City of Dublin Education and Training Board

Data Processing Policy

Document version	2
Drafted by	ETBI (FOI/DP Group)
Responsibility for this policy in City of Dublin ETB	FOI and Data Protection Officer
Reviewed by Senior Leadership Team (SLT)	9th September 2025
Approved by Chief Executive	9th September 2025 (effective date)
Noted by Board	18th September 2025
To be reviewed	2 years from date of approval by CE

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Section 1: General

(a) The Data Controller

In this section, we give you further information about us as a data controller.

1.1 City of Dublin Education and Training Board (ETB) is the data controller. Our address and contact details are Administrative Offices, Town Hall, Ballsbridge, Dublin 4, Tel: (01) 668 0614. City of Dublin ETB is established under Section 8 Education and Training Boards Act 2013. City of Dublin ETB provides primary level education, secondary level education, second chance education; further education and training including apprenticeships; Youth work, Youthreach, community-based education programmes; prison education, outdoor education; outreach programmes, specialist programmes, *e.g.,* through Music Generation and other programmes/courses as may be delivered/funded/sponsored in whole or in part or in co-operation with other bodies/agencies. City of Dublin ETB is also responsible for the national awarding authority for student grants in Ireland, Student Universal Support Ireland (SUSI). Our core functions are set out in section 10 Education and Training Boards Act 2013, together with such other matters as are set out in the Education and Training Boards Act 2013 and such other legal and statutory obligations as may be imposed on the ETB from time to time.

1.2 City of Dublin ETB has developed this Data Processing Policy in order to supplement the Privacy Policy. This is in order to be transparent and accountable to data subjects in relation to the processing of their personal data.

1.3 This Policy applies to the bodies and committees established or maintained by City of Dublin ETB.

(b) Lawfulness of Processing

1.4 There are six available lawful bases for processing personal data under the GDPR. No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on the purpose for processing and relationship the ETB has with the individual. The lawful bases are:

Consent: the individual has given clear consent for City of Dublin ETB to process his/her/their personal data for a specific purpose;
Contract: the processing is necessary for a contract City of Dublin ETB has with the individual, or as a pre-contract term;
Legal obligation: the processing is necessary for City of Dublin ETB to comply with the law (not including contractual obligations). City of Dublin ETB will rely primarily on this lawful basis for processing personal data as necessary for and connected with the performance of its statutory objects and functions, under the Education and Training Boards Act 2013, the Education Act 1998 and other related legislation;
Vital interests: the processing is necessary to protect the vital interests of the data subject or of another natural person;
Public task/official authority: the processing is necessary for City of Dublin ETB to perform a task in the public interest or in the exercise of official authority vested in the organisation;
Legitimate interests: the processing is necessary for legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject. However, Article 6(1) GDPR specifically restricts public authorities from relying on the legal basis of legitimate interests if they are processing personal data 'in the performance of their tasks'.

But this allows public authorities to rely on this legal basis when processing data otherwise than when performing their tasks as a public authority. Accordingly, City of Dublin ETB will only use legitimate interests for ancillary purposes, arising, for example, from the status of a public body, such as transparency, office management, or financial accountability; in such cases, it may be appropriate to carry out processing on the basis of legitimate interests .

More than one basis may apply to the processing of any given data.

1.5 **Special category / sensitive data**

Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as "special categories" of personal data. The special categories are:

1. Personal data revealing racial or ethnic origin.
2. Political opinions.
3. Religious or philosophical beliefs.
4. Trade union membership.
5. Genetic data and biometric data processed for the purpose of uniquely identifying a natural person.
6. Data concerning health.
7. Data concerning a natural person's sex life or sexual orientation.

Processing of these special categories is prohibited, except in limited circumstances set out in Article 9 of the GDPR. Those circumstances arise where:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to may not be lifted by the data subject;
(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
(e) processing relates to personal data which are manifestly made public by the data subject;
(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or

Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies;

(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

1.6 **Processing of personal data in the context of an epidemic**

The GDPR (General Data Protection Regulations) allows employers to process personal data in the context of an epidemic, in accordance with national law and within the conditions set out in the GDPR. For example, when processing is necessary for reasons of substantial public interest in the area of public health. Under those circumstances, it is not necessary for the ETB to rely on consent of individuals.

In the employment context, the processing of personal data may be necessary for compliance with a legal obligation to which the employer is subject such as obligations relating to health and safety at the workplace, or in the public interest, such as the control of diseases and other threats to health.

In circumstances where employers act under the direction of public health authorities, or other relevant authorities where national measures are undertaken to protect against infectious disease, Article 6(1)(e) and Article 9(2)(i) and Article 9(2)(h) GDPR and section 53 of the Data Protection Act 2018 may permit the processing of personal data, including health data, where it is deemed both necessary and proportionate, and once suitable safeguards are implemented. Such safeguards may include limitation on access to the data, strict time limits for erasure, and other measures such as adequate staff training to protect employees' data protection rights.

(c) Definitions relevant to this policy

1.7 In this Data Protection Policy, the following terms are given the following meanings in line with the GDPR and the Irish Data Protection Act 2018:

1.7.1 **"Article"** means the corresponding Article in the General Data Protection Regulation. Unless the context otherwise requires, a reference in this document to a numbered Article is a reference to the Article so numbered of the Data Protection Regulation.

1.7.2 "**biometric data**" means personal data resulting from specific technical processing relating to the physical, physiological, or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

1.7.3 **"child"** For the purposes of the application of the Data Protection Regulation in the State, a reference to "child" shall be taken to be a reference to a person under the age of 18 years.

1.7.4 "**controller**" and/or "**data controller**" means City of Dublin ETB being the legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

1.7.5 "**consent**" of the data subject means any freely given, specific, informed, and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

"consent of child in relation to information society services" (1) The age of a child specified for the purposes of Article 8 is 16 years of age. (2) For the purposes of the application of Article 8 in the State, the reference in that Article to "information society services" does not include a reference to preventative or counselling services.

1.7.6 "**data concerning health**" means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;

1.7.7 "**enterprise**" means a natural or legal person engaged in an economic activity, irrespective of its legal form, including partnerships or associations regularly engaged in an economic activity;

1.7.8 "**filing system**" or **"relevant filing system"** means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised, or dispersed on a functional or geographical basis;

1.7.9 **"GDPR"** and **"Data Protection Regulation"** both mean Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

1.7.10 "**genetic data**" means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;

1.7.11 "**information society service**" means a service as defined in point (b) of Article 1(1) of

Directive (EU) 2015/1535 of the European Parliament and of the Council such that they are services normally provided for remuneration at a distance by electronic means at the individual request of the recipient of the services. "At a distance" implies that the services provider and the customer are not simultaneously present at any stage;

1.7.12 "**international organisation**" means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries.

1.7.13 **"legal obligation"** means the meaning assigned to that phrase in Article 6(1)(c) GDPR such that "*processing is necessary for compliance with a legal obligation to which the controller is subject*";

1.7.14 "**main establishment**" means: (a) as regards a controller with establishments in more than one Member State, the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in which case the establishment having taken such decisions is to be considered to be the main establishment; (b) as regards a processor with establishments in more than one Member State, the place of its central administration in the Union, or, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take place to the extent that the processor is subject to specific obligations under this Regulation;

1.7.15 "**personal data**" means any information relating to an identified or identifiable natural person (a "data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person;

1.7.16 "**personal data breach**" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored, or otherwise processed;

1.7.17 **"preventative or occupational medicine"** has the meaning given to it in Article 9(2)(h) GDPR, namely that "*processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3*";

1.7.18 "**processing**" is any operation / set of operations performed on personal data / sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction;

1.7.19 **"processor"** means an individual who, or a legal person, public authority, agency, or other body that, processes personal data on behalf of a controller, but does not include an employee of a controller who processes such data during his or her employment;

1.7.20 "**profiling**" means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location, or movements;

1.7.21 "**pseudonymisation**" means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

1.7.22 "**public interest**" means the definition taken from Article 6(1)(e), specifically that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

1.7.23 "**rectification**," of or in relation to personal data, includes, where the data concerned are incomplete, the completion of the data, whether by means of a supplementary statement or otherwise;

1.7.24 "**recipient**" means a natural or legal person, public authority, agency, or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of data by those public authorities shall be in compliance with applicable data protection rules according to the purposes of the processing;

1.7.25 "**relevant and reasoned objection**" means an objection to a draft decision as to whether there is an infringement of this Regulation, or whether envisaged action in relation to the controller or processor complies with this Regulation, which clearly demonstrates the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and, where applicable, the free flow of personal data within the Union;

1.7.26 "**representative**" means a natural or legal person established in the Union who, designated by the controller or processor in writing pursuant to Article 27, represents the controller or processor with regard to their respective obligations under this Regulation;

1.7.27 "**restriction of processing**" means the marking of stored personal data with the aim of limiting their processing in the future;

1.7.28 **"special categories of data"** means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation;

1.7.29 "**supervisory authority**" means an independent public authority which is established by a Member State pursuant to Article 51; in Ireland this is the Data Protection Commission;

1.7.30 "**substantial public interest**" means the definition taken from Article 9(2)(g), specifically that the processing is necessary for reasons of substantial public interest, based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

1.7.31 "**supervisory authority concerned**" means a supervisory authority which is concerned by the processing of personal data because: (a) the controller or processor is established on the territory of the Member State of that supervisory authority; (b) data subjects residing in the Member State of that supervisory authority are substantially affected or likely to be substantially affected by the processing; or (c) a complaint has been lodged with that supervisory authority;

1.7.32 **"third country"** is a country other than an EU member state or the three additional EEA countries (Norway, Iceland, and Liechtenstein) that have adopted a national law implementing the General Data Protection Regulation (GDPR);

1.7.33 "**third party**" means a natural or legal person, public authority, agency, or body other than the data subject, controller, processor, and persons who, under the direct authority of the controller or processor, are authorised to process personal data;

1.7.34 "**vital interests**" means the definition taken from Article 6(1)(d), that the processing is necessary in order to protect the vital interests of the data subject or of another natural person.

Section 2: Personal data and legal basis

In this section, we give you more information about the type of personal data we ***may*** collect and the purposes for that data-collection. We also give you information about the lawful basis relied upon. Where the provision of personal data is optional, this is included.

	Type of personal data	Purpose(s)	Legal basis
	(a) Student / Learner Data		
1.	**Identity and contact details at Application for school place (Prospective Student Details)**		
1.1	• Prospective student name, address, PPSN and date of birth.	**Purpose**: All information required to identify the data subject. Without this information, we cannot identify the prospective student or consider the application for admission in order to deliver educational services.	**Legal obligation**: Pursuant to the school's legal obligation to assess all applications for admission under the Education (Admission to Schools) Act 2018. In line with Article 5(c) of the GDPR, this information is adequate, relevant, not excessive, and limited to that which is necessary for the purpose. **Authority vested in the controller:** In relation to the PPSN: section 14(4) of the Social Welfare Act 1998 provides that "*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 that body for the purposes of the person's transaction*". Section 32(1)(c) of the Social Welfare Act 1998 extended the definition of "specified body" to include... "*a recognised school or centre for education (within the meaning of section 2 of the Education Act, 1998)*". Also, under the Education (Admission to Schools) Act 2018, it will be possible for school boards of management to communicate with each other re lists of students who have applied and section 66(b)(iv) states that the PPSN may be given as part of this information, which implies that PPSN information would be asked at application stage.

	Type of personal data	Purpose(s)	Legal basis
1.2	• Name, address, and contact details of parents/guardians if prospective student is less than 18 years of age.	**Purpose**: The name and contact information of the applicant (if different to the student) is also required for the purpose of processing the application and communicating about the outcome *etc.* If successful, to make contact about the student's course, start date, course details, book list/reading list, *etc.*	**Legal obligation**: Pursuant to the school's legal obligation to assess all applications for admission under the Education (Admission to Schools) Act 2018. In line with Article 5(c) of the GDPR, this information is adequate, relevant, not excessive, and limited to that which is necessary for the purpose.
1.3	The following is relevant to the selection criterion in brackets next to each data category: • Student's address & recent proof (catchment area) • Student's sex (one-sex school) • Special educational need (special class) • Details of Irish fluency that would regress (Irish speaking school or Aonad Lán Gaeilge) • Name/year of siblings currently/previously enrolled • Name/year of parent / grandparent previously attended school • Primary School Attended • Original long birth-certificate together with a copy (when a CNS uses age as a selection	**Purpose**: These data categories may be sought on the application form for a school under the patronage of City of Dublin ETB where the matter is included in that school's admission policy as part of the selection criteria.	**Authority vested in the controller:** Under the Education (Admission to Schools) Act 2018, a school may apply selection criteria where the school is oversubscribed, which criteria may only include those which are not prohibited by Statute, including the Equality Act and those specifically set out in the Education (Admission to Schools) Act 2018. The sex of the student is sought in accordance with section 61(2)(a) of the Education Act 1998 as inserted by section 9 of the Education (Admission to Schools) Act 2018, where a school admits students of one sex only.

	Type of personal data	Purpose(s)	Legal basis
2.	**Student data (not included above) at Acceptance Stage for school place**		
2.1	• Mother's Maiden Name	**Purpose**: Requested by the Department of Education - POD, P-POD *etc*. where the purpose of same is to identify the data subject, once admitted to the school: for counting the pupil in the school's capitation payment and teacher allocation (unless the parent submits a written letter of objection, in which case a partial record will be created for that pupil on POD and that pupil will be counted for capitation purposes). For further information, please see Circular 0041/2021 (and/or any subsequent circulars): gov.ie - Fair Processing Notice to explain how the personal data of students in post-primary schools on the Post-Primary Online Database (PPOD) will be recorded, processed and shared. (www.gov.ie)	**Legal obligation:** Under Education and Training Boards Act 2013, ETBs (Education Training Boards) are required to comply with government policy. Also, under the Education Act 1998, all recognised schools are required to perform their functions "*in accordance with the policies determined by the Minister from time to time*". The policy relevant here is CL 0040/2019. **Authority vested in the controller:** S.I. No. 317/2015 – Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Sharing of Information) Regulations 2015, which amended Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007), under the Social Welfare Consolidation Act 2005.
2.2	• Court orders or other arrangements in place governing guardianship, access to or custody of a child student • Third-party next-of-kin emergency contact details (and the details re their relationship to the student)	**Purpose**: • To ensure that the child is released to the care of the correct person each day. • For contact in case of an emergency. • To make sure child's safety is addressed. • To preserve the student's health and to meet the child's medical/care needs.	**Vital interests:** To enable parent/guardians to be contacted in the case of emergency etc. or to inform parents of their child's educational progress or to inform parents of school events etc. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Vital interest where data subject legally incapable of giving consent; explicit consent where legally capable.**
2.3	• Applications and/or acceptance to other school	**Purpose**: The efficient admission of students; schools can consult with other local schools in	**Authority vested in the controller:** Section 62(7)(j) of the Education (Admission to Schools) Act 2018 requires the applicant to disclose if

	Type of personal data	Purpose(s)	Legal basis
		relation to the applications received by each, solely for the purpose of the efficient administration of admitting applicants/students to schools.	s/he is awaiting an offer of admission or has accepted an offer of admission from another school. Section 3 of the Acceptance Form for Admission provides for the declaration of same. Failure to provide such data may result in a refusal to enrol, as per the Education (Admission to Schools) Act 2018.
2.4	• Exemption from studying Irish • SEN requirement • Other educational needs as reported by student or guardian/applicant on Acceptance Form. For students transferring: • Education details including subjects studied at Junior Cert • Previous academic record (including reports, references, assessments, and other records from any previous school(s) attended by the student). • Granted resource teaching hours and/or special needs assistance hours by the NCSE. • Receipt of EAL (English as an Additional Language) support.	**Purpose**: • To ascertain whether the student is exempt from the study of Irish (and to arrange the student's timetabling accordingly), and requested by DE (Department of Education) • To assist with student's educational needs and apply for resources *etc.* • To allow for timetabling and/or the provision of required additional needs; • To share this personal data with Special Educational Needs Organisers ("SENOs") employed by the National Council for Special Education (the statutory agency established under the Education for Persons with Special Educational Needs Act 2004.	**Legal obligation:** to enable the school to meet the student's educational needs as part of discharging its duties under the Education Act and Education and Training Boards Act. **Public Interest/Substantial Public Interest:** For those under 18 years old, that a child's right to education is recognised under international law: UN Convention on the Rights of the Child: Article 28: "*State Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all, (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need*"; for those over 18 years, the substantial public interests in giving individuals a second chance to obtain education and training and to "*promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education*" (section 6(d) Education Act 1998), to enhance their future career and personal development opportunities, facilitate greater social inclusion, on the basis of Union or Member State law (specifically the ETB's statutory function to provide education and training per Education and Training Boards Act 2013).

