

Personal Data considerations re: ETB Post-Primary School Application and Admission Forms

1. APPLICATION FORM

SECTION 1 – PROSPECTIVE STUDENT DETAILS

The name and address of the student is all information required to identify the Data Subject for the purpose of administering the admission process, including applying selection criteria to applications if applicable. This is in line with section 71(1)(c) of the Data Protection Act 2018, which states that *“data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.”*

PPSN

This personal data is also required for identification purposes. It can be requested pursuant to section 262(4) of the Social Welfare Act 2005 which 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, civil partner or cohabitant and children, where relevant, as required by the body for the purposes of the person's transaction”*. Paragraph 1(2A) of Schedule 5 of the Social Welfare Act 2005 extended the definition of *“specified body”* to include *“an education and training board”* and paragraph 2 includes *“a recognised school or centre for education (within the meaning of section 2 of the Education Act, 1998)”*. Under the Education (Admission to Schools) Act 2018, it is possible for school boards of management to communicate with each other re: lists of students who have applied and section 66(b)(iv) in particular states that the PPSN may be given as part of this information, which implies that PPSN information would be asked at application stage.

SECTION 2 – DETAILS OF PARENT / GUARDIAN

This information is sought to communicate the outcome of the application process to the data subject and in the case of a minor, the communication must be done with their parent(s)/guardian(s). This is pursuant to the Education Act 1998 inserted by section 9 of the Education (Admission to Schools) Act 2018 which provides that *“where a student has not been offered admission, the reasons that he or she was not offered admission shall be provided in writing to the applicant including, where applicable, details of the student's ranking against the selection criteria and details of the student's place on the waiting list”*.

SECTION 3 – STUDENT CODE OF BEHAVIOUR

A parent's/guardian's signature is sought to confirm in writing that the school's Code of Behaviour *“is acceptable to him/her and that he/she shall make all reasonable efforts to ensure compliance with such code by the student”*, in accordance with section 23(4) of the Education (Welfare) Act 2000.

SECTION 4 – STUDENT'S GENDER

The gender 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 gender only.

SECTION 5 – SPECIAL CLASS

These details are sought pursuant to the school's / ETB's statutory obligations under section 61(2)(f) of the Education Act 1998 as amended by section 9 of the Education (Admission to Schools) Act 2018, which states that *“a school that, in addition to the general admission of students has, with the approval of the Minister, established a class to provide an education exclusively for students with a category or categories of special educational needs specified by the Minister”*. The Act also states that *“the admission statement of the school shall include a statement that the school may refuse to admit to the class concerned a student who does not have the specified category of special educational needs concerned”*.

This information is also sought to assist the school in providing education to the child in line with the ETB's function under the Education and Training Board Act 2013 and the school's function under the Education Act 1998 to *“provide education to students which is appropriate abilities and needs”*.

Such documentation is further sought pursuant to the school's / ETB's statutory obligations under the Education for Persons with Special Educational Needs Act 2004 section 3(5) in particular which states that *“where an assessment carried out in accordance with subsection (4) establishes that the student concerned has special educational needs, the principal shall” ... “cause a plan to be prepared for the appropriate education of the student (in this Act referred to as an ‘education plan’ ”*.

This information may also be shared with the Minister for Education and Skills or an tÚdarás un Árd-Oideachas in accordance with 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).

SECTION 6 – AONAD / SRUTH LÁN GAELIGE (IRISH MEDIUM STREAM)

This is requested in order for the school to determine the school curriculum plan and the allocation of resources, pursuant to the Education Act 1998, in particular section 9 which provides that a school shall use its available resources to *“promote the development of the Irish language and traditions, Irish literature, the arts and other cultural matters”* and *“in the case of schools located in a Gaeltacht area, contribute to the maintenance of Irish as the primary community language”*.

SECTION 7- SELECTION CRITERIA FOR ADMISSION IN THE EVENT OF OVERSUBSCRIPTION

Student's address

This is sought for the purpose of determining whether the student resides in the catchment area, which the board of management may choose to be a criterion for admission, pursuant to its functions under the Education Act 1998, the Education (Welfare) Act 2000 and the Education and Training Board Act 2013 and in line with any restrictions under the Education (Admission to Schools) Act 2018.

