



September 2015

TO THE BOARDS OF MANAGEMENT AND PRINCIPAL
TEACHERS OF SPECIAL SCHOOLS

Fair Processing Notice to explain how the personal data of pupils in special schools on the Primary Online Database (POD) will be recorded, processed and shared.

The Primary Online Database (POD) is an individualised database of pupils enrolled in primary schools which are recognised by the Department. While the database is hosted by and data will be accessible to the Department of Education and Skills, the pupils' data is provided and kept up to date by the schools in which the pupils are enrolled. This database contains the following individualised information on pupils in special schools.

- PPSN
- Name
- Address
- Birth Cert Name
- Date of Birth
- Gender
- Mother's Birth Cert Name
- Standard
- Class
- Nationality
- Enrolment Date
- Enrolment Source
- Leaving Date
- Leaving Destination
- Capitation Category
- Second Level Programme
- Ethnic/Cultural Background
- Religion

The following information is set out in Appendix A in respect of each of the above data fields:

- The purpose for which it is collected by the Department of Education and Skills
- The retention period on POD
- The legal basis for the data collection by the Department of Education and Skills
- The legal basis for the data collection by the school

The purpose of POD is to monitor the progress of children through the education system in order to ensure that every student can meet their educational potential, and to ensure that every child of compulsory school age is in receipt of an education. POD data will underpin the provision of education in special schools, with grant payments to schools based on the individually verified data.

The Department is committed to:

- abiding by the [Data Protection Act 1988](#) and the [Data Protection \(Amendment\) Act 2003](#);
- respecting individuals' rights to confidentiality and privacy

The legal obligations of Data Controllers under the Data Protection Acts can be summarised under the Eight Rules of Data Protection. This fair processing notice outlines how the Department of Education and Skills will comply with each of these rules in relation to data stored on the Primary Online Database.

The PPS number will be used as the unique pupil identifier on POD. This will allow for a child's educational history to be maintained accurately as they move school, as well as ensuring that there are no duplicate enrolments in the system. The PPS number will be obtained from the school and used to validate the identity of the pupil using the Department of Public Expenditure and Reform PPSN Checker service. This is an automated process which validates large batches of PPS numbers using other variables from a pupil's Public Service Identity dataset, and returns a match code to the Department of Education and Skills. In cases where the PPS number is not available from the school, the Department will attempt to obtain the number via the PPSN checker service and add the information to POD.

The PPS number may be shared by The Department of Education and Skills as necessary with the Child and Family Agency or the National Council for Special Education (as permitted under the educational Welfare Act 2000) if it is required for the provision of educational supports or ensuring the educational welfare of a child.

In cases where the PPS number is required for a school's own use, and not just for the purposes of population onwards to POD, schools are obliged under data protection legislation to explain the specific purpose for which they are collecting and using it.

The Eight Rules of Data Protection

1- Obtain and Process the Data Fairly

The legal bases under which schools are entitled to obtain the information required for POD from parents/guardians, and can share this information with the Department of Education and Skills, are outlined in Appendix A.

There are two distinct types of data required as defined under section 1(1) of the Data Protection Act 1988

- Data which is sensitive personal data. This data includes the ethnic/cultural background of the pupil, and the pupil's religion. In relation to these fields, the express written consent of the parents/guardians is required before this data can be recorded for a student on POD and accessed by the Department of Education and Skills. A suggested consent form used to collect this type of data is provided on the Department of Education and Skills Website.

<http://www.education.ie/en/Publications/Statistics/Primary-Online-Database-POD-/Primary-Online-Database-POD-.html>

- All other data fields (with the exception of ethnic\cultural background and religion) fall into the category of personal data. The full list of variables is outlined in Appendix A.

Parents/guardians are advised as to how the data will be processed fairly, including information on the storage, sharing and retention of the data in sections 2-8 below.

Under Data Protection legislation, parents/guardians have the right to object to the processing of their child's personal data, if they feel that the data is not being processed in a fair manner or used for a valid reason. They also have the right also to block certain uses of the data and correct errors, in the event that they identify any errors in this data held about their child.