	Type of personal data	Purpose(s)	Legal basis
2.5	• Two identical passport photos	**Purpose:** Required to validate identity.	**Legal obligation:** to enable the school to discharge its duties under the Education Act and Education and Training Boards Act. **Public Interest/Substantial Public Interest:** To ensure that the student who presents for school is the person on whose behalf the application was completed.
2.6	• Occupational Therapy Report (where application to DE is required for additional accommodation / renovation to facilitate data subject's needs).	**Purpose:** Required for application to DE for additional accommodation/renovation of accommodation to facilitate data subject's needs.	**Legal obligation:** to enable the school to discharge its duties under the Education Act, Education for Persons with Special Educational Needs Act 2004, and Education and Training Boards Act. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Vital interest where data subject legally incapable of giving consent; explicit consent where legally capable.**
3A	**At / after enrolment stage**		
3A-1	Education Passport (end-of-year 6th Class Report card for transferring to post-primary school). This includes: • Name • DOB • Primary school attended • 'My Child's Profile' Parent Form • 'My Profile' Childs' Form	**Purpose**: This is prepared by primary schools as the end-of-year 6th Class Report card for transferring to post-primary school. The NCCA template states: "*to support your child's move to post-primary school, we will send a copy of this report card to his/her new school. We will do so after the post-primary principal has confirmed your child's enrolment for the new school year*". For more information, see outline-of- transfer-process-2020-1.pdf (ncca.ie) Education Passport | NCCA	**Compliance with a legal obligation and authority vested in the controller:** Section 20(5) of the Education (Welfare) Act 2000 provides: "*The principal of a recognised school shall, on receiving a notification under subsection (3) in relation to a child, notify the principal of the school first-mentioned in that subsection of—(a) any problems relating to school attendance that the child concerned had while attending the second-mentioned school referred to therein, and (b) such other matters relating to the child's educational progress as he or she considers appropriate*." The protocols supporting this process are set out in DE Circulars 42/2015 and 34/2016.
3A-2	CCTV images • Video footage • Still frame images	**Purposes**: CCTV is in operation at the perimeter, exterior and certain internal common areas within the ETB premises. The purposes of CCTV are set out in the CCTV Policy, a copy of which is available at www.CityofDublinETB.ie	**Public interest/substantial public interest and legitimate interest of the controller:** specifically to ensure that ETB property is protected, to deter crime, to detect/investigate/prosecute crime, and to take appropriate action to protect staff and students. As this is not a statutory function/task of the ETB, Article 6(f) GDPR is relied upon as a legal basis.

	Type of personal data	Purpose(s)	Legal basis
3A-3	• Medical card details	**Purposes**: Required for school certification of exemption from state exam fees. The State Examinations Commission (SEC) introduced a facility in 2018 to allow candidates to pay examination fees or submit an application for an exemption from fees online at fees.examinations.ie. School authorities are requested to maintain records of candidates who either pay the appropriate fee or make an application for a medical card exemption. Confirmation of payment or an application for a medical card exemption made by candidates online must be returned by the candidate to the school and retained in the school for its records. In relation to PLC Students: Each learner must pay a Participant Contribution per year. Providers will be required to make a return to the Department, setting out the total number of participants enrolled and the total number of participants exempted from payment of the contribution. Providers must seek and retain evidence that a participant is exempt from paying the contribution.	**Legal obligation:** Under Education and Training Boards Act 2013, ETBs are required to comply with government policy. Also, under the Education Act 1998, all recognised schools are required to perform their functions "*in accordance with the policies determined by the Minister from time to time*". Where the Department of Education, by way of Circular require this information, ETBs are required to gather same. Details of the CL are set out below. **Authority vested in the controller:** S12/19: https://www.examinations.ie/schools/cs_view.php?q=87f6f01509650bd5cd9db4a5fe222460415f85aa and CL0013/2011: https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0013_2011.pdf.
3 B	**At /after enrolment stage, the following data may also be sought based on Consent:**		
3B-1	For Community National Schools, membership of an organised faith / religion insofar to enable the school to facilitate the delivery of religious instruction outside of school hours and to liaise with the relevant local faith community on foot of a parent's request for same.	**Optional** **Purpose**: to facilitate the use of school buildings outside of school hours for religious instruction if the parent seeks for their child to receive religious instruction in the Community National School outside of school hours.	**Legal obligation:** Under Education and Training Boards Act 2013, ETBs (Education Training Boards) are required to comply with government policy. Also, under the Education Act 1998, all recognised schools are required to perform their functions "*in accordance with the policies determined by the Minister from time to time*". **In the public interest:** facilitating the exercise of parents' rights under Article 42.1 of the Constitution: *"The State … guarantees to respect*

	Type of personal data	Purpose(s)	Legal basis
			the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children." **Consent:** Opt-in if desired. Consent can be withdrawn at any time. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit consent** of parent / data subject.
3B-2	Religious Instruction/Education	**Optional** **Purpose**: Required for Designated Community Colleges in some instances to determine if the student is seeking to attend the religion class offered by the school for the purpose of the planning and allocating of school resources.	**Consent:** Opt-in if desired. Consent can be withdrawn at any time. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit consent** of parent / data subject.
3B-3	Parent/student preferences re: direct marketing contacts (*e.g.* promotions, *etc*). With consent, we will collect mobile phone numbers and/or email addresses for direct marketing purposes.	**Optional** **Purpose**: this is so that we know whether we can contact you for the purposes of direct marketing.	**Consent:** You can give explicit consent to the processing of your personal data for direct marketing if you wish, but this is purely optional. Where you give consent, that consent can be withdrawn at any time.
3B-4	Photographs and recorded images of students (including at school events and noting achievements), excluding CCTV recordings (separate Policy).	**Optional** **Purpose:** To celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school/centre/programme.	**Consent:** of the data subject or parent / guardian on behalf of the data subject. This Consent can be withdrawn at any time but does not delete retrospective processing such as a photograph in a yearbook.
3B-5	Ethnic/cultural identity	**Optional** **Purpose:** Sought by DE (Appendix A Circular 0023/2016)	**Public Interest:** The Department uses this information for the purposes of statistical analysis and reporting in the areas of social inclusion and integration of students in the education system. **Consent:** the data subject/parent can decide. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit consent** of parent / data subject.

	Type of personal data	Purpose(s)	Legal basis
4.	**Student data (including special category data) shared by schools with the Department of Education via POD/P-POD**		
	• Name • Address including Eircode • PPS number • Nationality • Gender • Mother's birth name • Student's date of birth • Class (teacher/class name) • Current standard of ability • Enrolment & leaving dates • Leaving destination • If in a special class: type of class, level of integration in mainstream class • If in a special school and if so the category of capitation grant that is paid in respect of that student, • New entrant/Repeat/Reason • Short-term placement and duration • Boards or day-student • Irish Exemption /reason • Learning support (including type) • Whether the Pupil's mother tongue is English or Irish* • Ethnic/Cultural background* • Religion*	**Purpose:** For primary and post-primary students, personal data is requested by the Department of Education via POD and P-POD respectively, to monitor educational progress as pupils move through the primary education system and on to post-primary. The returns provide the Department with the information needed to develop and evaluate educational policy, to calculate teacher allocation, capitation, grant payments for schools, to determine resource allocation, for statistical analysis and reporting in the areas of social inclusion, integration of students, and planning purposes. From the school's perspective, if this personal data is not provided, the pupil will not be counted for the school's capitation payment and teacher allocation (unless the parent submits a written letter of objection, in which case a partial record will be created for that pupil on POD/PPOD and that pupil will be counted for capitation purposes). *The items marked * are optional, and parents/guardians do not have to supply this information if they do not consent.*	**Legal obligation and Public interest/substantial public interest**: specifically, that the ETB is properly resourced and obtains all grant payments and teacher allocations to which it is eligible in order to deliver appropriate education to students. A specified body (which includes established schools and centres of education, and an ETB) may share any prescribed information with the Department of Education or the Higher Education Authority (HEA) per section 262(6)(a) Social Welfare Consolidation Act 2005. The list set out herein is the "prescribed" information for the purposes of section 266 Social Welfare Consolidation Act 2005 and S.I. 317/2015 (Social Welfare (Consolidated Claims, Payments and Control) Amendments (No.4) (Sharing of Information) Regulation 2015), amending Article 189 of S.I. 142/2007 (Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007). SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit Consent:** For the categories marked with an asterisk. **Important note to Students and parents**: if a student or parent wishes to object to their data being shared with the Department of Education via the POD/P-POD system, they should write to the school notifying them of their objection. For further information, see Department of Education Circular 37/2016, page 2 (paragraph 2(a) (and/or any subsequent CLs) for primary schools/POD and Circular 41/2021 (and/or any subsequent CLs) for post-primary/P-POD.

	Type of personal data	Purpose(s)	Legal basis
5.	**Appeals under section 29 of the Education Act 1998 of a school's decision to refuse to admit, suspend or expel a student.**		
	The type of personal data that will be processed as part of this process will include those documents as recommended in the NEWB document: "Developing a Code of Behaviour: Guidelines for Schools," available at: www.tusla.ie/uploads/content/guidelines_school_codes_eng.pdf, including: • Records relating to Code of Behaviour (complaints, investigations, minutes, letters) • Records of interventions tried to date and engagements with outside agencies, *e.g.* NEPS, CAMHS, EWO. • CCTV showing incidents that are alleged to have breached the Code of Behaviour (for further information, see the CCTV Policy). • Application for enrolment forms in the case of refusal to enrol • Any other data as may be relevant to the appeal.	This is a statutory process outlined at section 29 Education Act 1998. Where a parent or adult student makes a section 29 appeal, the personal data relating to them/their child shall be transferred by the ETB to the Department of Education for the purposes of their administering the appeal, convening the section 29 hearing *etc.*	**Compliance with a Legal Obligation:** specifically, section 29 Education Act 1998. **Public Interest/Substantial Public Interest**: Specifically the public interest/substantial public interest of • vindicating a child's right to education and ensuring that any decision to expel, suspend, or refusal to enrol, is lawful and proportionate. • to ensure that other students do not have their learning seriously disrupted by misbehaviour of other students. • to ensure that a student's misbehaviour/dangerous behaviour does not cause distress, anxiety, or pose a threat to the physical safety of other students and staff. **Vital interests:** specifically, to ensure that students and staff are not subjected to potentially dangerous or violent behaviour from another student.
6.	**Learner data (including special category data) sought under the Programme Learner Support System (PLSS)**		

	Type of personal data	Purpose(s)	Legal basis
	• Name • Address • Eircode/Postcode • PPSN • Phone number (mobile) • Phone number (landline) • Email • Gender • Date of Birth • Nationality • Country of birth • Emergency contacts nameEmergency contacts phone • Parent/Guardian contact detail if u18 • Medical Card number • Medical Card expiry date • Social Welfare payment data *(For those outside EEA)* • GNIB card Y/N • GNIB expiry date • Labour market permissions letter Y/N • Highest education achievement • Year • Course title • Country (if outside Ireland) • Recognition of prior learning Y/N • Learning support required (English Language; Numeracy, Literacy, Digital Literacy, None, Other) • Economic status • When did economic status begin?	**Purpose:** 1. To contact you about the application. 2. To administer the application and to assess your eligibility for a FET programme funded through SOLAS in a particular academic year. 3. To follow up with you after the application is received, as required. 4. Maintenance of your learner record (including personal and course details). 5. Management of course processes (including commencement, completion, progressions). 6. Providing advice and support through the FET provider Guidance Services, where available. 7. To contact you after the course completion in order to measure course impact in relation to your further education and training participation and/ or employment. 8. To track, evaluate and assess the outcomes of the FET programme. 9. To comply with European Union monitoring and reporting requirements. 10. To check/verify the accuracy of your personal data: to support efficient processing of the application, the ETB may need to check the accuracy of personal information you provide with external data sources. For example, if you have achieved certifications previously from another institution, the FET programme provider may need to contact the other institution(s) for confirmation of any qualifications obtained.	**Legal obligation:** ETB carrying out conditions attached to its funding, as legally required under section 21 of the Further Education and Training Act 2013, where those conditions include providing SOLAS with data to meet reporting obligations under European Social Fund Regulation (EU) 1304/2013 of the European Parliament and of the Council 17 December 2013 ('ESF Regulation'). Background: In accordance with the Further Education and Training Act 2013, SOLAS is responsible for funding, planning and co-ordinating training and further education programmes. ETBs will be responsible for the delivery of further education and training and will be empowered to partner with, or provide support services to, other providers of education and training Article 125(d) of the ESF Regulation states that SOLAS (as managing authority) shall, "*establish a system to record and store in computerised form data on each operation necessary for monitoring, evaluation, fiscal management, verification and audit, **including data on individual participants** in operations, where applicable*". (Emphasis added.) Essentially, in order to receive its funding, SOLAS must evaluate FET provision for the purposes of reporting to the European Commission on the benefits and uses of ESF co-funding which Ireland has received. In order to complete such reporting, SOLAS requires data analysis and the data used for this is that collected in the PLSS system. (PLSS is a suite of software applications that are designed to provide an integrated approach to the collection and processing of Personal Data of users of PLSS and FET programmes funded through SOLAS (or other parties), and the outputs, outcomes and performance of such programmes.) SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Reasons of substantial public interest**: An aim of the ESF Regulation is to ensure that the societal and FET needs of various groups within

	Type of personal data	Purpose(s)	Legal basis
	• Dates • Last/current employment • Job title • Length of time in job • Part-time/full-time • Employment status • Type of contract If Learner is under 18 years of age, the following are also recorded on a separate Parental Consent Form: • Parent/Guardian name • Parent/Guardian phone Parent/Guardian email **<u>Section 5 of form – "Further Details" OPTIONAL</u>** • Ethnic and Cultural Background • Household status • Ex-offender / substance misuse / homeless • Long-term illness/conditions • Provision of care to friend/family member Residency status (if from outside EEA)	When learners apply to attend a FET programme funded through SOLAS , personal data and information that they provide will be held/processed by one or more of the following entities: SOLAS, the ETB, ETBI, the Higher Education Authority, the Department of Education, Quality and Qualifications Ireland the Department of Social Protection, the Central Statistics Office (CSO).	society are catered to. The European Commission requires annual reports to evaluate the provision of ESF co-funding (*i.e*. the effectiveness and advantages) and to ensure that no group in society is being discriminated against. To do this, a complete data set must exist which captures the multiple variables of personal data (*e.g.* gender, employment status, age, education level and household situation) to form representative examples for the purposes of reporting on and evaluating the provision of ESF co-funding. **Explicit consent:** the provision of special categories of personal data and the data under section 5 of the PLSS form is entirely voluntary, and it is for the learner to freely decide to provide such information, or not. Such data will be further used (*e.g.* for reporting purposes) in aggregate form, which means that data is grouped with no identifying information in a statistical format. If the data subject decides to provide this data, s/he is giving explicit consent for the data to be used for this purpose. Learners have a right to withdraw consent at any time to the processing of their special categories of data where it is processed for the above purposes.

	Type of personal data	Purpose(s)	Legal basis
7.	**Adult Education Guidance Service (including Information Service)**		
7.1	**Mandatory Categories:** • Name • **First Contact Date** • **Town** • **County** • **Country of Birth** (default to Ireland if not selected) • **Gender:** Male/Female • **Location:** City/County • Approximate Date of Birth **Category:** carers/disadvantaged Men/ disadvantaged Women/Early School Leaver +16y- 18yrs /ESOL requiring Lang & Literacy, Ex-Offenders/Former Resident/Family of Designated Ed. Institution/Homeless People/Long Term Unemployed/Not Working (ineligible Live Register)/PeopleWith Disabilities / Substance Misusers/Travellers/Unemployed (Activation Priority)/Working with Basic Skills Needs/Lone Parents. • Current Category: VTOS/Literacy/Adult &Community Education/Community Ed Sub Cat/BTEI Com Ed./Com Ed/other. • **Local Category Other**: Pre VTOS/Pre Literacy/Post Literacy/other/Pre-Adult &	This information is required for us to guide you to the relevant service/provide relevant services and may be used for statistical and research purposes in terms of funding and focused service. This personal data is maintained on the National Centre for Guidance in Education (NCGE) systems (and may be used for statistical and research purposes in terms of funding and focused services).	**Legal obligation:** City of Dublin ETB processes Personal Data pursuant to its obligations under the Education and Training Boards Act 2013, the Further Education & Training Act 2013, and in some instances, to comply with European Union monitoring and reporting requirements as set out in the European Social Fund Regulation (EU) 1304/2013 of the European Parliament and the Council. The AEGI was set up by the DE to develop adult educational guidance services for those adults who were attending or wished to attend adult, community and second chance education. The development of the AEGI services was coordinated, managed and monitored by the NCGE, an agency of DE operating under the aegis of Léargas, on behalf of DE. Since the establishment of SOLAS and the ETBs the ETB AEGI services are managed as part of Integrated FET Provision and Support Services in the ETBs. The 2012 DE AEGI Operational guidelines remain in place pending the development of a nationally agreed Guidance Strategy in FET. The AGMS is Managed by NCGE.

