

1. APPLICATION FORMS

SECTION 1 – CHILD DETAILS

The name, address and date of birth 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 Article 5(c) of the GDPR, which states that *“data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.”*

Date of birth

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 Enrolment in Primary Schools’, “A child may not be allowed to attend or be enrolled in a primary school before the fourth anniversary of his/her birth.”

Therefore, a child’s birth certificate is sought as proof of age which is required to determine the eligibility of his/her attendance in line with 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 Civil Registration Act 2004. 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 Enrolment in Primary Schools “A copy of the child’s birth certificate should be obtained and retained in school records”.

According to Circular 0052/2019 ‘exemptions from the study of Irish revising Circular 12/96’, 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, provided that at least three consecutive years have elapsed since the previous enrolment in the state and are at least 12 years of age on re-enrolment. Therefore, the school requires sight of the child’s long-form birth certificate in order to assess whether s/he meets the requirements.

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.”*

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 - SELECTION CRITERIA FOR ADMISSION IN THE EVENT OF OVERSUBSCRIPTION

Child’s age

This is only required where the child is applying to enter Junior Infants in where the school gives priority to older children applying to Junior Infants and in accordance with the school’s statutory functions under the Education (Welfare) Act 2000 and the Education and Training Boards Act 2013.

Child’s address

This is sought for the purpose of determining whether the child 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 (Admissions to Schools) Act 2018.

Child'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 Education Act 1998 as inserted by section 9 of the Education (Admission to Schools) Act 2018.

Section 5 - Special School

The Education (Admission to Schools) Act 2018 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"*.

Documentation regarding: a Special Educational Need

The documentation 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' "*.

This information may also be shared with:

- (a) the Minister for Education 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);

- (b) NCSE / NEPS for the purpose of determining eligibility to the special class via-a-vis the mandatory elements of the Relevant Report, as set out in the Admissions Policy and as required by the NCSE in order to fund the placement in special class.

IMPORTANT INFORMATION

Birth Certificate

See section 5 above.

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, County Monaghan in this case. (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.)

Miscellaneous

Data shared on the application form may also be shared with Tusla Education Support Services (formerly NEWB) 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*".

2. ACCEPTANCE FORM

SECTION 1 – CHILD 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.”*

Date of birth

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 Enrolment in Primary Schools’, *“A child may not be allowed to attend or be enrolled in a primary school before the fourth anniversary of his/her birth.”*

Therefore, a child’s birth certificate is sought as proof of age which is required to determine the eligibility of his/her attendance in line with 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 Civil Registration Act 2004. 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 Enrolment in Primary Schools *“A copy of the child’s birth certificate should be obtained and retained in school records”*.

According to Circular 0052/2019 ‘exemptions from the study of Irish revising Circular 12/96’, 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, provided that at least three consecutive years have elapsed since the previous enrolment in the state and are at least 12 years of age on re-enrolment. Therefore, the school requires sight of the child’s long-form birth certificate in order to assess whether s/he meets the requirements.

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.”*

Gender

The gender of the child 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 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.

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

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 child 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.

Irish Language Information

This information is requested to establish whether the child 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.

Resource and Special 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 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' "*.

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.

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 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 so is processed pursuant to Article 6(c) of the GDPR.

Documentation re: a Special Educational Need

Such documentation is 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”)*”.

The documentation 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*”.

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.

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.