Student's sibling(s)

This information is sought for the purpose of determining whether the student has/had siblings who are currently attending or who previously attended the school in accordance with section 62(10)(a) of the of the Education Act 1998 as inserted by section 9 of the Education (Admission to Schools) Act 2018.

Student's parent or grandparent information

This information where the parent or grandparent have previously attended the school, is required in accordance with section 62(10)(b) of the Education Act 1998 as inserted by section 9 of the Education (Admission to Schools) Act 2018.

Primary school

This is sought for the purpose of determining whether the student has attended a primary school whose students are given preference for admission, which the board of management may choose to be a criterion for admission, pursuant to its functions under the Education Act 1998, the Education (Welfare) Act 2000 and the Education and Training Board Act 2013 and in line with any restrictions under the Education (Admissions to Schools) Act 2018.

Aonad Lán Gaeilge

Information sought regarding whether Irish is spoken regularly at home is to determine the level of fluency of the student in accordance with section 62(9)(a) of the Education Act 1998 as inserted by section 9 of the Education (Admission to Schools) Act 2018 which provides that *"an Irish language school may prioritise the admission of a student where the school is satisfied that the student has attained a level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish school"*.

IMPORTANT INFORMATION**Recent utility bill**

This is sought as proof as address where a criterion of admission to the school is whether a student resides in a particular catchment area. (However, at the school's discretion, there may be other ways to confirm proof of address in scenarios where a utility bill is not possible, e.g. a letter from a social worker where a homeless family may be residing in temporary accommodation provided by the State.)

2. ACCEPTANCE FORM

SECTION 1 – STUDENT DETAILS

The name and address of the student is all information required to identify the Data Subject. This is in line with section 71(1)(c) of the Data Protection Act 2018, which states that *“data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.”*

Gender

The gender of the student is sought to ensure gender balance within classrooms as section 9(e) of the Education Act states that a function of a school is to *“promote equality of opportunity for both male and female students and staff of the school”* under section 9(e) of the Education Act 1998. The legal basis being relied upon for seeking such personal data is that processing of personal data is lawful where *“processing is necessary for compliance with a legal obligation to which the controller is subject”*, according to Article 6(1)(d) of the GDPR.

PPSN

This personal data is also required for identification purposes. It can be requested pursuant to section 14(4) of the Social Welfare Act 1998 which 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)”* etc. 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) in particular states that the PPSN may be given as part of this information. Also, according to ‘Primary Circular 24/02, Department of Education and Science Primary Branch, To: Boards of Management, Principal Teachers and all Teaching Staff in Primary Schools, Determination of Valid Enrollment in Primary Schools’: *“the PPSN number of the child should also be obtained at the time of enrolment”*.

Mother’s Maiden Name

This personal data is sought as it is required when submitting the ‘October Returns’ to the Department of Education and Skills and may be shared with the Minister for Education and Skills or an tÚdarás un Ard-Oideachas in accordance with 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. Therefore, the legal basis relied upon when seeking this information is that in accordance with Article 6(1)(e) of the GDPR such that the “*processing is necessary for the performance of a task carried out...in the exercise of official authority vested in the controller*”, where authority is vested in the controller via the above statutory regulations.

Date of birth

The date of birth is sought as proof of the student’s age which is required to determine the eligibility of his/her attendance in line with the statutory functions under the Education (Welfare) Act 2000 and the Education and Training Boards Act 2013. The registration of a birth is a legal requirement in Ireland according to the Civil Registration Act 2004.

According to Circular 0053/2019 ‘exemption from the study of Irish revising Circular M10/94’, 12 years of age or the final year in primary education is the most appropriate time to consider an application for an exemption from the study of Irish where pupils may have received their primary education outside the state or are re-enrolling following a period abroad. Also, this circular provides that students who have reached the age 18 years may apply for an exemption from the study of Irish. Therefore, the school requires sight of the child’s long-form birth certificate in order to assess whether s/he meets the requirement.

The date of birth is also sought to identify the Data Subject. This is in line with section 71(1)(c) of the Data Protection Act 2018, which states that “*data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.*”

Where a student is absent for more than 20 days during the school year, the Principal is to inform the Educational Welfare Officer, who is required to consult with the student and/or parent(s) but provision is only legally required to be made for the continued education of the student if s/he is under 16 years of age. This is pursuant to section 21(5)(b) of the Education (Welfare) Act 2000.