	Type of personal data	Purpose(s)	Legal basis
	Community Ed/Post Adult & Community Ed • **Local Category 2:** Former Resident/Relative • **Progression:** Ready for Education/Ready for employment/Other • Intended/Actual Progression **The following are mandatory to record where a client meeting occurs:** Date & Times of meetings, length of time Service availed of: Career Vocational Guidance/Ed Guidance/ Counselling/Information		
7.2	**<u>Optional Categories</u>** • **Contact Details**: Address/phone/mobile/email • DOB • **Barriers To Progression**: Childcare/Care of others/ Disability/Transport/ Eligibility/Finance/Other • Currently Attending a City of Dublin ETB FET Programme/Group • Current Formal Education Level: Course Attending/Centre/Programme Attending/Education Comments; • Current Employment Status: DEASP Payment if any/Employment Comments	Optional, however, without this information we cannot contact you/notify you of appointments with recommended services. To meet statutory obligation to deliver appropriate educational supports to data subject and to satisfy our duty of care to the data subject. **Purpose**: This additional information will help to focus the requirements/needs of the data subject and assist the AEGI to implement core focused services. - to assess the data subjects educational progress and to provide appropriate support/services/or therapeutic support where required. Assist with guidance for progressions.	**Legal obligation:** City of Dublin ETB processes Personal Data pursuant to its obligations under the Education and Training Boards Act 2013, the Further Education & Training Act 2013, and in some instances, to comply with European Union monitoring and reporting requirements as set out in the European Social Fund Regulation (EU) 1304/2013 of the European Parliament and the Council. **Compliance with a Legal Obligation:** in exercise of the ETB's official functions and to ensure that City of Dublin ETB is in a position to discharge its duty of care to the student. **Contract:** In the case of further education, service engagement, processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. **NB: This is a General Public Service and users are not required to be existing ETB service users.**

	Type of personal data	Purpose(s)	Legal basis
	Other information may be collected locally such as: - Residency Status, to assist in guiding to courses that may be available depending on learner status. - Information that may be disclosed at meetings/sessions may be recorded /documented such as Medical Data, assisting where additional supports may be required or relevant courses *etc*. • - Details relating to U18 years, parent/next of kin contact details.	personal data is held locally by the AEGI Service and some information will be maintained on the NCGE systems (for statistical and research purposes in terms of funding and focused services).	SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit consent of data subject.**
8.	**Academic progress and other personal data gathered during the student's/learner's time in the school/education centre**		
8.1	• Academic progress and results • Exam scripts • State exam results • Results of in-school tests/exams • Continuous assessment and end of term/year reports, • Data subject written/media work, art, design	**Purpose**: The ETB processes this personal data in order to deliver education to students, and to evaluate students' academic progress, to register the student for State Examinations (Junior Cycle, Leaving Cycle), to submit the students' work to the recognised accrediting body *etc*. We cannot meet our statutory obligation to deliver appropriate education to students and/or we cannot satisfy our duty of care to the student without this information.	**Compliance with a legal obligation:** Education Act 1998; Education and Training Boards Act 2013; Qualifications and Quality Assurance (Education and Training) Act 2012, European Social Fund Regulation (EU) 1304/2013 of the European Parliament and of the Council 17 December 2013. Reporting requirements under the Government of Ireland and European Social Fund (ESF) Programme for Employability, Inclusion and Learning 2014-2020 and subsequent governmental programmes.

	Type of personal data	Purpose(s)	Legal basis
8.2	Garda vetting form and disclosure re: Students Exchange Programme Students on work experience (excluding primary school students).	**Purpose:** Although engaging in work placements or going on exchange programme is generally not mandatory, if a student wishes to engage with these programmes, statutory vetting may be required. Where required or requested, ETB will assist the student in obtaining his/her Garda vetting outcome (with the consent of the student and his/her parent/guardian) in order to furnish a copy of same (with the consent of the student and the student's parent/guardian) to the work experience employer.	**Legal obligation:** National Vetting Bureau (Children and Vulnerable Persons) Act 2012 requires a vetting disclosure in respect of any relevant work. **Consent**: Students over 16 years and under 18 years may be vetted with the consent of parent/guardian.
8.3	• Attendance records including Registers and Roll books *etc*. • Information relating to reasons for absences	**Purpose**: Schools are required to make statutory notifications to the Education Welfare Officer (TUSLA) in certain circumstances, such as where the student is suspended for 6 days or more, where the student is absent for an aggregate period of 20 school days during the year, and/or if the Principal is of the opinion that the student is not attending school regularly.	**Compliance with a Legal Obligation:** specifically, section 21 Education (Welfare) Act 2000**:** *"(1) The principal of a recognised school shall cause to be maintained in respect of each school year a record of the attendance or non-attendance on each school day of each student registered at that school. (2) A record maintained under subsection (1) shall specify the following, that is to say: (a) where a student attends at the school concerned on a school day, the fact of his or her attendance, or (b) where a student fails to so attend, the fact of his or her failure and the reasons for such failure. (3) A record to which this section applies shall be maintained at the recognised school concerned and shall be in such form as may be specified by the Board*." **Public Interest/Substantial Public Interest**: ensuring that students are attending their courses, to increase the number of young people staying in education, to improve the number of students successfully completing education courses, to have a positive impact on retention of young people at risk of early school leaving.

	Type of personal data	Purpose(s)	Legal basis
8.4	Records of school tours/trips, including permission slips, itinerary reports, any documents required by Irish Border Control/INIS[1].	Although going on school tours/trips etc is generally optional (unless it is a field trip and is a core part of the course) if the student does choose to attend, then we require this information in order to make appropriate travel/transportation arrangements, arrange appropriate supervision ratios, engage in responsible planning for the event.	**Legal obligation:** to carry out necessary steps to provide for the safe carriage of students in our care, in line with the Education Act 1998.
8.5	Information about language spoken (for language support) and eligibility for Irish exemption.	**Purpose**: This is collected to ensure the student has access to language support (where necessary) and can apply for Irish exemption if eligible.	**Legal obligation:** to provide appropriate education in line with the Education Act 1998. **Public Interest**: ensuring that students receive all learning supports and exemptions for which they are eligible in order to ensure that they fulfil their potential to the fullest extent possible.
8.6	Data relating to any special educational needs, psychological assessments / reports, information about resource teaching hours and/or special needs assistance hours, *etc*. • Psychological assessments • Special Education Needs files, reviews, correspondence • Individual Education Plans, • Notes relating to inter-agency meetings • Medical information (including details of any medical condition and/or medication/treatment required) • Disclaimers (signed by students undergoing beauty treatments)	**Purpose**: This is in order to assess their needs, determine whether resources can be obtained and/or made available to support those needs, and to develop individual education plans. ETBs are also required to share this personal data with Special Educational Needs Organisers ("SENOs") employed by the National Council for Special Education (the statutory agency established under the Education for Persons with Special Educational Needs Act 2004**.** Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the School is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers ("SENOs") such	**Compliance with a legal obligation:** specifically, the Education Act 1998 and the Education for Persons with Special Educational Needs Act 2004 and section 7.2 (b) of the Equal Status Act 2000 **Contract:** In the case of further education, adult education, and training centres, the contract entered into by the learner relating to the programme. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Public Interest/Substantial Public Interest:** specifically, to give "*practical effect to the constitutional rights of children, including children who have a disability or who have other special educational needs as they relate to education*", and to provide that, "*as far as practicable and having regard to the resources available, there is made available to students a level and quality of education appropriate to meeting*" their needs and abilities, and to promote "*equality of access to and participation in education and to promote the means whereby students may benefit from education*" in line with section 6 of the Education Act 1998. This is in order to ensure that

1 http://www.inis.gov.ie/en/INIS/Pages/travel-with-children

	Type of personal data	Purpose(s)	Legal basis
	• Psychological, psychiatric and/or medical assessments	information as the Council may from time-to-time reasonably request. To assess the needs of adult learners with special needs in order to provide additional supports/aids including support/aids for examination/assessment.	people with special educational needs have the same right to avail of and benefit from appropriate education in an inclusive and supportive environment, as is required under the Education for Persons with Special Educational Needs Act 2004.
8.7	**Child protection, child welfare, counselling, and pastoral care records.** • Child protection records • Other records relating to child welfare and safeguarding • Notes of guidance counsellor • Psychological service notes • Referrals to/records relating to therapeutic services and other interventions • Minutes, notes, and other records concerning Student Support Team/Pastoral Care Team Meetings • Meitheal meetings convened by Tusla under Child Care Act 1991, Children Act 2001, and the Child and Family Agency Act 2013 • School Completion Programme – notes of coordinators	This information is processed pursuant to the ETB's legal obligations including its duty of care, and those statutory duties set out under The Children First Act 2015, the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012**,** DE Circular 0081/2017 and Child Protection Guidelines. **Purpose**: ETBs and their staff have legal responsibilities to report actual or suspected child abuse or neglect to the Child & Family Agency ("TUSLA") and to An Garda Síochána. ETBs also provide students with access to guidance counselling services and/or psychological services to provide supports to students, resolve behavioural, motivational, emotional, and cognitive difficulties through assessment and therapeutic intervention, to engage in preventative work etc. This personal data (and special category personal data) may be shared with third parties for the purpose of the school/centre/ETB complying with its legal obligations and/or in the student's vital interest.	**In relation to child protection and child safeguarding etc: Compliance with legal obligation:** Specifically, section 14 Children First Act 2015, section 2 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and DE Circular 0081/2017 and Child Protection Guidelines. **Substantial public interest**: specifically, the duty of care owed by the ETB to the student and other children, and the substantial public interest in safeguarding children (particularly children at risk), ensuring high standards of child welfare, and ensuring children's physical and emotional needs are met. To meet the educational, social, physical, and emotional requirements of the student. **In relation to the guidance counsellor, psychological services, Student Support Meetings:** **Vital interests**: to protect the student's vital interests, specifically to obtain all necessary support to assist them and support them where they are experiencing issues with mental health, wellbeing, addiction, abuse *etc*. **Legal obligation**: in exercise of the ETB's official functions and to ensure that the ETB is in a position to discharge its duty of care to the student and to other students and staff. **Public interest/substantial public interest**: specifically, to vindicate the student's right to participate in education, to assist them in exercising that right, to support students at risk of dropping out to obtain all necessary supports to stay in education or training, to enhance their future career and personal development opportunities, to facilitate greater social inclusion, SPECIAL CATEGORY BASIS UNDER ARTICLE 9:

	Type of personal data	Purpose(s)	Legal basis
			Preventative or occupational medicine: specifically, where supports or therapeutic intervention is delivered by a clinician for the provision of health supports for the student concerned.
8.8	**Internal school processes (including anti-bullying processes and disciplinary processes)** • Records of complaints made by parents/guardians and others. • Records relating bullying investigations. • Records relating to Code of Behaviour, expulsion, suspension *etc*.	**Purpose:** This information is processed pursuant to the ETB's duty of care to its students, and to comply with relevant Circulars issued by the Department of Education from time to time, and for the ETB to deliver an efficient and appropriate service. ETBs have adopted a nationally agreed Code of Practice for dealing with complaints made by parents/guardians of a student or by a student (over 18) years. In addition, ETBs have processes in place to address bullying in accordance with the Department of Education Circular 0045/2013, and to record any incidents and accidents. The data collected in these processes may be transferred to the ETB's insurance and/or legal advisors as appropriate where required for disputes resolution, fact verification, and for litigation purposes.	**Legal obligation**: the Anti-Bullying Procedures for Primary and Post-Primary Schools per Circular 0045/2013; City of Dublin ETB's duty to ensure a safe place of work and study. **Substantial public interest,** specifically: • The substantial public interest in fostering a positive environment for parents and staff, to ensure that complaints are resolved in a prompt and satisfactory manner. • The duty of care owed by the ETB to the student and other children, and the substantial public interest in responding to complaints made against public bodies, to resolve issues relating to the welfare and wellbeing of children (particularly in relation to bullying), • To ensure welfare, physical, educational, social, physical, and emotional requirements of the child/student. • Vindicating a child's right to education • To ensure that other students do not have their learning seriously disrupted by misbehaviour of other students. **Vital Interests**: To ensure that another student's misbehaviour/ dangerous behaviour does not cause distress, anxiety, or pose a threat to the physical safety of other students and staff.
8.9	**Accident and injury reports** • Accident reports • Incident Report Forms • Details of medical injury • Notifications to insurance company and exchanges with legal advisors. • Notifications to the Health and Safety Authority	**Purpose:** ETBs have a process in place to address complaints made by parents/guardians, to address bullying in accordance with Department of Education Circular 45/2013, and to record any incidents and accidents. This may be transferred to the ETB's insurance and/or legal advisors as appropriate.	**Vital interests:** the processing is necessary in order to protect the vital interests of the data subject or of another natural person (to include other students and staff etc). **Public interest:** the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Substantial public interest**: in respect of special category personal data, specifically, the duty of care owed by the ETB to the student, other students, staff, and the substantial public interest in the ETB

	Type of personal data	Purpose(s)	Legal basis
		Without this information the ETB cannot properly comply with its duty to operate a safe environment for students and staff, its duty to identify and mitigate any potential risks, and its duty to report incidents/accidents to its insurance company.	monitoring data about accidents/incidents (in particular, to ensure that any identified risk is removed or mitigated to prevent reoccurrence), the substantial public interest in the ETB reporting same to its insurance company and/or legal advisors. **Necessary for the defence of legal claims.**
8.10	**Financial information, fees etc.** • Information relating to payment of student monies (including fee support and fee waiver documentation) • Scholarship/Grant applications (including Gaeltacht, book rental scheme *etc*).	**Purpose:** This information is processed in order to process applications, make grant payments, or receive payment of fees (*e.g.* course fees, school trips etc). After completion of the payments, the documentation is retained for audit and verification purposes.	**Exercise of official authority vested in the controller:** the authority of the school/centre to administer and facilitate the collection and/or transfer of payments related to the education being provided by the school/centre. **Public interest:** the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in City of Dublin ETB.
9.	**Music Generation Programme (where City of Dublin ETB runs this programme)**		
	<u>Identity and contact details</u> • Child's name • Date of birth • Parent's name • Contact details, including email address, phone number and general area of residence • Age of learner Date of birth **<u>Other details</u>** • Medical details • Prior Learning in Music • Learning difficulties / learning supports accessed within the school • Photo and video including audio	**Purpose**: To ensure we know who to contact: • in case of an emergency (ill-health or injury) • to notify of appointments /rehearsals /classes • to notify parents/guardians of their child's attendance/non-attendance or of any other issues relating to their child's welfare or conduct *etc.* • for other administrative / management tasks. • **Purpose**: To deliver appropriate educational supports to students and to satisfy our duty of care to the student	**Legal obligation**: Section 20 Education Act 1998 and Education and Training Boards Act 2013 **Compliance with a Legal Obligation:** in exercise of the ETB's official functions and to ensure that City of Dublin ETB is in a position to discharge its duty of care to the student **Compliance with a Legal Obligation:** in exercise of the ETB's official functions re: education and to ensure that City of Dublin ETB is in a position to discharge its duty of care to the student. <u>SPECIAL CATEGORY BASIS UNDER ARTICLE 9:</u> **Vital interest where data subject legally incapable of giving consent; explicit consent where legally capable.**.

