

Becoming Aware

Data is any information, including documents, video footage or genetic material, that relates to and identifies an individual. Data protection is about safeguarding the privacy of data subjects.

From the 25th May 2018, the law regarding data protection is changing. While many of the principles and ideas remain the same, the new GDPR will strengthen the rights of data subjects regarding their privacy and the responsibilities of organisations (known as data controllers) to uphold these rights.

All schools are subject to the GDPR legislation. If your school is compliant under current law, then much of your approach should remain valid under the GDPR. However, the main change in the law is that organisations have to be able to demonstrate or prove that they are compliant. This will mean keeping records of all of the school's data protection considerations, decisions and actions.

You should make sure that decision makers and key people in your school or ETB are aware that the law is changing. As a starting point, all schools need to review their current practices and procedures and commence documenting the processes engaged in to demonstrate compliance.

To start the process, schools need to identify the sets of data that they hold. This includes student data, employee data, parent information, information about volunteers and so on.

Schools may be subject to fines and/or lawsuits if they fail to comply with their obligations under the new data protection legislation.

Key Changes

Account needs to be taken of the following changes in particular:

- (i) The requirement to show compliance with GDPR which involves considering the types of data being processed, identifying the legal basis for same and documenting it.
- (ii) The additional information an individual is entitled to receive prior to their personal data being processed.
- (iii) The requirements around consent as the basis for processing personal data.
- (iv) The enhanced access rights of an individual to their personal data including the shorter timeframe of 1 month within which a data access request must be concluded.
- (v) Mandatory reporting requirements of a personal data breach in certain instances.
- (vi) Data portability, namely where an individual has a right to receive and transmit their personal data electronically and in a commonly used format.
- (vii) A new enforcement regime with provision for significant fines in cases of non-compliance along with judicial remedy and redress.

Becoming Accountable

Under the GDPR, we see the introduction of an 'accountability principle'.

Accountability and compliance can be achieved by creating an inventory of all the personal data your school holds by asking, (for example, the following) questions such as:

- Why do we use personal data?
- Who do we hold information about?
- What information does the school hold about them?
- Who does it share it with?
- How long do we hold it for?
- How do we keep it safe?

Engaging in this inventory exercise will enable your school to demonstrate and document the ways in which your school complies with and is future proofed against the GDPR. This personal data inventory will also facilitate actions such as internal audits, data audit trails, data updates and corrections, data removal, data subject access requests, risk assessment – and contribute to your Data Protection Policy.

Communicating within the school community around data protection

All schools collect personal data in respect of many individuals, including pupils, employees, volunteers etc.

These individuals are entitled to know how and why this information is being collected, how it is being used, who it is being disclosed to and how it will be retained.

Before any data is collected, a school must provide the individual (or where relevant, their parent/guardian) with the following information;

Name of School

Reasons why the information/data is being gathered

How the data will be use

Who this data will be shared with

The legal basis for processing the data

How long this data will be retained

The right of complaint, if an individual is unhappy about the implementation of these provisions

The individual's rights in relation to their personal data (e.g. access to data, rectification of data etc.).

This information is communicated to relevant individuals through a "Data Privacy Notice". A template Data Privacy Notice can be accessed on www.gdpr4schools.ie and will serve as an instrument for reviewing or creating a school's Data Privacy Notice.

Understanding Roles & Responsibilities

Everyone in the school has a role to ensure that people's privacy is respected. The whole school culture should be respectful of privacy.

Each member of staff:

- has an individual and shared responsibility for data protection.
- must understand their role
- receive data protection training appropriate to their role.

The Board of Management and the Senior Management team:

- drive awareness and compliance of data protection
- put in place appropriate data protection policies and procedures
- communicate, implement, ensure compliance, monitor, audit and review the policies

To become compliant:

- Schools identify gaps
- update existing policies and procedures
- develop new procedures to comply with GDPR.