of Scoil Nano Nagle's lawful activities and we will safeguard the rights and freedoms of the Data Subject.
- The Data Subject's data will not be disclosed to a third party other than to a party contracted to Scoil Nano Nagle and acting on its behalf.

*2. Be obtained only for one or more specified, legitimate purposes*

Scoil Nano Nagle will obtain data for purposes which are specific, lawful and clearly stated. A Data Subject will have the right to question the purposes(s) for which Scoil Nano Nagle holds their data, and Scoil Nano Nagle will be able to clearly state that purpose or purposes.

*3. Not be further processed in a manner incompatible with the specified purpose(s).*

Any use of the data by Scoil Nano Nagle will be compatible with the purposes for which the data was acquired.

4. *Be kept safe and secure.*

Scoil Nano Nagle will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by Scoil Nano Nagle in its capacity as Data Controller.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access.

5. *Be kept accurate, complete and up-to-date where necessary.*

Scoil Nano Nagle will

- Ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy
  - Conduct periodic reviews and audits to ensure that relevant data is kept accurate and up-to-date. Scoil Nano Nagle conducts sample data every six months to ensure accuracy; Staff contact details and details on next-of-kin are reviewed and updated every two years.
  - Conduct regular assessments in order to establish the need to keep certain Personal Data
6. *Be adequate, relevant and not excessive in relation to the purpose(s) for which the data were collected and processed.*

Scoil Nano Nagle will ensure that the data it processes in relation to Data Subjects are relevant to the purposes for which those data are collected. Data which are not relevant to such processing will not be acquired or maintained.

7. *Not be kept for longer than is necessary to satisfy the specified purpose(s).*

Scoil Nano Nagle has identified an extensive matrix of data categories with reference to the appropriate data retention period for each category. The matrix applies to data in both a manual and automated format.

Once the respective retention period has elapsed, Scoil Nano Nagle undertakes to destroy, erase or otherwise put this data beyond use.

8. *Be managed and stored in such a manner that, in the event a Data Subject submits a valid Subject Access Request seeking a copy of their Personal Data, this data can be readily retrieved and provided to them.*

Scoil Nano Nagle has implemented a Subject Access Request procedure by which to manage such requests in an efficient and timely manner, within the timelines stipulated in the legislation.

### **Data Subject Access Requests**

As part of the day-to-day operation of the organisation, Scoil Nano Nagle's staff engage in active and regular exchanges of information with Data Subjects. Where a formal request is submitted by a Data Subject in relation to the data held by Scoil Nano Nagle, such a request gives rise to access rights in favour of the Data Subject.

There are specific time-lines within which Scoil Nano Nagle must respond to the Data Subject, depending on the nature and extent of the request. These are outlined in the attached Subject Access Request process document.

Scoil Nano Nagle's staff will ensure that, where necessary, such requests are forwarded to the Data Protection Officer in a timely manner and they are processed as quickly and efficiently as possible, but within not more than 40 days from receipt of the request.

### **Implementation**

As a Data Controller, Scoil Nano Nagle ensures that any entity which processes Personal Data on its behalf (a Data Processor) does so in a manner compliant with the Data Protection legislation.

Failure of a Data Processor to manage Scoil Nano Nagle's data in a compliant manner will be viewed as a breach of contract and will be pursued through the courts.

Failure of Scoil Nano Nagle's staff to process Personal Data in compliance with this policy may result in disciplinary proceedings.

## Definitions

For the avoidance of doubt and for consistency in terminology, the following definitions will apply within this policy.

Data	<p>This includes both automated and manual data.</p> <p>Automated data means data held on computer or stored with the intention that it is processed on computer.</p> <p>Manual data means data that is processed as part of a relevant filing system or which is stored with the intention that it forms part of a relevant filing system.</p>
Personal Data	<p>Information which relates to a living individual, who can be identified either directly from that data or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller. ( If in doubt, [The Company] refers to the definition issued by the Article 29 Working Party and updated from time to time.)</p>
Sensitive Personal Data	<p>A particular category of personal data, relating to Racial or Ethnic Origin, Political Opinions, Religious, ideological or philosophical beliefs, trade union membership, information relating to mental or physical health, information in relation to one's sexual orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.</p>
Data Controller	<p>A person or entity who either alone or with others, controls the content and use of personal data by determining the purposes and means by which that personal data is processed.</p>

Data Subject	A living individual who is the subject of the personal data i.e. to whom the data relates either directly or indirectly.
Data Processor	A person or entity who processes personal data on behalf of a Data Controller on the basis of a formal, written contract but who is not an employee of the Data controller, processing such data in the course of his/her employment
Data Protection Officer	A person appointed by Scoil Nano Nagle to monitor compliance with the appropriate data protection legislation, to deal with subject access requests and to respond to data protection queries from staff members and service recipients
Relevant Filing System	Any set of information in relation to living individuals which is not processed by means of equipment operation automatically (computers) and that is structured either by reference to individuals or by reference to criteria relating to individuals in such a manner that specific information relating to an individual is readily retrievable.