	Type of personal data	Purpose(s)	Legal basis
10.	**School Completion Programme (where City of Dublin ETB is the Data Controller)**		
10.1	**Identity and contact details** • Child's name • Address and contact details • Gender • Date of birth • School • Nationality* • Ethnic/Cultural Background* • First Language of Child	**Purposes**: This personal data is held locally by the SCP Co-ordinator in order to contact the student/parent/guardian about their services, to help determine the adequate services and to allocate the student to a particular class/programme group/service, to contact parents/guardians: • in case of an emergency (ill-health or injury), • to notify you of appointments with recommended services *The items marked * are optional, and parents/guardians do not have to supply*	**Legal obligation**: SCP is supported and funded by the Tusla Education Support Service (TESS) which operates under the- Education (Welfare) Act 2000. **Vital Interests**: to protect the student's vital interests, specifically to obtain all necessary support to assist / support them where they are experiencing issues with mental health, wellbeing *etc.* **Compliance with a Legal Obligation:** in exercise of the ETB's official functions and to ensure that City of Dublin ETB is in a position to discharge its duty of care to the student. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit consent of data subject.**
10.2	**Medical, Educational & Family details** • Medical details such as illness or allergies, medication currently taking • Record of sessions with SCP • School Attendance, punctuality, record details suspension/expulsion • Educational Factors incl. literacy • /numeracy levels, classwork, socialisation skills, behaviour, SEN details, parent engagement with school • Family details • Parents/Guardian details incl. name, relationship to child, contact details, first language of parent, confirmation of legal guardianship, name, and contact details of a second person in case of	**Purpose**: to ensure we know who to contact in case of an emergency, to ensure that we have any relevant information as may be necessary to preserve the student's health, to meet the child's medical/care needs, to consider the resources for the student, to deliver educational supports appropriate to the needs of the student • in case of an emergency (ill-health or injury) • to notify you of appointments with recommended services • to notify parents/guardians of their child's attendance/non-attendance • to notify parents/guardians of any other issues relating to their child's welfare or conduct or recommendations for additional services • to communicate with you in relation to your	**Compliance with a Legal Obligation:** in exercise of the ETB's official functions and to ensure that City of Dublin ETB is in a position to discharge its duty of care to the student. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Vital Interest where data subject legally incapable of giving consent**: Where the ETB is acting in *loco parentis* in relation to a child student with any medical needs; the data subject cannot legally consent being a minor but the ETB processes the data pursuant to the data subject's vital interests.

	Type of personal data	Purpose(s)	Legal basis
	emergency including relationship to child. • Details of supports or services family or child are using/have used for support. • Early school details for parents or siblings • Details about siblings who also use SCP.	child's social, emotional progress • for other administrative and management tasks.	
11.	**Biometric Data for Learners (where City of Dublin ETB engages in this processing)**		
	Optional: Biometric Data for Learners (*e.g.* attendance log-in using finger scans)	**Purpose**: To assist with keeping attendance records, particularly where they are required to process allowances/payments.	**Explicit Consent:** requirement to obtain the signed consent of the learners (and their parents/guardians in the case of minors) giving them a clear and unambiguous right to opt out of the system without penalty and alternative provided.
12.	**Special Category Data not otherwise captured in this document**		
	Voice data e.g. voicemail, video recordings, audio recordings etc.	**Purpose:** To assist with/as part of the performance of job functions for various employees	**Contract:** the employee's employment contract with the ETB
13.	**ICT information (data processed for the provision/access to on-premise services)**		
	Data collected when using learner devices: • First name • Middle name / initial • Last name • Centre / School name or code • System logging information Active directory/firewalls <u>Data collected for generation of user accounts</u>	**Purpose**: • To provide access to educational tools. • To ensure security / registration of 1 to 1 devices for "users". • Data logs collected for audit and security.	**Public interest/substantial public interest**: specifically, to vindicate the student's right to participate in education/to assist him/her them in exercising that right. **Performance of an obligation to which the controller is subject:** the provision of education to students and learners pursuant to the Education and Training Boards Act 2013, Education Act 1998 and Education for Persons with Special Educational Needs Act 2004.

	Type of personal data	Purpose(s)	Legal basis
	• First name • Middle name • Last name • Year of entry • Student number • School / Centre Data collected when using City of Dublin ETB Wi-Fi • Assigned IP address • Device MAC address • Username credentials (if using radius)	Required for the functionality of the wireless service.	
	• Websites cookies •		

	Type of personal data	Purpose(s)	Legal basis

	•	**Purpose**: **Necessary Cookies -** enable core functionality such as page navigation. The website cannot function properly without these cookies, and they can only be disabled by changing browser preferences. **Cookies that measure website use -** used to help us understand how website visitors use this website. They are set by a third-party service provided by Google. The service collects and reports information to us in a way that does not directly identify you as a website user. **Cookies that help with our communications -** may be set by third party websites and do things like measure how you view YouTube videos that are on this site. **Marketing -** Marketing cookies are used to track visitors across websites. The intention is to display ads that are relevant and engaging for the individual user and thereby more valuable for publishers and third-party advertisers.	**Legitimate interest for necessary cookies:** where the data processed is not in the performance of ETB public tasks. **Consent for additional cookies:** users have to opt-in to selecting additional cookies and set their preferences for any resultant tracking.

	Type of personal data	Purpose(s)	Legal basis
13.	**ICT information (data processed for the provision/access to Cloud services)**		
	Data collected when creating office 365 accounts • First name • Middle name / initial • Last name • School Domain • Year of entry • Class number/name • Course name Data collected when creating google accounts • First name • Middle name / initial • Last name • School Domain • Year of entry • Class number/name • Course name Data collected by Microsoft while using the service • Login time and date • Success of failure information • Device hardware information • Device software information	**Purpose**: For the provision of and access to web-based education tools. Logs collected for Audit and security reasons. Mobile and alternate email collected for 2 factor authentication purposes. Information may also be used to investigate disciplinary matters.	**Public interest/substantial public interest**: specifically, to vindicate the student's right to participate in education, to assist them in exercising that right. **Performance of an obligation to which the controller is subject:** the provision of education to students and learners pursuant to the Education and Training Boards Act 2013, Education Act 1998 and Education for Persons with Special Educational Needs Act 2004.

	Type of personal data	Purpose(s)	Legal basis
	• File access records/Audit logs • Email logs • Mobile number • Alternate Email address Data collected by Google while using the service • Login time and date • Success of failure information • Device hardware information • Device software information • File access records/Audit logs • Email logs • Mobile number • Alternate Email address		

	Type of personal data	Purpose(s)	Legal basis
(b) Employee Data (incl. prospective employees & those on work placement)			
1.	**Employee application, recruitment, and promotions documents**		
	• Name • Address & Contact details • DOB • Qualifications / Teaching Council documentation • Employer • Personal statements, CVs, applications, references. • Response to selection criteria • Correspondence re: interview / outcome • Interview Board Marking Scheme, Formal Notes, Marking Sheet; Recommendations. • Interview Assessment Report	**Purpose**: To enable the competition process between competitor applicants and to establish that the applicant has the requisite qualifications, experience and/or other criteria specified for the role.	**Legal obligation:** the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation, including employment law legislation, including, but not limited to the Employment Equality Acts (as amended) and the Equal Status Acts (as amended). **Contract**: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment. **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB, and to ensure that recruitment is being conducted in fair and proper manner.
2.	**Eligibility to work in Ireland**		
	• Pre-employment permit check	Purpose: To comply with the Employment Permits Act 2024 to establish the applicant is legally entitled to work in Ireland	**Legal Obligation** – Compliance with the Employment Permits Act 2024
3.	**Pre-employment vetting**		

	• Pre-employment checks • Invitation to vetting form • Garda vetting outcome • Teaching Council vetting	**Purpose:** To comply with National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016 and ensure that potential staff are screened in terms of suitability for post.	**Legal obligation**: National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and all associated DE Circulars and guidance regarding vetting procedures and child protection. **Public interest, substantial public interest**: to ensure those working in the ETB are suitable to work with children and/or vulnerable adults.
3.	**Pre-employment medical records**		
	• Occupational health referrals • Occupational health reports • Medical Records • Correspondence with data subject and clinicians • Documentation regarding reasonable accommodation	**Purpose:** for accessing occupational pension scheme; identifying pre-existing conditions to workplace injury; litigation; dispute resolution purposes; to assess a person's fitness for a particular post or occupation given the requirements of that post, to ensure they can perform the tasks associated with the role, to safeguard occupational health, to advise on reasonable accommodation, to comply with the following DE requirements: • Occupational Health Advice on Medical Fitness to Teach Occupational Health Service for Teachers and Special Needs Assistants – Standard Operating Procedures Manual	**Contract**: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment. **Legal obligation**: the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer under the Safety Health and Welfare at Work Act 2005, DE Circulars and manuals, and other relevant sectoral legislation. **Public interest, substantial public interest**: to ensure occupational health is preserved. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Employment**: the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the ETB and/or the data subject in the field of employment authorised by law and/or a collective agreement providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

	Type of personal data	Purpose(s)	Legal basis
4.	**Employees general**		
	• Name • address and contact details • emergency contact details • gender • date of birth • PPSN	**Purpose:** To contact employees. To issue employment contracts and/or letters of appointment. To comply with employment law requirements regarding issuance of statement of terms and conditions, adding to the payroll system *etc*. In some cases, we may also use this data to contact employees for survey/research and statistical purposes.	**Contract**: the processing is necessary for the performance of a contract to which the data subject is party or to take steps at the data subject's request prior to entering into a contract, specifically a contract of employment. **Legal obligation**: the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation including the Social Welfare and Revenue Acts. **Public Interest and official authority vested in ETB**: Data Protection Act 2018: Section 42 (1) Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

	Type of personal data	Purpose(s)	Legal basis
5.	**Employment terms, personnel files, service/salary details**		
	• Contract for service or terms and conditions of employment • General job description • Letter of appointment • Probation letters/form, • "POR" applications, correspondence and outcome • Promotions/POR assessment reports • Details of calculation of service • Training, including CPD, PMDS, details of conferences/workshops attended, health and safety training, manual handling etc. • Records of previous service (incl. correspondence with previous employers)	**Purpose:** To issue employment contracts and/or letters of appointment. To comply with employment law requirements. Without this information, we cannot issue the employment contract, deal with your appointment/promotion, comply with other HR requirements etc.	**Legal obligation**: the processing is necessary for a legal obligation, specifically the Terms of Employment (Information) Acts 1994-2014. **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB, specifically to ensure that IR/HR is administered properly and effectively, and to ensure all staff are appropriately trained. **Employment**: the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the ETB and/or the data subject in the field of employment authorised by law and/or a collective agreement providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
6.	**IR/HR workplace processes and litigation**		
	• Disciplinary and performance management records • Records relating to meetings with personnel from HR • Allegations/complaints • Industrial relations correspondence, minutes of meeting, reports • Dignity at work case files	Without this information, we cannot issue the employment contract, deal with your appointment/promotion, comply with other HR requirements etc. **Purpose:** To issue employment contracts and/or letters of appointment. To comply with employment law requirements.	**Legal obligation**: to comply with the Industrial Relations Act 1990 Code of Practice on Grievance and Disciplinary Procedures (Declaration) Order 2000 (prepared by the Labour Relations Commission under section 42 Industrial Relations Act 1990), and to comply with DE Circular 71/2014. **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB, specifically to

	Type of personal data	Purpose(s)	Legal basis
	• Grievance case files and records, • Employee Assistance Programme referral letters • OHS: referral letters, management report, assessment, absence records etc. • Files relating to Workplace Relations Commission hearings (incl. ERS process), Labour Court hearings/appeals, Labour Court IR recommendations, Court processes *etc*. • Protected Disclosures and related investigation files		ensure (and demonstrate) that the ETB is being run in a proper manner, to properly address under-performance, disciplinary, grievance, bullying, harassment, and other work-related issues in the public sector in line with the nationally agreed procedures.
7.	**Records relating to leave and service**		
7.1	• Leave of absence applications • Job share data • Career Break details • Parental leave, (incl. records re: maternity protection health and safety leave, the Maternity Pay Scheme), adoptive leave, force majeure leave, carer's leave • Working Time Act records (attendance hours, holidays, breaks, flexi-time records) • Annual Leave records • Records documenting employee's authorisation for non-statutory	Required for employment purposes. **Purpose**: To process the payment of salary, benefits, expenses claims, paid- and unpaid- leave, and other emoluments. To issue payslips in the required form. To comply with the Payment of Wages Act and the Organisation of Working Time Act. For occupational pension purposes. Required for the calculation of increments and seniority. For organisational administration, verification, and dispute resolution purposes, to defend litigation, for accounting and audit purposes.	**Legal obligation**: • Organisation of Working Time Act 1997 • Payment of Wages Act 1991 • Maternity Protection Acts 1994 and 2004 • Maternity Protection (Health and Safety Leave Remuneration) Regulations S.I.20/1995 • S.I.51/2006 (Maternity Protection Act 1994 (Extension of Periods of Leave) Order 2006 • Parental Leave Acts 1998 and 2006 • S.I. 81/2013 EU (Parental Leave) Regulations 2013 • Carer's Leave Act 2001 • Paternity Leave and Benefit Act 2016 And in order for the ETB to comply with all the DE Circulars issued extending or implementing the above.

	Type of personal data	Purpose(s)	Legal basis
	payroll deductions • Salary claim forms • Records documenting calculation and payment of payroll payments (including salary and overtime) • Any adjustments on promotion of employee, documents relating to approval for incremental credit, incremental approvals • Superannuation Calculations • Superannuation Files • Records documenting payment of employer and employee contributions to pension schemes • Expenses / reimbursement records • Payroll listings		**Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB.
7.2	**Pensions** (current and former staff) • Final Pensions benefit calculations • Service history • Records re pensions adjustment order (to include spouse/former spouse data) • Correspondence re: pensions	**Purpose**: So that the retired person has access to a pension scheme. For further information re staff other than teachers, please refer to: https://www.etbi.ie/wp-content/uploads/2021/05/6-Staff-other-than-Teachers-Preserved-Benefits-1.doc	**Contract**: the processing is necessary for the performance of a contract to which the data subject is party.
8.	**Occupational health and sick-leave documents**		
	• Pre-employment medical assessment • Sick certificates • Absence records	**Purpose:** To process the payment of salary for staff on sick leave; to administer applications for critical illness leave and Temporary Rehabilitation Remuneration; to refer staff to occupational health specialists; to manage	**Legal obligation**: Safety Health and Welfare at Work Act 2005, the Labour Court recommendations LCR20335 (19th July 2012) and LCR 20667 (20th December 2013) re sick-leave arrangements in the public service, Public Service Management (Recruitment and Appointments) (Amendment) Act 2013, and the regulations made thereunder,

	Type of personal data	Purpose(s)	Legal basis
	• Occupational health referrals, Medical assessments • Correspondence with data subject and clinicians • Documentation regarding reasonable accommodation • Correspondence re retirement on ill-health grounds • Other records documenting the operation of the public-service Sick Pay Scheme	occupational health; to make reasonable accommodation; to comply with DE Circulars relating to occupational health/sick leave and specifically to comply with the DSE "Occupational Health Service for Teachers and SNAs Standard Operating Procedures Manual"; to process applications relating to retirement on grounds of ill health; for verification and dispute resolution; to defend litigation, for accounting and audit purposes.	specifically, S.I.124/2014 and S.I.384/2015 sets out the terms for the granting of sick leave in the public service. In the ETB, these are implemented by way of the following DE Circulars: • 0053/2015 (registered teachers) • 0054/2015 (SNAs) • 0063/2015 (all staff in ETBs other than teachers and SNAs) **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: For the purposes of **preventive or occupational medicine**, for the assessment of the working capacity of the employee.
9.	**Health and safety documents**		
	• Accident reports, Incident Report, documents re injuries • Forms, notifications to insurance company, and/or HSA • Hazard Report Forms • DSE Display Screen Assessments • Pregnant Employee Assessment Forms • Manual Handling Risk Assessment • Inspection Checklists H&S Head Office & Safety Rep • Internal Audits and Reviews • Fire Drills Log • Accident Statistics • Copies of Safety Training Materials + record of training	For occupational health, and health and safety. **Purpose:** To comply with the employer's duty of care to staff and others, to comply with all relevant health and safety legislation, to ensure occupational health. To comply with the employer's duty to report certain accidents, incidents or dangerous occurrences to the Health and Safety Authority.	**Legal obligation**: • Duty of care as employer. • Safety, Health and Welfare at Work Act 2005 and all the regulations made thereunder (including all relevant Safety Health and Welfare at Work (General Application) Regulations 2007 • Fire Services Act 1981, section 37(e) specifically states that organisations are required to hold fire safety evacuation drills at specified intervals and the keeping of records of such drills. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: For the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field **of employment**

	Type of personal data	Purpose(s)	Legal basis
	• Safety Inspections (HSA) • Display screen equipment assessment • Records of eyesight tests • Individual Evacuation Plans (IEPs)		
10.	**Pay Related data on Core HR system (including special category data)**		
	• Title/Forename/Known as/ Middle Name/Surname/Previous Surname/ Initials • PPS Number or NI Number • Date of Birth • Employee Number • * Nationality • Marital Status • Gender • Employment start and finish dates • Date of permanency • Retirement date • Continuous service start/end dates • TUPE date • * Next of Kin and contact details • Job Title & Code / Position (Grade) • Job Description and location • Full Time Equivalent (FTE) • Pay Scale and scale point • Category of staff • Comments • Substitution Post • Project Code	**Purpose:** Required for employment purposes. This includes payment of salary, processing all Revenue and tax deductions and any other deductions required by law. To process all payroll related activities including the payment of salary, allowances, benefits, deductions, expenses claims, paid and unpaid leave, and other emoluments. To issue payslips. For the calculation of increments. For occupational pension purposes. **Optional:** Items with * are optional. There is no requirement to complete your profile to 100%	**Contract**: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment. **Legal obligation**: the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation. **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB. **Consent**: Some information fields are optional on the Core System meaning that there is no requirement for an employee to complete his/her profile to 100%. By supplying this information, the employee is consenting to processing. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit Consent**: Some information fields are optional on the Core System meaning that there is no requirement for an employee to complete his/her profile to 100%. By supplying this information, the employee is consenting to processing.