Any orders or other arrangements in place governing access to or custody of the student

This is sought to ensure the school can comply effectively with its statutory obligations and more generally also where the school is acting in *loco parentis* so that it can ensure where applicable and/or appropriate that any court order is complied with insofar as the school is in a position to do so.

SECTION 2 – DETAILS OF PARENT / GUARDIAN / NEXT OF KIN

Parent / Guardian details are required for making contact in the event of an emergency pursuant to the data subject’s vital interests as provided for in Article 6 subsection (d) of the General Data Protection Regulation 2016/679 (section 2 on both forms is for the purpose of ensuring that there is no change in circumstances of the legal guardian for the student in the time between application and acceptance).

These details will also be processed in accordance with section 9(g) of the Education Act 1998 to *“ensure that parents of a student...have access in the prescribed manner to records kept by that school relating to the progress of that student in his/her education”*.

SECTION 2A - OTHER EMERGENCY CONTACT

The details of an emergency contact are sought pursuant to Article 6(1)(d) where the processing of such contact information is necessary in order to protect the vital interests of the data subject. The emergency contact information provided may be used where there is a medical emergency in relation to the student or where there is a fear for his/her safety.

SECTION 3 - APPLICATIONS TO OTHER SCHOOLS

This information is permitted to be asked under section 62(7)(j) of the Education Act 1998 as inserted by section 9 of the Education (Admission to Schools) Act 2018. Under section 66 of the Education Act 1998 as inserted by the Education (Admission to Schools) Act 2018, boards of management may use this information for the efficient admission of students.

SECTION 4 – EDUCATIONAL DETAILS

Pursuant to sections 20 and 28 of the Education (Welfare) Act 2000, the school may also receive educational records of the student from a school(s) previously attended by the student.

Additional Educational Needs information

These details are sought pursuant to the school's / ETB's statutory obligations under the Education for Persons with Special Educational Needs Act 2004 section 3(5) in particular which states that *“where an assessment carried out in accordance with subsection (4) establishes that the student concerned has special educational needs the principal shall, subject to subsection (11), within 1 month from the receipt by him or her of the assessment, cause a plan to be prepared for the appropriate education of the student (in this Act referred to as an “education plan”)*”.

This information is also sought to assist the school in providing education to the student in line with the ETB's function under the Education and Training Board Act 2013 and the school's function under the Education Act 1998 to *“provide education to students which is appropriate abilities and needs”*.

Such documentation is also sought pursuant to the school's / ETB's statutory obligations under the Education for Persons with Special Educational Needs Act 2004 section 3(5) in particular which states that *“where an assessment carried out in accordance with subsection (4) establishes that the student concerned has special educational needs, the principal shall” ... “cause a plan to be prepared for the appropriate education of the student (in this Act referred to as an ‘education plan’ ”*.

This information may also be shared with the Minister for Education and Skills or an tÚdarás un Ard-Oideachas in accordance with 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). Therefore, the legal basis relied upon when seeking this information is that in accordance with Article 6(1)(e) the “*processing is necessary for the performance of a task carried out...in the exercise of official authority vested in the controller*”, where authority is vested in the controller via the statutory regulations.

EAL (English as an Additional Language) support

This is requested in determining the school curriculum plan and the allocation of resources and forms part of the primary functions of the ETB so is processed pursuant to Article 6(c) of the GDPR.

Irish Language Information

This information is requested to establish whether the student has/is availing of an exemption from Irish, in accordance with ‘Circular letter M10/94 ,To: The Management Authorities of Primary and Post-Primary Schools on Revision of Rule 46 of the "Rules and Programme for Secondary Schools"’ in relation to exemptions from the Irish language. The school requires this information so as to plan and allocate resources.

SECTION 5 – MEDICAL DETAILS

This is required and processed pursuant to Article 6(d) of the GDPR – in the vital interest of the data subject. Where this is also special category data, processing of this data is also carried out in line with Article (9)(g) of the GDPR and/or section 49 of the Data Protection Act 2018.

A query was submitted to the DPC by ETBI on this point seeking guidance as to the most appropriate subsection of Article 9 to be used but the response detailed that a DPO must contact the DPC.

