

## Personal Data considerations re ETB School Application and Admission Forms

### 1. APPLICATION FORM

#### SECTION 1 – APPLICANT DETAILS

The name, address and date of birth of the Applicant is all information is 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, which implies that PPSN information would be asked at applicant 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 - ADMISSION CRITERIA

##### **Gender**

The gender of the Applicant is sought in accordance with section 61(2)(a) of the Education (Admission to Schools) Act 2018, where a school admits students of one gender only.

##### **Applicant's address**

This is sought for the purpose of determining whether the Applicant 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.

#### **Applicant's age**

This is required to determine their eligibility of his/her attendance in line with the rules for National Schools and statutory functions under the Education (Welfare) Act 2000 and the Education and Training Boards Act 2013.

#### **Applicant's sibling(s)**

This information where the siblings are currently or previously within the school is sought, as permitted by section 62(10)(a) of the Education (Admission to Schools) Act 2018.

#### **Applicant'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 (Admission to Schools) Act 2018.

#### **Primary School**

This is sought for the purpose of determining whether the Applicant 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.

#### **The Aonad**

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"*. Information sought regarding whether Irish is spoken regularly at home is to determine the level of fluency of the Applicant in accordance with section 62(9)(a) of the Education (Admissions 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"*

#### **SEN**

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”).”*

### **IMPORTANT INFORMATION**

#### **Birth Certificate**

This is sought as proof of the Applicant’s age which is required to determine the eligibility of his/her attendance in line with the rules for National Schools and 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 Enrollment in Primary Schools *“A copy of the child’s birth certificate should be obtained and retained in school records”*.

#### **Recent utility bill**

This is sought as proof as address where a criterion of admission to the school is whether an Applicant resides in a particular catchment area.

## **2. ACCEPTANCE FORM**

### **SECTION 1 – APPLICANT DETAILS**

The name, address and date of birth of the Applicant is all information is 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”*.

#### **Any orders or other arrangements in place governing access to or custody of the Applicant**

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 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**

### **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")*".

### **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 Applicant 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.

## **SECTION 6 – RELIGIOUS INSTRUCTION / EDUCATION**

This is asked to determine if the Applicant is seeking to attend the religion class offered by the school for the purpose of the planning and allocating of school resources.

### **IMPORTANT INFORMATION**

#### **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.

### **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.

### **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.”*

## **3. DEPARTMENT OF EDUCATION AND SKILLS POD/PPOD FORM**

The Department of Education and Skills is a data controller and through the POD/PPOD forms, requests a variety of personal data, including some which is optional for the data subject to disclose, meaning it is processed based on consent. However, ETBs do not process data for their primary functions based on consent and therefore the Department of Education and Skills POD/PPOD forms are distributed separately where the ETB is merely a conduit for the collection of this data (and the ETB itself processes the data set out in POD/PPOD forms pursuant to its statutory responsibilities under the Education and Training Board Act 2013 and in line with Articles 6 and 9 of the GDPR and section 49 of the Data Protection Act 2018).