	Type of personal data	Purpose(s)	Legal basis
	• Hours/FTE Hours/Absence FTE • Pay Multiplier/Rate of Pay • Acting Up Indicator • Pensionable Indicator • Leaving Reason Code • Location after Leaving • Increment due date • Probation details incl. times • Pay Code for contract allowances • Allowance Value/Percentage/ Project / Expense • Qualification Details and Level • Salary details • Deductions to salary • Tax and PRSI details • All deductions from gross salary • *Photograph • * Emergency Contact Details		
11.	**Biometric Data (where ETB engages in this processing)**		
	Optional: Biometric Data for Employees (*e.g. Attendance* log-in using finger scans)	**Purpose**: To assist with keeping attendance records, particularly where they operate a flexi clock system.	**Explicit Consent:** requirement to obtain the signed consent of the employees giving them a clear and unambiguous right to opt out of the system without penalty and alternative provided.
12.	**Special Category Data not otherwise captured in this document**		
	Voice data *e.g.* voicemail, video recordings, audio recordings *etc.*	**Purpose**: To assist with/as part of the performance of job functions for various employees	**Contract:** the employee's employment contract with the ETB.
13.	**ICT information (data processed *for the provision/access to On-Premise services*)**		
	Data collected when using staff devices: • First name • Middle name / initial • Last name	**Purpose**: To provide access to educational tools. Security / registration of 1 to 1 devices for "users"	**Legal obligation:** the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation.

	Type of personal data	Purpose(s)	Legal basis
	• Centre / School name or code • System logging information Active directory/firewalls Data collected for generation of user accounts • First name • Middle name • Last name • Role / Grade • School / Centre Data collected when using City of Dublin ETB Wi-Fi • Assigned IP address • Device MAC address • Username credentials (if using	Logs collected for Audit and security reasons. To provide access to educational tools. Required for the functionality of the wireless service.	**Contract:** the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment. The personal data is required in order for the employee to access IT systems required for them to carry out their duties under the contract of employment. System logging information is required to ensure appropriate access to ETB IT systems.
	• Websites cookies IP address and user agent string placing of cookies and other tracking technology on their device(s), enabling further transmission of data that they actively share, or via conclusions that can be inferred from the content they browse, to third parties.	**Purpose**: **Necessary Cookies -** enable core functionality such as page navigation. The website cannot function properly without these cookies, and they can only be disabled by changing browser preferences. **Cookies that measure website use -** used to help us understand how website visitors use this website. They are set by a third-party service provided by Google. The service collects and reports information to us in a way that does not directly identify you as a website user.	**Legitimate interest for necessary cookies:** where the data processed is not in the performance of ETB public tasks. **Consent for additional cookies:** users have to opt-in to selecting additional cookies and set their preferences for any resultant tracking.

	Type of personal data	Purpose(s)	Legal basis
		Cookies that help with our communications - may be set by third party websites and do things like measure how you view YouTube videos that are on this site. **Marketing -** Marketing cookies are used to track visitors across websites. The intention is to display ads that are relevant and engaging for the individual user and thereby more valuable for publishers and third-party advertisers.	
14.	**ICT information (data processed *for the provision/access to Cloud services*)**		
	Data collected when creating office 365 accounts • First name • Middle name / initial • Last name • Photograph • School Domain • Mobile number • Alternate Email address Data collected when creating google accounts • First name • Middle name / initial • Last name • School Domain • Year of entry • Mobile number • Alternate Email address	**Purpose**: • For the provision and access to web-based teaching and learning resources. • For the provision and access to web-based CPD. • Logs collected for Audit and security reasons. • Mobile and alternate email collected for 2 factor authentication purposes. • Information may also be used to investigate disciplinary matters.	**Legal obligation:** the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation. **Contract:** the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment. The personal data is required in order for the employee to access IT systems required for them to carry out their duties under the contract of employment. System logging information is required to ensure appropriate access to ETB IT systems.

	Type of personal data	Purpose(s)	Legal basis
	Data collected by Microsoft while using the service • Login time and date • Success of failure information • Device hardware information • Device software information • File access records/Audit logs • Email logs Data collected by Google while using the service • Login time and date • Success of failure information • Device hardware information • Device software information • File access records/Audit logs • Email logs		

	Type of personal data	Purposes	Legal basis
	(c) Contract for service workers		
1.	**Contract information**		
	• Application Forms & CVs • Contact Details • Qualifications and Experience • Garda Vetting Forms • Interview Results and Score Sheets • Records re: disputes/disciplinary • Photo & video incl. audio – online tutorials • Bank Account Details • PPS Number • Tax and PRSI details • Email address and phone numbers	**Purpose:** To administer the selection and recruitment process, to convene interviews, to recruit staff, to inform participants of the outcome of the recruitment process, to issue letters of offer, to deal with request for feedback. For verification and dispute resolution purposes. To defend litigation.	**Contract**: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract of employment. **Legal obligation**: the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation. **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB, and to ensure that recruitment is being conducted in fair and proper manner. SPECIAL CATEGORY BASIS UNDER ARTICLE 9: **Explicit Consent**: Contracted tutors or speakers may use online tutorials or demonstrations in which their own digital image is displayed. This is on their own volition or consented to as part of the contract.
2.	**ICT information (data processed *for the provision/access to On-Premise services*)**		
	Data collected when using staff devices: • First name • Middle name / initial • Last name • Centre / School name or code • System logging information • Active directory/firewalls Data collected when using City of Dublin ETB Wi- Fi:	**Purpose**: • To provide access to educational tools. • Security / registration of 1 to 1 devices for "users" • Logs collected for Audit and security reasons. • To provide access to educational tools. Required for the functionality of the wireless service.	**Legal obligation:** the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation. **Contract:** the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract for services. The personal data is required in order for the contractor to access IT systems required for them to carry out their duties under the contract. System logging information is required to ensure appropriate access to ETB IT systems.

	Type of personal data	Purposes	Legal basis
	• Assigned IP address • Device MAC address • Username credentials (if using radius) <u>Data collected for generation of user accounts</u> • First name • Middle name • Last name • Role / Grade • School / Centre • Contracting Status		
	• Websites cookies IP address and user agent string placing of cookies and other tracking technology on their device(s), enabling further transmission of data that they actively share, or via conclusions that can be inferred from the content they browse, to third parties.	**Purpose**: **Necessary Cookies -** enable core functionality such as page navigation. The website cannot function properly without these cookies, and they can only be disabled by changing browser preferences. **Cookies that measure website use -** used to help us understand how website visitors use this website. They are set by a third-party service provided by Google. The service collects and reports information to us in a way that does not directly identify you as a website user. **Cookies that help with our communications -** may be set by third party websites and do things like measure how you view YouTube	**Legitimate interest for necessary cookies:** where the data processed is not in the performance of ETB public tasks. **Consent for additional cookies:** users have to opt-in to selecting additional cookies and set their preferences for any resultant tracking.

	Type of personal data	Purposes	Legal basis
		videos that are on this site. **Marketing -** Marketing cookies are used to track visitors across websites. The intention is to display ads that are relevant and engaging for the individual user and thereby more valuable for publishers and third-party advertisers.	
3.	**ICT information (data processed *for the provision/access to Cloud services*)**		
	Data collected when creating office 365 accounts • First name • Middle name / initial • Last name • Photograph • School Domain • Mobile number • Alternate Email address • Contracting Status Data collected when creating google accounts • First name • Middle name / initial • Last name • School Domain • Year of entry • Mobile number • Alternate Email address	**Purpose**: • For the provision and access of electronic work tools. • Logs collected for Audit and security reasons. • Mobile and alternate email collected for 2 factor authentication purposes. • Information may also be used to investigate disciplinary matters.	**Legal obligation:** the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer and/or under the Education and Training Boards Act 2013 and other relevant sectoral Circulars and legislation. **Contract:** the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract for services. The personal data is required in order for the contractor to access IT systems required for them to carry out their duties under the contract. System logging information is required to ensure appropriate access to ETB IT systems.

	Type of personal data	Purposes	Legal basis
	• Contracting Status Data collected by Microsoft while using the service • Login time and date • Success of failure information • Device hardware information • Device software information • File access records/Audit logs • Email logs Data collected by Google while using the service • Login time and date • Success of failure information • Device hardware information • Device software information • File access records/Audit logs • Email logs		

	Type of personal data	Purposes	Legal basis
	(d) Board and committee members		
1.	**Governance/electoral information**		
	• Electoral roll of names/addresses of eligible staff for election to board • Gender • Records re: successful appointment of Board member • Records re: unsuccessful applicants	**Purpose:** To administer the election of staff process in compliance with S.I. 270/2014 Education and Training Boards Act 2013 (Election of Staff) Regulations 2014 made under section 3 Education and Training Boards Act 2013	**Legal obligation**: Compliance with S.I. 270/2014 Education and Training Boards Act 2013 (Election of Staff) Regulations 2014 and subsequent regulations made under section 3 Education and Training Boards Act 2013.
2.	**Governance documents relating to the ETB**		
	• Register of appointment as member • Application and appointment data • Statement of Interest Forms for members and designated staff • Register of Members interests • Agendas and Minutes • Conflict of Interest Forms • Board's deliberations, correspondence and reports considered at Board Meetings • Attendance sheets • Records re: training and development of Board and Committee members • General correspondence re elections • Disciplinary appeals documentation • Expenses/reimbursement records	**Purpose**: • To comply with Education and Training Boards Act 2013 and all regulations made thereunder. For verification and audit purposes. To comply with the Ethics in Public Office Acts 1995 and Standards in Public Office Act 2001	**Legal obligation:** • S.I. 270/2014 Education and Training Boards Act 2013 (Election of Staff) Regulations 2014. • S.I. 272/2014 Education and Training Boards Act 2013 (Composition of Local Authority Membership) Regulations 2014 • S.I. 271/2014 Education and Training Boards Act 2013 (Local Authority Members) Regulations 2014 • S.I. 269/2014 Education and Training Boards Act 2013 (section 32) Order 2014 (ineligible persons) • Ethics in Public Office Acts 1995 and Standards in Public Office Act 2001 **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB.

	Type of personal data	Purposes	Legal basis
3.	**ICT information (data processed *for the provision/access to On-Premise services*)**		
	(OPTIONAL)Data collected when using assigned ETB devices: • First name • Middle name / initial • Last name • Centre / School name or code • System logging information firewalls Data collected when using City of Dublin ETB Wi- Fi • Assigned IP address • Device MAC address • Username credentials (if using radius)	**Purpose**: • Access to Board documentation and virtual meeting environment. • Security / registration of 1 to 1 devices for 'users' • Logs collected for Audit and security reasons. Required for the functionality of the wireless service.	**Legal obligation:** • S.I. 270/2014 Education and Training Boards Act 2013 (Election of Staff) Regulations 2014. • S.I. 272/2014 Education and Training Boards Act 2013 (Composition of Local Authority Membership) Regulations 2014 • S.I. 271/2014 Education and Training Boards Act 2013 (Local Authority Members) Regulations 2014 • S.I. 269/2014 Education and Training Boards Act 2013 (section 32) Order 2014 (ineligible persons) • Ethics in Public Office Acts 1995 and Standards in Public Office Act 2001
	• Websites cookies IP address and user agent string placing of cookies and other tracking technology on their device(s), enabling further transmission of data that they actively share, or via conclusions that can be inferred from the content they browse, to third parties.	**Purpose**: **Necessary Cookies -** enable core functionality such as page navigation. The website cannot function properly without these cookies, and they can only be disabled by changing browser preferences. **Cookies that measure website use -** used to help us understand how website visitors use this website. They are set by a third-party service provided by Google. The service collects and reports information to us in a way that does not directly identify you as a	**Legitimate interest for necessary cookies:** where the data processed is not in the performance of ETB public tasks. **Consent for additional cookies:** users have to opt-in to selecting additional cookies and set their preferences for any resultant tracking.

	Type of personal data	Purposes	Legal basis
		website user. **Cookies that help with our communications** - may be set by third party websites and do things like measure how you view YouTube videos that are on this site. **Marketing -** Marketing cookies are used to track visitors across websites. The intention is to display ads that are relevant and engaging for the individual user and thereby more valuable for publishers and third-party	
4.	**ICT information (data processed *for the provision/access to Cloud services*)**		
	Data collected when creating office 365 accounts • First name • Middle name / initial • Last name • Photograph • School Domain • Mobile number • Alternate Email address • Title (Example Cllr) Data collected when creating google accounts • First name • Middle name / initial • Last name	**Purpose**: • Access to Board documentation and virtual meeting environment. • Logs collected for Audit and security reasons. • Mobile and alternate email collected for 2 factor authentication purposes. • For dispute-resolution.	**Legal obligation:** • S.I. 270/2014 Education and Training Boards Act 2013 (Election of Staff) Regulations 2014. • S.I. 272/2014 Education and Training Boards Act 2013 (Composition of Local Authority Membership) Regulations 2014 • S.I. 271/2014 Education and Training Boards Act 2013 (Local Authority Members) Regulations 2014 • S.I. 269/2014 Education and Training Boards Act 2013 (section 32) Order 2014 (ineligible persons) • Ethics in Public Office Acts 1995 and Standards in Public Office Act 2001 **Public interest, substantial public interest**: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the ETB.