ETBI had a discussion with the Data Protection Unit in the Department of Education and Skills on this specific point and it was considered appropriate that due to the various legislative duties placed on ETB schools to ensure the safety of students, including the overarching common law duty to act *in loco parentis*, that the processing of such health data is required for “*the performance of a function conferred on a person by or under an enactment or by the Constitution*” pursuant to section 40(b) of the Data Protection Act 2018.

CONTACT FROM THE SCHOOL

Data subjects and parents/guardians are informed that the school may make contact so as to meet statutory obligations under various sections of the Education Act 1998, including section 22(2)(b) which provides that *“the Principal and teachers shall regularly evaluate students and periodically report the results of the evaluation to the students and their parents”* and section 23(1)(e) which provides that *“the Principal of a recognised school shall encourage the involvement of parents of students in the school in the education of those students and in the achievement of the objectives of the school.”*

The school may also contact data subjects and parents/guardians in accordance with section 9(g) of the Education Act 1998 to *“ensure that parents of a student...have access in the prescribed manner to records kept by that school relating to the progress of that student in his/her education”*.

IMPORTANT INFORMATION

Documentation re: an exemption from studying Irish

This documentation is sought to assist the school in determining the school curriculum plan and the allocation of resources and forms part of the primary functions of the ETB, namely, to provide education, so is processed pursuant to Article 6(c) of the GDPR.

Documentation re: Special Educational Need

This information is also sought to assist the school in providing education to the child in line with the ETB’s function under the Education and Training Board Act 2013 and the school’s function under the Education Act 1998 to *“provide education to students which is appropriate abilities and needs”*.

Such documentation is also sought pursuant to the school's / ETB’s statutory obligations under the Education for Persons with Special Educational Needs Act 2004 section 3(5) in particular which states that *“where an assessment carried out in accordance with subsection (4) establishes that the student concerned has special educational needs, the principal shall” ... “cause a plan to be prepared for the appropriate education of the student (in this Act referred to as an ‘education plan’ ”*.

The information is sought as it may be shared with the Minister for Education and Skills or an tÚdarás un Ard-Oideachas in accordance with 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). Therefore, the legal basis relied upon when seeking this information is that in accordance with Article 6(1)(e) the *“processing is necessary for the performance of a task carried out...in the exercise of official authority vested in the controller”*, where authority is vested in the controller via the statutory regulations.

Passport Photographs returned with Form

These are sought to validate the identity of the data subject pursuant to section 71(1)(c) of the Data Protection Act 2018; *“the data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.”* Where such photographs do not constitute biometric data, they are processed pursuant to Article 6 (c) and/or (e) of the GDPR.

Original birth certificate with copy

This documentation is sought by the school as evidence of the student’s date of birth which is required for the reasons set out above.

DATA PROTECTION STATEMENT

The information noted here is in line with the requirements of Article 13 of the GDPR. Indeed, the statement and indeed many of the headings within the forms provide the purpose for which this data is sought, in accordance with section 90(2)(c) of the Data Protection Act 2018.

3. SCHOOL-TO-SCHOOL TRANSFER FORM

SECTION 1 – STUDENT DETAILS

The name, address and date of birth of the student is all information required to identify the Data Subject and pursuant to section 71(1)(c) of the Data Protection Act 2018, *“the data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.”*

PPSN

This personal data is also required for identification purposes. It can be requested pursuant to section 14(4) of the Social Welfare Act 1998 which 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)”* etc. 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) in particular states that the PPSN may be given as part of this information. Also, according to ‘Primary Circular 24/02, Department of Education and Science Primary Branch, To: Boards of Management, Principal Teachers and all Teaching Staff in Primary Schools, Determination of Valid Enrollment in Primary Schools’: *“the PPSN number of the child should also be obtained at the time of enrolment”*.

SECTION 2 - STUDENT’S PREVIOUS ATTENDANCE RECORD

The information sought in this section is in accordance with section 20 of the Education (Welfare) Act 2000 and the completion of which by the Principal of the former school is mandatory in respect of the attendance records of students under 16 years of age.