2- Keep it only for one or more specified, explicit and lawful purposes

The pupil data that schools have obtained previously from parents/guardians was provided by them to schools for the purposes of the individual identification of the child in relation to the provision of their education. The onward transfer of data to the Department for POD is also for educational purposes.

The specific purpose for which each variable is collected by the Department of Education and Skills is outlined in Appendix A.

Some of the data collected by the Department on POD will also be used by the school for their own internal administrative purposes. Schools have devolved responsibility for data protection within their own schools and the Department has advised all schools of their obligations in

relation to data protection. Queries in relation to how individual schools are adhering to the eight rules of data protection should be referred to the individual school in question.

3- Use and disclose it only in ways compatible with these purposes

Schools may only access the data of students currently enrolled in their schools on the POD system.

It is Department policy that access within the Department to POD data is limited to the POD team which is currently less than 15 people. The members of the team are required to sign a POD Data Protection Undertaking in which they undertake to only access individual POD records as required for the processing of POD.

The Department also proposes to share some of the personal data stored on POD with other State bodies. These are:

- Central Statistics Office, under the Statistics Acts to assist with the compilation of national statistics.¹
- The National Council for Special Education, under the Education Welfare Act, in order to assist in supporting resource allocation in relation to pupils with special educational needs.²
- The Child and Family Agency, under the Education Welfare Act, to ensure that each child of compulsory school age is in receipt of an education.²

The Department will put in place a memorandum of understanding with each of these bodies, which includes the purpose and legal basis for which the body requires the data, its storage, security and retention.

- To meet the Department's business needs in regard to the allocation of resources to schools, the Department will share a limited amount of each pupil's personal data, including a child's PPS number with the Department of Public Expenditure and Reform PPSN validation service, using an automated matching process, in order to validate the identity of each pupil. The legal basis for this sharing of data is set out in Social Welfare Acts.³

¹ The Statistics Act, 1993 gives the CSO the authority to assess the statistical potential of the records maintained by other public authorities and to ensure that this potential is realised; therefore, the CSO has indirect access on a statutory basis to data on individuals and businesses collected for administrative purposes

² **Section 28** of the **Education Welfare Act 2000** allows for personal data to be transferred between the Minister for Education and Skills, recognised schools, the National Council for Special Education, and the Child and Family Agency, if it is used for a relevant purpose only, including "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"

³**Section 266** of the **Social Welfare Consolidation Act 2005** states that "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 Skills, where the Minister requires the information for the purposes of enabling him or her to provide education in accordance with **section 6(b) of the Education Act 1998**" A recognised school within the meaning of section 2 of the Education Act has been designated a specific body for these purposes. Regulation 189 of the **Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007)** lists the prescribed information for the purposes of section 266 in relation to a pupil that may be shared.

Schools within the POD system may also exchange data for the purposes of facilitating inter-school transfer of a pupil.

4- Keep it safe and secure

The Department takes the protection of pupils' data very seriously. The Primary Online Database (POD) may only be accessed using password-controlled accounts, via the secure esinet network linking schools with the Department. Only the school that the pupil attends and a small number of Department staff will have access to an account. POD application roles have been developed which limit school staff to viewing and maintaining their own pupil records. Access within the Department to POD data is limited to the POD team, which is currently less than 15 people. No agency or other Government Department will have access to the Primary Online Database.

Pupil data is stored securely in the Department's database. This database is hosted on the Department's servers which are located in the Revenue Commissioners data-centre. Access to the servers is protected by both Revenue and Government Networks firewalls. Staff of the Revenue Commissioners do not have access to the data in the database.

Schools have responsibility to ensure the safety and security of all pupil data which is kept within their schools.

5- Keep it accurate, complete and up-to-date

The pupil data on POD shall be maintained by the school in which the student is enrolled. The school is obliged to ensure that the data of its pupils is maintained accurately.

6- Ensure that is adequate relevant and not excessive

The Department, in consultation with the management bodies for schools, the Irish Primary Principals Network, the INTO, the National Parents' Council and other key stakeholders in the education system, will review from time to time the data on pupils required to manage and administer the education system.