	Type of personal data	Purposes	Legal basis
	• School Domain • Year of entry • Mobile number • Alternate Email address • Title (Example Cllr) Data collected by Microsoft while using the service • Login time and date • Success of failure information • Device hardware information • Device software information • File access records/Audit logs • Email logs Data collected by Google while using the service • Login time and date • Success of failure information • Device hardware information • Device software information • File access records/Audit logs		

	Type of personal data	Purposes	Legal basis
	(e) Miscellaneous		
1.	**Applicants to procurement processes / frameworks including contracted training**		
	• Name • Contact information • Qualifications • Vetting • Employer • Employment status • Job title / role • Employee reference number • Personal statements • References • Testimonials • Insurance details • Salary details / inferences	**Required:** to enable the competition process between competitor suppliers. Please note: Not all of this data is required in each process or procurement competition.	**Authority vested in the controller:** Public procurement legislation, including, but not limited to, Directive 2014/24/EU on public procurement (goods, services and works). **Contract**: the processing is in order to take steps at the request of the data subject prior to entering into a contract, specifically a contract for services.
2.	**Volunteers (incl. PME students, CE Scheme, and others)**		
	• Name • Contact details • Qualifications • Previous experience • References • Vetting disclosure • CV • Medical Certificates • Time sheets	**Purpose:** This is required to determine suitability for placement.	**Legal obligation:** National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and to meet our duty of care to children and vulnerable adults.
3.	**Visitor/Sign in Books**		

	Type of personal data	Purposes	Legal basis
	• Name • Signature • Company • Time In • Time out • Date • Car registration	**Purpose:** Required to meet obligations under Health and Safety legislation *e.g.* in the event of emergency evacuation**.**	**Legal obligation:** the processing is necessary for a legal obligation, specifically the obligations imposed on the ETB as an employer under the Safety, Health and Welfare at Work Act 2005.
4.	**Special Category Data for General Public**		
	Voice data *e.g.* voicemail.	**Optional** Recording a voice mail is optional	**Consent**: The processing is in order to take steps at the request of the data subject which request is demonstrated via the leaving of a voicemail.
5.	**Customer Data (*e.g.* summer camp participants/their parent/guardians, grant applicants, self-financing evening courses)**		
	• Name • Address • Email • Phone number • Credit/Debit Card details • Bank details	**Purpose:** For payment of fees for courses, including night-courses, summer camps, event fees or payments for activities, including in Outdoor Education Centres. Details for receipt of grants.	**Contract**: the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
6.	**Details of parent / guardian / emergency contact / next of kin**		
	• Name • Contact information • Relationship to student / learner	**Purpose**: to protect the student / learner if necessary.	**Vital Interest**: To enable school/centre to respond appropriately to the needs of the student/learner in order to protect the data subject's vital interests.
7.	**ICT information (data processed when navigating ETB website)**		
	• Websites cookies • IP address and user agent string placing of cookies and other	**Purpose**: **Necessary Cookies -** enable core functionality such as page navigation. The website cannot function properly without these cookies, and	**Legitimate interest for necessary cookies:** where the data processed is not in the performance of ETB public tasks. **Consent for additional cookies:** users have to opt-in to selecting

	Type of personal data	Purposes	Legal basis
	tracking technology on their device(s), enabling further transmission of data that they actively share, or via conclusions that can be inferred from the content they browse, to third parties.	they can only be disabled by changing browser preferences. **Cookies that measure website use -** used to help us understand how website visitors use this website. They are set by a third-party service provided by Google. The service collects and reports information to us in a way that does not directly identify you as a website user. **Cookies that help with our communications -** may be set by third party websites and do things like measure how you view YouTube videos that are on this site. **Marketing -** Marketing cookies are used to track visitors across websites. The intention is to display ads that are relevant and engaging for the individual user and thereby more valuable for publishers and third-party advertisers.	additional cookies and set their preferences for any resultant tracking.

Section 3: Recipients of the personal data

We share and transfer personal data to other data controllers and with some data processors who process specific data at our instruction. In this section we give you further information about the types of recipients or categories of recipients of your personal data. Please note that this list is not exhaustive, and we may transfer personal data to other third parties where required or permitted by law. Furthermore, please note that the ETB reserves the right to contact appropriate third parties in the event of an emergency.

3.1 **Parents / guardians:** City of Dublin ETB shares information on educational progress and child welfare with a student's parent/guardian where the student is under 18 years.

3.1.1 **Educational progress**: Section 9(g) Education Act 1998 provides that: **"***A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to — […] (g) ensure that parents of a students, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education*". Section 22(2) states that the Principal and teachers shall *"(b) regularly evaluate students and periodically report the results of the evaluation to the students and their parents*".

3.1.2 **Freedom of Information Act 2014**: where requested City of Dublin ETB may release personal data relating to a student to his/her parent or guardian if that parent/guardian's access to the child's records would "*having regard to all the circumstances be in the [child's] best interests*"[2]. For further information, see Regulation 5 of S.I. 218/2016 "Freedom of Information Act 2014 (section 37(8)) Regulations 2016.

3.1.3 **Data access request**: where requested City of Dublin ETB will consider an access request made by a guardian on behalf of their child pursuant to Article 15 GDPR. In considering such a request, City of Dublin ETB shall have regard to the fact that the right to access to one's personal data is the right of the data subject themselves, and in this respect, to the guidance of the UK's Information Commissioner's Office: "*Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong to anyone else, such as a parent or guardian*" [3].

City of Dublin ETB shall also have regard to the guidance of the Data Protection Commission[4]: *"…The closer the child is to the age of 18, the more likely it is that an organisation holding the child's personal data should deal directly with the child themselves (sic), rather than involving the parent/ guardian. In this regard, the DPC considers that where a child has reached 17 years, given the closeness of this age to the age of majority (and this notably also being the age at which a driving licence can be obtained as well as the minimum age for sexual consent), other than in exceptional circumstances (i.e. where the best interests of the child demonstrably require it), the child's data protection rights should not be exercised*

[2] S.I. 218/2016, at regulation 6 thereof.

[3] ICO Subject Access Request Code of Practice, available at: www.ico.org.uk/media/1065/subject-access-code-of-practice.pdf

[4] https://www.dataprotection.ie/sites/default/files/uploads/2020-12/Fundamentals%20for%20a%20Child-Oriented%20Approach%20to%20Data%20Processing_Draft%20Version%20for%20Consultation_EN.pdf

by the parent(s)/ guardian(s). Instead the organisation should deal directly with the child." Fundamentals for a Child-Oriented Approach to Data Processing, Draft Version for Public Consultation (DPC, 2020).

The ETB shall have also regard to the UN Convention[5] on the Rights of the Child, and in particular balance the following interests:

- Article 16(1) of which provides that "*no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour*".
- Article 5 "*rights and duties of parents … to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention*".

In considering parental requests, the ETB shall have regard to the best interests of the child, the age, evolving capacity and level of maturity of the child. Where the child's age and maturity has reached a point where he/she/they would have a reasonable expectation of having an input into what happens to his/her/their personal data and would reasonably expect to be consulted about to whom their data are released, the ETB shall consult with the child in an age-appropriate way (if it is appropriate in the circumstances) and to take the child's views into consideration. This is to ensure that the voice of the child is heard in matters relating to his/her personal affairs where it is age-appropriate to do so. City of Dublin ETB will consider the following factors[6] when determining a request for records made by a parent/guardian on behalf of his/her/their child:

i. Where possible, the child's level of maturity and ability to make decisions like this
ii. The nature of the personal data.
iii. Any court orders relating to parental access or responsibility that may apply.
iv. Any duty of confidence owed to the child or young person.
v. Any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill-treatment.
vi. Any detriment to the child or young person if individuals with parental responsibility cannot access this information.
vii. Any views the child or young person has on whether their parents should have access to information about him/her.
viii. Any child who is capable of forming his or her own views on whether their parent(s) should have access to information about them shall have their views ascertained and the data controller shall give due weight to those views having regard to all the circumstances including the age and maturity of the child and any other relevant considerations such as the child's safety, health, welfare, and wellbeing.

[5] Available at https://www.ohchr.org/en/professionalinterest/pages/crc.aspx

[6] Factors (i) – (vii) are taken from the UK Information Commissioner's Office: "Subject Access Code of Practice – Dealing with requests from individuals for personal information, available at https://ico.org.uk/media/1065/subject-access-code-of-practice.pdf

3.1.4 **Emergency Contact**: Where the parent/guardian has been nominated as the student Emergency Contact, as per section 3.2 below.

3.2 **Emergency Contact & Next of Kin:** Emergency contact information is gathered and retained for the purpose of communicating information about the data subject to said emergency contact in situations affecting or potentially affecting the data subject's vital interests. Such circumstances include, but are not limited to, perceived health risks and/or injury to the data subject, emergency situations *etc*.

3.3 **Other Schools and Universities/Colleges/Institutes:** where the student leaves the school or centre and transfers to another educational setting or goes on an exchange programme or similar, we may be asked to supply certain information about the student, such as academic record, references, *etc*. This may be based on the provisions of the Education (Welfare) Act 2000 or based on consent of the student data subject. Also, under section 66 of the Education (Admission to Schools) Act 2018, school boards of management are permitted to share applicant information with other local schools for the efficient administration of admission to those schools. In some instances, the Department of Education requests certain schools to engage in same with other specified schools.

3.4 **Researchers, Universities/Colleges/Institutes:** where researchers wish to contact current/past students/learners/staff, we may share limited contact information to assist with continued education and research. The processing is necessary for the performance of a task carried out in the public interest.

3.5 **Student support team/Pastoral Care team meetings and School Completion Committees**: Schools and centres within City of Dublin ETB routinely hold student support meetings which are designed to identify students in need of additional supports and to put plans in place as to how best to meet the student's needs. This is generally for the following purposes:

- supporting the student in motivation and learning, and encouraging school completion,
- supporting the student where there are substance abuse or addiction issues at home,
- supporting the student through a difficult period, *e.g.* grief, loss, bullying, abuse at home;
- supporting the student exhibiting self-harm and/or engaging in suicidal thoughts,
- addressing challenging behaviour;
- resolving behavioural, motivational, emotional, and cognitive difficulties;
- engaging with therapeutic and psychological services to obtain supports to students, through assessment and therapeutic intervention (including to obtain access to the Child and Adolescent Mental Health Service (CAMHS).
- engaging in preventative work (drugs, alcohol, criminal behaviour, anti-social behaviour, *etc*.

These meetings are generally held in the School/Centre building and are attended by the following types of personnel within the ETB: Principal of School/Head of Centre, Deputy Principal, Guidance Counsellor, Pastoral Care Team personnel, Year-Head (where appropriate). The ETB recognises that a co-ordinated inter-agency approach will be required in order to take a student-focused approach to addressing these complex issues. Accordingly, the school/centre may invite the following types of third parties to participate in such meetings:

- The student's parent/guardian (where the student is under 18 years)
- TUSLA (social worker, child protection team, and school completion programme team)
- An Garda Síochána (including Garda Juvenile Liaison Officer, and other programme personnel)
- Neighbourhood youth initiative projects, and/or youth project workers and other voluntary groups working in the sector
- Local Drugs Task Force
- HSE
- Foróige
- Local Drug Prevention and Education Project workers
- School Completion Programme

These Student Support meetings/Pastoral Care Team meetings are designed to support the student's best interests. The outcome of these meetings may result in the student being referred on for specific assessments and/or therapeutic treatments (*e.g.* CAMHS, NEPs *etc*).

Where the student is under 18 years, their parent/guardian will be informed that these meetings are taking place and shall be furnished with appropriate information and/or leaflets (where appropriate and where available) to explain the capacity in which third parties attend these meetings.

While each of the third parties engaging in these Student Support Meetings may hold their own files and/or personal data relating to the student (which would be governed by the data protection policy of the organisation which they represent), the ETB will be the data controller in respect of the official minutes produced at the conclusion of any such of these meetings.

3.6 The Department of Education and the Department of Further and Higher Education, Research, Innovation and Science: City of Dublin ETB shares data with these Departments relating to:

3.6.1 Student data via POD, P-POD:

3.6.6.1 City of Dublin ETB collects personal data to be transferred to the Department of Education via the Primary Online Database ("POD") and/or the Post-Primary Online Database ("P-POD") systems. As per CL 0040/2019, the school asks parents/guardians and students to complete a document called "*Consent Form for Sensitive Personal Data for the School's October Return to the Department of Education*" for the purposes of complying with DE requirements to determine staffing and resource allocations. The October Returns are submitted to the DE electronically. The DE has their own policy governing the security of the data sent to them by all post-primary schools

3.6.1.2 The main purpose of the October Returns is for the DE to determine the additional resources and support to meet students' particular educational needs. The Department of Education uses this data for its own internal processes, including monitoring educational progress as pupils move through the primary education system and on to post-primary. The returns provide the Department of Education with the information needed to develop and evaluate educational policy, to calculate teacher allocation, capitation, grant payments for schools, to determine resourceallocation, for statistical analysis and reporting in the areas of social inclusion and integration of students in the education system, and for planning purposes. The details of the personal data submitted to the DE

via POD/P-POD are outlined at Section 2 of this Policy. Certain of the items are optional, and parents/guardians do not have to supply this information if they do not consent (see further Section 2).

3.6.6.3 The DE transfers some of this personal data to other Government departments and other State bodies, such as transfers to the Department of Employment Affairs and Social Protection: pursuant to the Social Welfare Acts, transfers to the State Examinations Commission, transfers to the Educational Research Centre, and transfers to the Central Statistics Office pursuant to the Statistics Acts. The data will also be used by the DE for statistical, policy-making and research purposes. However, the DE advises that it does not use individual data, but rather aggregated data is grouped together for these purposes. The DE has a data protection policy which can be viewed on its website (www.education.ie). The DE has also published a "Fair Processing Notice" to explain how the personal data of students contained in October Returns is processed. This can also be found on www.education.ie (search for Circular Letter 0040/2019 in the "Circulars" section).

3.6.6.4 If a parent/guardian objects to their child's personal data being submitted to the Department of Education via the POD/P-POD system, they may submit a written objection to the School (see Department of Education Circular 0040/2019, page 2 (para. 2(a)).

3.6.7 Student data via NEPS: The National Educational Psychological Service is a service provided by the DE. NEPS employs psychologists who work with primary and post-primary school students. NEPS works with students, parents, and teachers to help children and to deliver a range of services. For further information, see https://www.education.ie/en/Schools- Colleges/Services/National-Educational-Psychological-Service-NEPS-/Information-for- Parents.html

3.6.8 Matters that are the subject of parliamentary questions in the Dáil: ETBs are statutorily required to provide the Minister for Education with information regarding, *inter alia*, the performance of a chief executive's functions (section 15(3) Education and Training Boards Act 2013), information relating to the performance of the board's functions (section 40(9) of the 2013 Act); and such reports and returns and such information as the Minister "may from time to time require" (per section 9 (5) of Schedule 3 to the 2013 Act); on very rare occasions this information may include personal data which has not been anonymised.

3.6.9 Staff and staff levels: the staffing budget and staffing levels within ETBs are calculated on the basis of aggregated returns made by ETBs.

3.6.10 Information regarding disability: this is reported (on an aggregated, anonymised basis) to assist the Department of Education in calculating the target for employment of persons with disability under the Disability Act 2005.**The Inspectorate:** section 13 Education Act 1998 (as amended) created the Inspectorate, being comprised of the child inspector and such inspectors as the Minister for Education considers appropriate. It is the function of the Inspectorate to visit recognised schools and centres for education in order to evaluate the organisation and operation of those schools and centres and the quality and effectiveness of the education provided in those schools or centres, including: evaluating the quality of teaching and effectiveness of individual teachers; evaluating the education standards in such schools or centres; assessing the implementation and effectiveness of any

programmes of education which have been devised in respect of individual students who have a disability or other special educational needs, and; reporting to the Minister (or to the board of management, patron or such other bodies as may be prescribed) on these and other appropriate matters. As part of their inspection, the Inspectorate may request to see personal data relating to staff and/or students in order to conduct their assessment. Recognised schools and centres are required to cooperate with the Inspectorate, and section 13(12A) of the Education Act 1998 (as amended) creates an offence of obstructing or interfering with the inspectorate in the course of their role.

3.6.11 Student and board of management data via Section 29 Committees: where there has been a decision to (a) permanently exclude a student from the school, or (b) suspend a student from the school for a cumulative period of 20 school days in any one school year, or (c) to refuse to enrol a student in the school, section 29 Education Act 1998 outlines that an appeal can be made against that decision to the Secretary General of the Department of Education. Circular letter 0069/2020 outlines the Appeal Procedures provided under Section 29 of the Education Act 1998. The DE establishes an Appeals Committee to hear the section 29 Appeal, and the data relating to the suspension/expulsion/refusal to enrol the student (as appropriate) is submitted to that Appeals Committee in order for it to hear all the evidence and reach a decision. The documentation submitted to the section 29 Appeals Committee can include:

3.6.11.3 Records relating to Code of Behaviour (complaints, investigations, minutes, letters)

3.6.11.4 Records of Interventions tried to date and engagements with outside agencies, *e.g.* NEPS, CAMHS, EWO.

3.6.11.5 CCTV showing incidents that are alleged to have breached the Code of Behaviour (for further information, please see the CCTV Policy).

3.6.11.6 Application for enrolment forms in the case of refusal to enrol

3.6.11.7 Any other data as may be relevant to the Appeal.

3.6.11.8 Parents (and students over the age of 18 years) are furnished with a copy of the relevant section 29 documentation, and in advance of lodging their appeal they acknowledge and understand that the ETB will share and transfer data to that Appeals Committee in order for them to hear the Appeal and adjudicate on the matter.

