

Report from the Data Protection Advisor 2019/2020

Having commenced in the role in late February 2019 the first couple of weeks were spent “reading in” to get more familiar with the work of ACCS. In these early weeks the Data Protection Advisor also addressed schools at the Allocations gathering in Portlaoise and attended the annual convention in Cavan.

Policy Drafting and Rollout:

The first major task was to prepare a **Data Protection Policy Template** which could be rolled out across all ACCS schools. It was preferable for all schools to have the same template for Data Protection compliance generally. This not only allows for a single ACCS message when it comes to Data Protection, but also allows for a more cohesive and collaborative approach to training and educating schools in relation to their Data Protection obligations.

The Data Protection Policy was drafted in cooperation with the JMB and attempted to cover all the various Data Processing which is carried out in our schools. There is scope in the template document for individual schools to tailor it to suit their own unique circumstances.

The policy was rolled out to all ACCS schools just before the Easter holidays.

The next task was the review and update of the **Data Retention Policy**. ACCS schools had use of a template Data Retention Policy which was on www.dataprotectionforschools.ie This document was reviewed over the summer of 2019 and updated in consideration of the recent changes to Data Protection law, namely the introduction of the General Data Protection Regulation (GDPR).

The review of the policy was carried out in consultation with the JMB and with the ETBI. This collaborative review is ongoing, however ACCS supplied their schools with an updated Data Retention Policy in October 2019. This policy may be subject to change in the future, should the collaborative review yield any amendments. As a rule, all policies benefit from regular review and update.

Policy Training

Several training sessions were held around the country to inform principals of the contents of the Data Protection Policy and on how they could tailor it to suit their own schools.

The training sessions also covered an introduction to the topic of Data Retention, the principle of Data Storage Limitation being one of the key principles of Data Protection law

Clerical Officers' Training

A session on Data Protection was run as part of the Clerical Officer Training days over the winter. The session introduced the clerical officers to the new policies, Data Protection and Data Retention. It also served as a reminder to this cohort of the importance of their role in helping to ensure Data Protection compliance in their school. As a front-line staff member, and often the one with the most interaction with all student, parent, supplier and visitor data in the school, clerical officers must be well trained in this key area.

On Site Visits

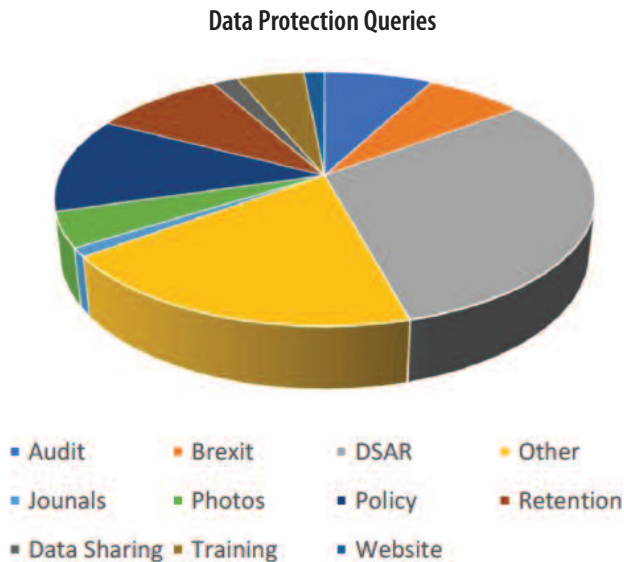
The Data Protection Advisor spent time in 9 different schools over the course of the year.

The visits included meeting with care team staff in relation to their handling of personal and sensitive personal data; meeting with management, and meeting with clerical officers as well as in some schools presenting on data protection to the entire staff room.

These visits are available to all schools on request.

Day to Day Queries

The chart below highlights the range of queries which made their way to the Data Protection Advisor throughout the year.



Audits

Many schools enquired about having their Data Protection Compliance audited. The Data Protection Advisor prepared a self-assessment questionnaire for schools to use to help assess their compliance level. The Data Protection Advisor then reviews the responses to the questionnaire and provides a report and recommendations. The Data Protection Advisor will also assist in the follow-up of those recommendations. This is a service available to all schools.

Journals

The calls around journals tied in mostly with those of the photos and concerned adding wording to the school journal which covered the school policy when it came to taking photos of students. The Data Protection Advisor supplied appropriate wording to schools.

Data Sharing

Queries arose where schools were asked to provide data to individuals who were not the data subject. The schools in question rightfully contacted the Data Protection Advisor for guidance in this area.

Brexit

This was undoubtedly a hot topic for all sectors throughout 2019. In the schools' context there were concerns about where personal data was being processed and whether that was in a so-called 3rd country, i.e. such as Britain post Brexit. The consequences of this would have been graver should the UK have left the EU without a Withdrawal Agreement. We identified some processors in the UK and sought assurances as to how they were planning to treat the data once they were no longer deemed adequate for the purposes of the GDPR.

Photos

The topic of photos and the consent to take them arose a few times, most significantly coming up to the end of the academic year and the end of the calendar year, when shows, prize-giving, sports days etc. were in full swing. The topic was also raised in the context of obtaining and storing student photos at the time of enrolment.

Training

Much contact was made in the follow up to the policy training days and clerical officer training days with follow-up questions or advice. A good sign that the training had raised awareness.

Data Subject Access Requests (DSARs)

Throughout the year, the queries in relation to DSARs were a constant feature and formed 31% of the c. 300 queries received and dealt with by the Data Protection Advisor. This was by far the biggest chunk of the matters dealt with.

DSARs are common from students (or their parents for under 18s), both present and past, and from staff members both present and past. They are unfortunately usually in the context of a grievance.

Policy

Most queries centred on assistance with completing the bespoke sections of the policy or seeking clarity on topics such as the legal bases for processing certain personal data.

Website

There were a few questions in relation to gathering data on school apps and websites and the appropriate privacy statement required.

Retention

After the roll out of the policy there followed queries and clarifications as schools commenced a review of their legacy data with a view to shredding or archiving same.

Other

The "other" includes queries in relation to data breaches, which thankfully were so few that they didn't render their own category.

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