It is considered that there is a clear and valid reason for the collection of each variable at present on the database. Appendix A sets out the purpose for which each item is collected.

7 - Retain it for no longer than is necessary for the purpose or purposes

The Retention policy for each variable is outlined in Appendix A.

For schools that are now using POD as the Clárleabhar (see circular 033/2015), the Department, in consultation with school management bodies, will facilitate schools to take a local extract of

POD data before individually identifiable information is removed. School should securely store and retain any such extracts from POD in accordance with their obligations as data controllers.

8 - Give a copy of his/her personal data to an individual on request

A copy of an individual's data held on POD can be obtained upon turning 18 or prior to that by his/her parent/guardian, in line with Section 4 of the Data Protection Acts 1988 and 2003, by contacting in writing the school in which the pupil is currently enrolled.

In addition, any individual, upon turning 18 or prior to that through their parents/guardians, also have the right under Section 4 of the Data Protection Acts 1988 and 2003 to request a copy of their details currently held on POD within the Department of Education and Skills. This request should be made in writing to Records Management Section, Department of Education and Skills, Marlborough Street, Dublin 1. The Department will require proof of identity to be furnished before releasing any information in relation to an individual pupil.

It should be noted that no additional variables are available to the Department on POD than are available at the school level, and therefore requests for POD data should in the first instance be made to the school.

Jointly Meeting the Data Protection Requirements for the Annual Census return that will replace the current Special School Annual Census

Each year from September 2016 the Department will require school authorities as part of the Annual Returns process to sign a declaration that they have fulfilled their data protection obligations in relation to the collection and sharing of their pupil data via POD.

To assist both schools and the Department to comply with their respective data protection requirements for POD, special schools are asked to bring this circular to the attention of parents/guardians, students and school staff.

**Diarmuid Reidy,
Senior Statistician,
Statistics Section,
September 2015.**

Appendix A

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	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 25 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 25 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	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 25 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 Cert 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 25 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	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.

	quality validation purposes.		<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 Cert 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.
Pupil Standard	E.g. Junior Infants, Senior Infants etc... 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>	This is a variable generated by the school
Pupil Class	Used to calculate average class sizes in each school	Once the record has been anonymised this data will be	By Regulation under the Social Welfare Consolidation Act 2005.	This is a variable generated by the school

	in order to monitor class sizes nationally	retained for statistical and longitudinal analysis	<i>(Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended by S.I. 317 of 2015)</i>	
Pupil Nationality	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>	Section 262 (6) (a) of the Social Welfare Consolidation Act 2005.
Enrolment date	Enrolment date is the enrolment date in the school. 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 Control) Regulations 2007, as amended by S.I. 317 of 2015)</i>	Section 28 of the Education Welfare Act 2000.
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</i>	Section 28 of the Education Welfare Act 2000.

			<i>Control) Regulations 2007, as amended by S.I. 317 of 2015)</i>	
Leaving Date	Necessary 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	Necessary 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.
Capitation Category	Used to ensure schools are paid the appropriate rate of capitation for each pupil	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.

Second Level Programme	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.
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Sensitive personal data use by the Department of Education and Skills on POD – These are consent based variables

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/Cultural background	Planning of policy and supports for minority groups, monitoring. Monitoring and evaluation of policy /supports. Data on Roma required for reporting on a number of EU, UN human rights. Conventions to which Ireland is a contracting party e.g. EU Framework for National Roma Integration Strategies up to 2020.	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis	This fields is optional in POD, explicit written parental/guardian consent should be sought to allow the transfer of the information to the Department	This field is optional in POD, explicit written parental/guardian consent should be sought to allow the transfer of the information to the Department
Pupil Religion	For general statistical purposes	Once the record has been anonymised this data will be retained for statistical and longitudinal analysis	This fields is optional in POD, explicit written parental/guardian consent should be sought to allow the transfer of the information to the Department	This fields is optional in POD, explicit written parental/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 tÚdarástUum 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.

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>

Sharing of information

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

(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.

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),*

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