3.7 Tusla

3.8.1. Child protection, child safeguarding, child welfare and social work: ETBs are required to seek advices from and/or make referrals to the statutory bodies established for law enforcement and child protection if they suspect any form of child abuse or receive a disclosure of child abuse. These obligations are set down in section 14 Children First Act 2015, section 2 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and DE Circular 0081/2017 and the accompanying Child Protection Guidelines. Where child protection, child safeguarding, and/or child welfare matters arise, the ETB may be asked to participate in child

protection conferences (all party meetings between TUSLA, the School and other bodies). ETB will also share and transfer personal and sensitive personal data to Tusla in respect of members of staff and/or third parties (a student's parent, another family member) where the concern/disclosure relates to alleged wrongdoing on their part. Pursuant to the Protection for Persons Reporting Child Abuse Act 1998 and the Children First Act, 2015, a person is protected from civil liability for informing Tusla and/or An Garda Síochána of his/her suspicion that (a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or (b) a child's health, development or welfare has been or is being avoidably impaired or neglected, (unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to Tusla and/or An Garda Síochána).

3.8.2. Meitheal support groups: Tusla co-ordinated inter-agency response to assessing the needs of children and families that have come to the attention of social work practitioners (including because of child welfare or safety concerns).

3.8.3. EWO / Tusla Education Welfare Services (EWS) which is part of the Tusla Education Support Service**: re: attendance, suspensions, expulsions *etc*:**

(a) Attendance: pursuant to the Education (Welfare) Act 2000, recognised schools and centres are required to collect data relating to students' attendance. Section 21 states that the principal of a recognised school shall cause to be maintained a record of the attendance or non-attendance on each school day of each student registered at that school; it further provides that where a student fails to so attend school, the register should state the fact of his or her failure and the reasons for such failure. Where the student is absent from school for an aggregate number of 20 school days during a school year (or where the principal forms the opinion that the student is not attending school regularly) the Principal is statutorily required to inform the Education Welfare Officer of this in writing.

(b) Enrolment: where a principal has a concern about an applicant to the school and deems it appropriate to contact the EWO pursuant to section 28 of the Education (Welfare) Act 2000 "*in order to ascertain how best* [the student] *may be assisted in availing of educational or training opportunities or developing his or her full educational potential*".

(c) Suspension: where a student is suspended from a recognised school for a period of not less than 6 days, (or 20 days cumulatively over a school year, per (a) above), the Principal is required to inform the Education Welfare Officer of this in writing, per section 21 Education (Welfare) Act 2000.

3.8 **Expulsion**: pursuant to section 24 Education (Welfare) Act 2000, where it is decided that a student should be expelled from a school, the School is required to notify the Educational Welfare Officer of this fact "and the reasons therefor" in writing. **National Council for Special Education (NCSE)/SENOs *etc*:** Special Educational Needs Organisers ("SENOs") are employed by the National Council for Special Education (a statutory body established by section 19 of the Education for Persons with Special Educational Needs Act 2004). A SENO deals with applications for additional teaching and Special Needs Assistant support for children with special educational needs from all schools. The SENO assists in allocation of resources. The statutory role of the SENO is set out in section 26 of the Education for Persons with Special Educational Needs Act 2004, and it is his/her/their role to obtain from the school copies of any medical reports and/or assessments, Individual Education Plans, and/or such

other documentation relating to the needs of the student with special educational needs. Pursuant to section 26(6), the board of management, principal, teachers and other members of staff of a school are statutorily required to give all such assistance as may reasonably be required by the special educational needs organiser in the performance by him or her of his or her functions. When parents and/or clinicians are furnishing copies of medical reports and/or assessments to the school in order to ensure their child/patient obtains all necessary supports and assistance, they do so on the fully informed basis that same will be disclosed to the SENO in order to obtain those supports, resources, and other assistance for the student. They may also be provided with data relating to students who are applying for a special class in a school where the Principal consults for the purpose of assessing the selection criteria such that admission to the special class is based on the "*greatest level of need"* as per some ETB schools' admission policies.

3.9 An Garda Síochána:

3.10.1. Child abuse and child protection: per section 2 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. See further (3.8.1) above.

3.10.2. Other criminal matters: ETBs will report matters of alleged/suspected criminal acts, criminal behaviour, criminal damage *etc*., to An Garda Síochána for the prevention, detection and investigation of offences, and pursuant to the ETB's duty of care to all students, staff, and others.

3.10.3. On foot of a request pursuant to section 41(b) of the Data Protection Act 2018: so when requested by the Gardaí under this section for the purpose of preventing, detecting, investigating or prosecuting criminal offences even where the data was not originally collected for that purpose. Section 41(b) states: *Without prejudice to the processing of personal data for a purpose other than the purpose for which the data has been collected which is lawful under the Data Protection Regulation, the processing of personal data and special categories of personal data for a purpose other than the purpose for which the data has been collected shall be lawful to the extent that such processing is necessary and proportionate for the purpose …(b) of preventing, detecting, investigating or prosecuting criminal offences*".

3.10 The Health Services Executive:

3.11.1. Affording of facilities for health examination of children at schools: the ETB may be asked by the HSE to circulate HSE information materials about a vaccination programme or similar public health issues, particularly relating to particular ages/groups of students. This is generally so that the HSE can invite them to participate in vaccination programmes or other public health initiatives. When parents receive the information leaflets, the parent/guardian engages directly with the HSE and if they wish, consent to the provision of information to the HSE by the completion and returning of the relevant documents to the HSE. In certain instances, City of Dublin ETB may accept / collect forms from students for returning to the HSE where such processing is in the public interest. However, participation in the vaccine/programme is entirely a matter for the parents, and for them to pursue directly with the HSE. The ETB may offer the HSE temporary facilities within a ETB premises in order to comply with section 32 of the Health Act 1953 ("*affording of facilities for health examination of children at schools*").

3.11.2. For contact tracing: To ensure compliance with Government Regulations/guidance in relation to

infectious diseases. The legal basis for this processing is that it is necessary for the performance of a task carried out in the public interest and the vital interests of our students, learners and staff. Where some of this data may include special category data, the Article 9 exemption is such that the processing has substantial public interest.

3.11 **Work placement providers and/or employers:** for those students going on work experience and/or work placement and/or apprenticeships and learners participating in programmes such as Skills to Advance, where the employer sponsors the course to take place during working hours and staff are released to attend.

3.12 **Data-sharing with SOLAS and others via the Programme Learner Support System ("PLSS"):**

3.13.1. City of Dublin ETB is a programme provider of further education and training ("**FET**") and offers many courses to adult learners. These FET programmes are funded through SOLAS (An tSeirbhís Oideachas Leanúnaigh agus Scileanna) established under the Further Education and Training Act 2013 as the national further education and training authority.

3.13.2. As a condition of application for or enrolment in a FET course funded through SOLAS, a learner's personal data (and that of third parties, such as next of kin) are collected using the Programme Learner Support System ("**PLSS**"). PLSS is a joint project between SOLAS and other participants (including Education and Training Boards Ireland (ETBI)). PLSS is a suite of software applications that are designed to provide an integrated approach to the collection and processing of personal data of users of PLSS and FET programmes funded through SOLAS, and the outputs, outcomes, and performance of such programmes.

3.13.3. When a learner applies for a FET programme funded through SOLAS, s/he/they will be asked to provide personal data via the PLSS form, which may include special category personal data, such as a disability. Details about ethnic or cultural background, and living circumstances may be requested, which the learner may choose to give or not – this is an entirely optional disclosure. If s/he/they provide this information, the data will be reported, in aggregate form, for statistical and research purposes and to compare the progress of such groups with other groups. Such statistics and research will assist in identifying gaps in the system and in the development and implementation of appropriate policies (*e.g.* equal opportunity policies) and interventions for future learners. If the learner provides this information s/he/they is/are giving explicit permission for the data to be processed for these purposes. Further details of the data to be processed are listed above in section 2 of this policy, and also at Appendix 2 of the PLSS Data Protection Statement, available here.

3.13.4. SOLAS is required under the Further Education and Training Act 2013 to (among other things) assist in the co-ordination and provision of training by others and conduct research into the functions of SOLAS. This might include tracking involvement in, conducting impact evaluations on and assessing outcomes of FET programmes funded through SOLAS. Accordingly, pursuant to agreed protocols and arrangements, SOLAS may provide to and receive from other Governmental, regulatory and/or public bodies (including those listed in Appendix 3), limited and specific types of data about you or provided by you in your application for a FET programme. For example, FET providers are required to disclose some of your personal data to SOLAS for statistical purposes. In addition, if you are attending a European Union co-funded programme the Department of Education is required to

provide some of your personal data to allow for the monitoring, reporting, and evaluating of programmes to which the EU provides funds.

3.13.5. The following parties participate in the PLSS scheme (referred to in this section as **"PLSS Participants**") and have access to an extract of the data generated from the PLSS system:

(a) The Department of Education ("**DE**").

(b) The Central Statistics Office (CSO) Administrative Data Centre: PLSS data will be pseudonymised by a CSO statistician and linking of PLSS learners with the Revenue, DEASP, QQI and HEA data will be done using the CSO unique identifier (*i.e.* CSO PPSN).

(c) Department of Employment and Social Protection: To validate information on applicants in receipt of social welfare payments.

(d) Quality and Qualifications Ireland (QQI): To verify information regarding applicant's certification as a result of attending an FET Programme.

(e) Higher Education Authority ("**HEA**"): Not currently shared directly but in the event of being shared, to verify and validate applicants who progress to higher education.

3.13.6. Once uploaded to the PLSS, there is "cross data sharing" of that personal data by other PLSS Participants (those bodies granted formal access to the PLSS), so personal data could be obtained by those PLSS Participants even if the applicant/learner has not previously engaged with those bodies. There are written Data-sharing Protocols between SOLAS and the Department of Social Protection, the Higher Education Authority and QQI; a Data Processing Agreement has been put in place between City of Dublin ETB and SOLAS. Each of these agreements and protocols dictates the scope and parameters of permissible usage of and access to learner/applicant personal data on the PLSS.

3.13.7. Each of the PLSS Participants listed at 3.15.7 will process personal data provided by the learner, in some instances where relevant, information provided to them by third parties such as other Governmental/public sector bodies, and made available to affiliated entities, agents, service providers, advisers and data processors and other Governmental, regulatory and/or public sector bodies. For further information, please see the PLSS Data Protection Statement, available on our website at At national level (in accordance with section 7 of the Further Education and Training Act 2013) and at European level, (pursuant to the European Social Fund Regulation (EU) 1304/2013 of the European Parliament and of the Council of the EU of 17 December 2013), SOLAS must report, as a statutory requirement for funding, on the FET sector . Until 2027, under the Programme for Employability, Inclusion and Learning 2014-2020 ("**PEIL**"), SOLAS must justify the ESF co-funding that it seeks via the DE by way of reporting. The PEIL requires the national authority in each Member State charged with the function of FET provision to collect and store detailed data about each learner in receipt of ESF co-funding. For this, SOLAS must be able to gather evidence which it obtains from its evaluation of FET outcomes including improved employability and the social inclusion of various groups in society (*e.g.* youth, females, long-term unemployed, immigrants, persons with disabilities, socio- economic disadvantaged, *etc.*). SOLAS may also be randomly audited by the European Commission to verify and validate Ireland's ESF claim for funding. In the event that such ESF auditors were to make a finding of poor data or information quality, ESF co-funded provision could be suspended. This would have a serious knock-on effect on FET funding in Ireland (not least through a potential funding deficit) and therefore its provision in Ireland and SOLAS' legislative mandate under the FET Act would not be fulfilled. In the context of operating PLSS for the above purposes, SOLAS will act as a data controller over the information it collects from learners and from the other PLSS Participants for this purpose.

3.13 **Prisons and Child Detention Schools:** Under section 10 of the Education and Training Boards Act 2013, ETBs are required to plan, provide, coordinate and review the provision of education and training in bodies including children detention schools and prisons. Where ETBs provide education and training courses/programmes in prisons and children detention schools, they do so in partnership with the Irish Prison Service, and the governing body of the relevant prison or children detention school (as applicable). Due to the unique nature of the venue in which education is delivered, and due to the need to ensure safety and security for all involved in the delivery of education, there is a high level of data-sharing between the ETB and the relevant prison body in relation to the ETB staff and the learners participating in the education and training programmes. This data-sharing will include student records (which are held on the Prison Education Management System (PEMS) administered by the Irish Prison Service); teacher records (which are securely held by the ETB). Examination scripts may be removed from the prison for marking by teachers. Garda vetting is undertaken through the Teaching Council and/or the ETB as appropriate.

3.14 **SUSI:** SUSI is a business unit of City of Dublin ETB, which is the single national student grant awarding authority designated by the Minister for Education under the Student Support Act 2011. SUSI administers applications under the annual Student Grant Scheme for higher and further education grants. City of Dublin ETB is the joint Data Controller with the Department of Education for student grant applications under the Student Grant Scheme. SUSI processes information submitted via an online application process. In submitting a single online application, personal details of all parties to the application together with their income details are provided to SUSI. All parties are required to acknowledge that they have read the SUSI data protection statement and to confirm that the information they provide is complete and accurate (a form of declaration to this effect is provided at this point). The categories of personal data provided by parties to an application and collected by SUSI for the purpose of assessment are: name, address and contact details, date of birth, PPS number; nationality; employment details, and; bank details. As part of conducting an assessment and ongoing grant management and payment, SUSI may share some or all of the data provided by parties to an application with other Government bodies and agencies set out in Schedule 2 of the Student Support Act 2011. The third parties with whom SUSI exchanges data include the Department of Education, the Department of Employment Affairs and Social Protection, the Revenue Commissioners, the Central Applications Office, the HSE and former awarding authorities, *i.e.* ETBs and County Councils. All data sharing arrangements are governed by respective data sharing agreements with each of the data sharing bodies. Section 28(5) of the Student Support Act 2011 provides for the relevant purpose of collecting, processing and sharing of the information submitted to SUSI. The purposes include: obtaining information to determine whether an applicant is eligible for a grant; verifying data supplied as part of the application process; assisting in the processing of an application for a grant by a student; assisting in the payment of grants to students; verifying that a student is enrolled or registered, in accordance with the rules of an approved institution, and is continuing to attend an approved course at an approved institution.

3.15 **Teaching Council:** The Teaching Council is the statutory body that regulates the teaching profession in Ireland. It was established by the Teaching Council Acts 2001 -2015. Personal data is shared by Teaching Council and the ETB for the purposes of the Teaching Council performing its statutory functions (including regulating the teaching profession and promoting professional standards),

including to fulfil the statutory functions set out below:

3.16.1. Information from the register: Section 30 of the Teaching Council Acts 2001 – 2015 requires all teachers to register with the Council if they are to be paid from State funds. It states that if the teacher is not registered, or is otherwise removed or suspended from the register, they shall not be remunerated out of moneys provided by the Oireachtas. Section 7 of the Education (Amendment) Act 2012 provides that the Teaching Council shall provide each ETB with information held by the Council in respect of each person who is or was a registered teacher, and to provide the ETB with information regarding whether that person's conditional registration lapses, or if the person is removed from the teaching register. The Teaching Council operates a "*paymaster interface to the Register of Teachers*" in order to facilitate ETBs in the verification of the teacher's eligibility for payroll pursuant to section 30 Teaching Council Acts 2001 – 2015, and for verifying qualifications for the calculation of qualification allowances *etc*.

3.16.2. Vetting: The Teaching Council is responsible for co-ordinating statutory vetting of the teaching profession, and shares teachers' personal data (including special category data) with the National Vetting Bureau for that purpose. The statutory process for conducting vetting applications is prescribed by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Where an applicant applies for a position in a school/centre (or otherwise pursuant to the retrospective vetting provisions prescribed by the Department of Education) the Teaching Council is required to release a copy of the Vetting Outcome/disclosure to that school/centre, and therefore there is data-sharing between the ETB and the Teaching Council as part of this process.

3.16.3. Fitness to teach/regulatory procedures: The Teaching Council is required to undertake investigative and disciplinary functions. This includes conducting inquiries into matters such as professional misconduct, poor professional performance, and fitness to teach. The Teaching Council may call upon any person in attendance as a witness before a panel appointed under section 43 Teaching Council Act to produce any documentation in his or her power or control as is lawfully required by the panel to be produced by him/her. Pursuant to section 43B of the Teaching Council Acts 2001 - 2015 it shall be an offence to refuse such a request.

For more information in relation to data processing within the Teaching Council, please refer to www.teachingcouncil.ie/en/about-us1/customer-service-/privacy-policy/

3.16 **Central Statistics Office:** The Department of Education and ETBs make aggregated, cumulative, statistical data available to the Central Statistics Office under the Statistics Acts to assist with the compilation of national statistics.

3.17 **Health & Safety Authority (HSA):** To report matters including workplace accidents and dangerous occurrences pursuant to the Safety, Health and Welfare at Work (General Application) Regulations 2016.