For students over 16 years of age, the legal basis for transferring this data is section 28 of the Education (Welfare) Act 2000, which provides for the supply of personal data between education bodies where it is used for, *inter alia*, ascertaining how best he or she may be assisted in availing of education or training opportunities or in developing his or her full educational potential.

SECTION 3 – EDUCATIONAL DETAILS

The completion of this section of the form by the Principal of the student’s former school is not mandatory but may be completed in accordance with section 20(5)(b) of the Education (Welfare) Act 2000, which provides that the Principal disclose *“other matters relating to the child’s educational progress”* as he or she considers appropriate. The completion of this section also enables the school to ascertain how best the student *“may*

be assisted in availing of education or training opportunities or in developing his or her full educational potential” in accordance with section 28 of the Education (Welfare) Act 2000.

Additional Educational Needs

These details are sought pursuant to the school's / ETB's statutory obligations under the Education for Persons with Special Educational Needs Act 2004 section 3(5) in particular which states that *“where an assessment carried out in accordance with subsection (4) establishes that the student concerned has special educational needs the principal shall, subject to subsection (11), within 1 month from the receipt by him or her of the assessment, cause a plan to be prepared for the appropriate education of the student (in this Act referred to as an “education plan”)*”.

This information may be shared it with the Minister for Education and Skills or an tÚdarás un Ard-Oideachas in accordance with 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). Therefore, the legal basis relied upon when seeking this information is that in accordance with Article 6(1)(e) the *“processing is necessary for the performance of a task carried out...in the exercise of official authority vested in the controller”*, where authority is vested in the controller via the statutory regulations.

EAL (English as an Additional Language) support

This is requested in determining the school curriculum plan and the allocation of resources and forms part of the primary functions of the ETB so is processed pursuant to Article 6(c) of the GDPR.

Irish Language Information

This information is requested to establish whether the student has/is availing of an exemption from Irish, in accordance with ‘Circular letter M10/94 ,To: The Management Authorities of Primary and Post-Primary Schools on Revision of Rule 46 of the "Rules and Programme for Secondary Schools"’ in relation to exemptions from the Irish language. The school requires this information so as to plan and allocate resources.

Subjects and School Reports

This information is sought to assist the school in the allocation of resources and for the school to carry out its function under section 9 of the Education Act 1998 to *“provide education to students which is appropriate to their abilities and needs and...shall use its available resources to establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of students”*.

Behaviour

Details regarding the student's expulsion or suspension are sought pursuant to section 9 of the Education Act 1998 which provides that a function of a school is to *"ensure that students have access to appropriate guidance to assist them in their educational and career choices"*.

This information is also sought to put the school on notice of any increased risk or likelihood of the student engaging in any activity which would or could pose a risk to other students, which is necessary to ascertain in line with the school's duty of care towards the students.

IMPORTANT INFORMATION

Documentation re: an exemption from studying Irish

This documentation is sought from the Principal of the child's former school in accordance with section 20(5)(b) of the Education (Welfare) Act 2000, which provides for the Principal to disclose *"other matters relating to the child's educational progress"* as s/he considers appropriate. Such information is sought to assist the school in determining the school curriculum plan and the allocation of resources and forms part of the primary functions of the ETB so is processed pursuant to Article 6(c) of the GDPR.

Documentation re: Special Educational Need

This information is also sought to assist the school in providing education to the child in line with the ETB's function under the Education and Training Board Act 2013 and the school's function under the Education Act 1998 to *"provide education to students which is appropriate abilities and needs"*.

Such documentation is also sought pursuant to the school's / ETB's statutory obligations under the Education for Persons with Special Educational Needs Act 2004 section 3(5) in particular which states that *"where an assessment carried out in accordance with subsection (4) establishes that the student concerned has special educational needs, the principal shall" ... "cause a plan to be prepared for the appropriate education of the student (in this Act referred to as an 'education plan' "*.

The information sought may be shared with the Minister for Education and Skills or an tÚdarás un Ard-Oideachas in accordance with 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). Therefore, the legal basis relied upon when seeking this information is that in accordance with Article 6(1)(e) the *"processing is necessary for the performance of a task carried out...in the exercise of official authority vested in the controller"*, where authority is vested in the controller via the statutory regulations.

DATA PROTECTION STATEMENT

The information noted here is in line with the requirements of Article 26 of the GDPR controller to controller data sharing.