3.18 **The Department of Social Protection:** The Department of Social Protection may require the ETB to provide it with certain personal data relating to a student/learner (and/or his/her parents where the student is under 18 years). Section 265(1) of the Social Welfare (Consolidated) Act 2005 provides that a specified body (of which the ETB is one) may share information with another specified body (of

which the Department of Employment Affairs and Social Protection is another). Such data-sharing, where requested, will proceed if it complies with the Data Protection Commission's Guidance note on "Data Sharing in the Public Sector[7]," and in particular the advice: " *to inform data subjects how their personal data are or will be processed, and processing will not be considered fair, lawful, and transparent unless the data subject is given specific information about the identity of the controller, who the information will be disclosed to, and the purposes for which the data are to be processed*".

3.19 **Financial institutions:** Data is transferred to financial institutions for the purposes of administering staff payroll, payment of expenses, processing of student fees and grants *etc.*

3.20 **Past and future employers of employees and prospective employees:** to obtain/furnish references, and/or service records.

3.21 **Financial Accountants and Auditors:** the ETB is required to prepare financial statements (see section 51 Education and Training Board Act 2013) and to comply with the Comptroller and Auditor General in respect of its statutory audit function, and to report to the Public Accounts Committee of Dáil Éireann and give evidence to that committee regarding the propriety of the affairs of the ETB.

Occupational Health info shared with Occupational Health Provider: The following employee information may be shared with an Occupational Health Provider for the purpose of establishing the medical fitness to work of an employee and/or his/her/their medical fitness to engage in HR processes *e.g.*, reasonable accommodations required, eligibility for Critical Illness Pay, eligibility for Ill-Health Retirement, pre-employment medical assessment, sickness absence records, sick certificates, absence records, occupational health referrals, medical assessments, correspondence with the staff member and clinicians, any documentation regarding reasonable accommodation, correspondence re retirement on ill-health grounds, and other records documenting the operation of the public-service sick pay scheme

3.23 **Pension administrators, companies offering Additional Voluntary Contribution (AVC) pension products (where relevant), financial organisations offering income continuity policies (where relevant):** for any occupational pension scheme to be operated, transfers of service executed, contributions to be remitted and pension benefits paid and the implementation of family law pension adjustment orders etc. If the employee is participating in an AVC or income-continuity policy and requires the employer to transmit information or remit payments to that entity, the ETB will facilitate same where directed to do so by the employee. Pensions data will also be transferred to the Revenue Commissioners and the Department of Employment Affairs and Social Protection: where required by law.

[7] https://www.dataprotection.ie/sites/default/files/uploads/2019-05/190418%20Guidance%20on%20Data%20Sharing%20in%20the%20Public%20Sector.pdf

3.24 **Pension administrators, companies offering Additional Voluntary Contribution (AVC) pension products (where relevant), financial organisations offering income continuity policies (where relevant):** for any occupational pension scheme to be operated, transfers of service executed, contributions to be remitted and pension benefits paid and the implementation of family law pension adjustment orders etc. If the employee is participating in an AVC or income-continuity policy and requires the employer to transmit information or remit payments to that entity, the ETB will facilitate same where directed to do so by the employee. Pensions data will also be transferred to the Revenue Commissioners and the Department of Employment Affairs and Social Protection: where required by law.

3.25 **Trade unions:** staff may be members of recognised unions, and they may wish to be represented by their trade union official (and/or shop steward) in certain IR/HR matters in the workplace. These are dealt with in the relevant workplace policies and sectoral Circulars issued by the Department of Education.

3.26 **ETBs' insurer and/or legal advisors, including the Legal Services Support Unit, Education and Training Boards Ireland:** the ETB transfers and shares data with its insurers, Irish Public Bodies, and their duly appointed workplace investigators, claims handlers, and legal advisors, pursuant to the ETB's insurance policy. The ETB also shares and transfers personal data to its legal advisors to obtain legal advices and for the taking and defending of legal claims, resolving disputes, and defending, compromising, or otherwise settling litigation.

3.27 **Payroll Shared Services:** Education Shared Business Services (ESBS) is a stand-alone section that comes under the remit of the Department of Education. Payroll Shared Services is part of the Government's Public Sector Reform Agenda (November 2011) which sets out its commitment to streamlining administrative operations and eliminating duplication through business process improvement and the implementation of shared service models within each sector. City of Dublin ETB transferred data to ESBS in accordance with a Data Processing Agreement and Memorandum of Understanding/Service Management Agreement.

3.28 **Financial Shared Services:** City of Dublin ETB will transferred data to ESBS in accordance with a Data Processing Agreement and Memorandum of Understanding/Service Management Agreement.

3.29 **ETB Pension Paymaster** (National Shared Services Office at time of implementation of this policy): the body that administers the payment of pensions to pensioners. For further information, employees can contact their payroll/HR department.

Service providers to the ETB, (CCTV, security, IT support, payments solutions platforms, direct marketing agencies or printing companies, management information systems for students and learners, plagiarism detection services/software, service providers delivering services to students, ***e.g.*** **Apps, Tablets *etc*):** this data sharing is for the purpose of obtaining appropriate expertise and support, and to ensure that the ETB is being effectively managed. These service providers are retained pursuant to a detailed written agreement and comply with the instructions of the ETB data controller as set out in a Data Processing Agreement.

3.30 **Service providers to the Music Generation Programme:**

3.31 **Education and Training Boards Ireland**: the ETB shares data with its national representative body, Education and Training Boards Ireland (ETBI) as recognised under section 2 of the Education and Training Boards Act, 2013. ETBI operates pursuant to its Constitution and to collectively represent its member ETBs and promote their interests, as set out in the Education and Training Boards Act 2013.

In addition, ETBI manages and administers a project which will provide the ETBs with access to a database containing information about External Authenticators ("External Authenticator Directory"), any of whom it may contact for the engagement of services. For the purposes of carrying out any activities in relation to the Project which involve the processing of personal data, ETBI and the ETB will be joint controllers and will enter into an agreement in respect of Article 26 GDPR - Controller to Controller Sharing of Personal Data.

3.32 **Public Service Transfer Network:** where an employee requests a transfer of service to and from the civil service, Garda Síochána, national and secondary teaching sector and the Defence Forces, this scheme permits them to transfer pensionable/reckonable service for the purposes of the superannuation provisions applying to persons employed in a pensionable capacity. The transfer of information to the new employer is at the specific request of the employee. For further information, employees should contact their HR department.

3.36 **Revenue Commissioners:** For payroll purposes, to remit employers' tax and employees' PRSI, PAYE etc and other tax deductions to the Revenue Commissioners.

3.37 **Members of the public:** Section 44(1) of the Data Protection Act 2018 provides that "*personal data contained in a record may be disclosed where a request for access to a record is granted under and in accordance with the Act of 2014 pursuant to an FOI request.*" ETBs are subject to the provisions of the Freedom of Information Act 2014. Therefore, records containing information relating to employees, business dealings, strategy decisions tenderers and suppliers *etc.,* may be released in response to an FOI request and personal information may possibly be contained within these records, notwithstanding the provisions of the 2014 Act relating to personal information exemptions. In line with such exemptions, City of Dublin ETB may consult with suppliers and other third parties before deciding whether or not to release the records in the public interest.

The foregoing is an indicative list of the bodies to whom we transfer data, but it is not an exhaustive list. We will disclose to other third parties (who are not necessarily listed here) where there is a legal basis, and/or where we are legally required to do so.

Section 4: Third country / international transfers

Where we engage service providers from a third country or international organisation, we will do this in compliance with the GDPR by assuring appropriate safety measures are in place to protect the data.

In some instances, we are required to transfer learner / employee data to organisations outside of the EU for the purpose of accreditation, which is provided by awarding bodies in a third country.

Where such transfers are made to third-countries, the ETB will use Standard Contractual Clauses as adequate safeguards, unless there is an adequacy decision in place in respect of that country's data protection laws.

Section 5: Automated Decision Making / Profiling

Profiling is any kind of automated processing of personal data that involves analysing or predicting a data subject's behaviour, habits or interests. We may engage in educational profiling in certain instances. For example, profiling of Junior Cycle student profile and FET 'online skills tests', and profiling in accordance with the SOLAS Data Protection Policy. This profiling is in an effort to provide educational support and assistance and is not used to come to decisions that will have significant legal impacts on learners – it is not used, therefore, to determine the results of state examinations or QQI certificates. This profiling is not comprehended by Article 22 of the GDPR.

Section 6: Record Retention

The ETB Records Retention Schedule is available here. Please note the retention schedule is subject to ongoing review and monitoring. In this schedule, we will give you further information about the period for which your personal data will be stored (or if that is not possible, the criteria used to determine that period).

Section 7: Your rights

In this section, we will give you further information about your rights as a data subject. In our Privacy Notice and in this Data Processing Policy, we give you information in order to ensure that the processing of your personal data is fair and transparent. If you have any additional queries, please contact our Data Protection Officer (contact details in Section 8).

7.1 **Right to complain to the Data Protection Commission**: Data Subjects have the right to lodge a complaint to the Data Protection Commission. The contact details are set out below:

- **By webform on the DPC website: https://www.dataprotection.ie/en/contact/how-contact-us;**

- **By post: Data Protection Commissioner 21 Fitzwilliam Square South Dublin 2 D02 RD28**

7.2 Right of access:

7.2.1 You have the right to obtain confirmation as to whether or not your personal data are being processed by City of Dublin ETB, and, where that is the case, access to the personal data and the following information:

(a) the purposes of the processing; the categories of personal data concerned;

(b) the recipients or categories of recipient to whom your personal data have been or will be disclosed, in particular recipients in third countries or international organisations; (and where your data are transferred to a third country or to an international organisation, you shall have the right to be informed of the appropriate safeguards);

(c) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(d) the existence of the right to ask the ETB to rectify or erase your personal data or restrict the processing of your personal data or to object to such processing;

(e) the right to lodge a complaint with the Data Protection Commission;

(f) where your personal data are not collected directly from you, any available information as to their source;

(g) the existence of automated decision-making, including profiling, and meaningful information about the logic involved, as well as the significance and the possible consequences of such processing for you.

7.2.2 Where we receive such a request, City of Dublin ETB reserves the right to request such official identification documentation (*e.g.* passport or driver's licence) from you.

7.2.3 Where a valid request has been received, City of Dublin ETB shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, City of Dublin ETB reserves the right to charge a reasonable fee based on administrative costs.

7.2.4 Where you make the request by electronic means, and unless otherwise requested by you, the information shall be provided in a commonly used electronic form.

7.2.5 The right to obtain a copy of your data shall not adversely affect the rights and freedoms of others.

7.2.6 If data relating to a third party is involved, it will not be disclosed without the consent of that third party or alternatively the data will be anonymised in order to conceal the identity of the third party.

7.2.7 The ETB reserves the right to supply personal information to an individual in an electronic format, *e.g.* on tape, USB, CD *etc*. If the requested data are CCTV recordings, the ETB reserves the right to release this either (a) in soft copy footage, or (b) in still images (photos) at a rate of one photograph per second of video[8]. If the CCTV footage includes images of other people, their images may be pixilated or otherwise blanked out.

7.3 Right to rectification

7.3.1 Where City of Dublin ETB is processing inaccurate personal data, you have the right to have those inaccuracies rectified.

[8]See: https://www.dataprotection.ie/en/individuals/know-your-rights/right-access-information

7.3.2 Taking into account the purposes of the processing (see Section 2 of this Policy), you have the right to have incomplete personal data completed (including by means of your providing us with a supplementary statement).

7.4 Right to be forgotten

7.4.1 You may have the right to be forgotten/the right to erasure of your personal data, subject to certain conditions.

7.4.2 The Right to be Forgotten shall apply only where:

(a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
(b) where the processing is based on Consent (see Section 2 above) and there is no other legal ground for the processing, and you now wish to withdraw that consent;
(c) you object to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) (direct marketing);
(d) your data have been unlawfully processed;
(e) your data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
(f) your data have been collected in relation to the offer of information society services referred to in Article 8(1).

7.4.3 Notification: Where City of Dublin ETB has made the personal data public and is obliged pursuant to Article 17(1) GDPR to erase the personal data, the ETB, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

7.4.4 The right to be forgotten (and the notification referred to at (7.4.3) above) shall **not** apply to the extent that the processing is necessary:

(a) for exercising the right of freedom of expression and information;
(b) for compliance with a legal obligation which requires processing by Union or Member State law to which City of Dublin ETB is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
(c) for reasons of public interest in the area of public health in accordance with Article 9(2)(h) and (i), as well as Article 9(3);
(d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) as far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or

7.5 for the establishment, exercise, or defence of legal claim. Right to restrict processing

7.5.1 You have the right to request us to restrict our processing your personal data subject to the conditions set out in Article 18 of the GDPR.

7.5.2 The right to restriction arises if one of the following applies:

(a) You are contesting the accuracy of your personal data, for a period enabling City of Dublin ETB to verify the accuracy of your personal data;

(b) the processing is unlawful and you are opposing the erasure of the personal data and are requesting the restriction of the use of your data instead;

(c) City of Dublin ETB no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise, or defence of legal claims;

(d) You have objected to processing pursuant to Article 21(1) pending the verification of whether the legitimate grounds of the controller override those of the data subject.

7.5.3 Where processing has been restricted, such personal data shall (with the exception of storage) only be processed with your consent or for the establishment, exercise, or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

7.5.4 Where you have restricted our processing of your data pursuant to Article 18(1), you shall be informed by City of Dublin ETB before the restriction of processing is lifted.

7.6 Right to data portability

7.6.1 You shall have the right to data portability per Article 20 GDPR. This means that you shall receive your personal data, which you have provided to City of Dublin ETB, in a structured, commonly used, and machine-readable format.

7.6.2 The right to data portability applies where:

(a) the processing is based on Consent (Article 6(1)(g) or Article 9(2)(a)), or on a Contract Article 6(1)(b); **and**

(b) the processing is carried out by automated means.

7.6.3 For the avoidance of doubt, the right to data portability does not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

7.6.4 The right to data portability shall not adversely affect the rights and freedoms of others.

7.6.5 You have the right to transmit those data to another controller without hindrance from City of Dublin ETB to which the personal data have been provided.

7.7 In exercising your right to data portability, you shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

7.8 Right to object

7.8.1 You shall have the right to object, on grounds relating to your particular situation, at any time, to processing of your personal data which is based on:

(a) Public Interests (Article 6(1)(e)

(b) Legitimate interests (Article 6(1)(f)), including the right to object to profiling based on those provisions.

7.8.2 City of Dublin ETB will no longer process your personal data unless it demonstrates compelling genuine grounds for the processing which override your interests, rights, and freedoms, or for the establishment, exercise, or defence of legal claims.

7.8.3 Where personal data are processed for direct marketing purposes, you shall have the right to object at any time to processing of your personal data for such marketing, which includes profiling to the extent that it is related to such direct marketing.

7.8.4 Where you object to processing for direct marketing purposes, your personal data shall no longer be processed for such purposes.

7.8.5 You have the right to object to processing based solely on automated means, including profiling, which produces legal effects concerning you or similarly significantly affects you. City of Dublin ETB does not engage in automated decision making.

7.9 Data controller's obligation to notify others

7.9.1 City of Dublin ETB shall communicate any rectification (7.3 above), or erasure (7.4 above) of personal data, or restriction of processing (7.5 above) carried out to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort.

7.9.2 City of Dublin ETB shall inform you about those recipients if you request it.

7.10 General information relating to all the rights referred to above

7.10.1 Upon receipt of a valid request, City of Dublin ETB shall attend to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. City of Dublin ETB shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

7.10.2 In the case of an access request (see section 7.2 above, "Right of Access") where a subsequent or similar access request is made after the first request has been complied with, the ETB has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.

7.10.3 If City of Dublin ETB does not take action on foot of the request of the data subject, the ETB shall inform you without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with the Data Protection Commission and seeking a judicial remedy.

7.10.4 Where requests from you are manifestly unfounded or excessive, in particular because of their repetitive character, City of Dublin ETB may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request.

You can exercise these rights at any time. For further information, please contact our Data Protection Officer.

Section 8: Contact our Data Protection Officer

City of Dublin ETB has a Data Protection Officer, whose contact details are:

Telephone:	01 668 0614
Email:	dataprotection@cdetb.ie
Address:	City of Dublin ETB, Head Office, 1-3 Merrion Road, Ballsbridge, Dublin 4, D04 PP46

If you have any queries, please contact our DPO using these details.