

Data Protection – Code of Practice

Waterford Teachers' Centre is one of a network of twenty-one full-time and nine part-time Education Support Centres. The Centre is grant-funded by the Teacher Education Section of the Department of Education and Science.

An Education Support Centre is a Statutory Body and its role is defined as follows in Part VI, Section 37 of the Education Act 1998 as:

37.

(1) In this section "education support centre" means a place in which services are provided for schools, teachers, parents, boards and other relevant persons which support them in carrying out their functions in respect of the provision of education, which is recognised for that purpose by the Minister in accordance with subsection (2)

(2) The Minister may recognise a place as an education support centre and where the Minister so recognises a place he or she shall cause the name and address of the centre to be entered in a register maintained by the Minister and available for inspection by members of the public during normal working hours.

(3) An education support centre shall have a management committee, to manage the business and staff of that centre.

(4) A committee established in accordance with subsection (3) shall be a body corporate with perpetual succession and with power to sue and may be sued in its corporate name and no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of their functions as such members.

(5) The Minister may withdraw recognition from an education support centre.

(6) The Minister may, from time to time, make regulations relating to all or any of the following matters:

- (a) Procedures for the appointment of management committees
- (b) The appointment and remuneration of staff
- (c) The making of grants to education support centres
- (d) The provision of information to the Minister on any matters relating to the operation of education support centres
- (e) Access to an education support centre and to the financial and other records of that education support centre by persons appointed by the Minister, and
- (f) Such other matters relating to the operation of such centres as the Minister considers appropriate.

Introduction

Data (including information and knowledge) is essential to the administrative business of Waterford Teachers' Centre. In collecting personal data, the Centre has a responsibility to use it both effectively and ethically. There is a balance to be struck between an individual's right to privacy and the legitimate business requirements of the Centre. Therefore, it is critical that Centre staff work to the highest standards. Our integrity includes both the way in which we conduct ourselves and the way in which we ensure the data we hold is compliant with relevant legislation.

The responsibility for data protection is an onerous one which requires a commitment to regular and clear action. This code helps all of us to decide on what needs to be done, who needs to do it and how it needs to be done.

Waterford Teachers' Centre has always been very careful to keep records safely and to ensure that access to records is restricted to those with authority. In recent times, data has been stored differently and with the advent of off-site storage and the ability to access archives remotely, our processes require more vigilance. As a responsible public body, Waterford Teachers' Centre respects the highest standards of data protection. The code helps us all to ensure that we can remain a safe organisation in relation to the data we hold.

Set against the Data Protection Acts 1988 and 2003 the aim of this Code of Practice is to ensure each employee of the Waterford Teachers Centre has an understanding of the concepts of Data Protection and is aware of their own responsibilities. This, in turn, will assist Waterford Teachers' Centre in its compliance with the Acts.

Protecting our data is common sense. We need to ensure that data gathered and processed by the Centre is compliant with Data Protection Legislation. Reading and understanding of the code by all employees will go a long way towards meeting this requirement.

Further advice in relation to the storage, handling and protection of personal data is available from the Data Protection Commissioner's website.

Data Collected by Waterford Teachers' Centre

Management Committee: Including meeting minutes, as well as committee member's details

Reports: Annual Reports and Director's monthly reports

Financial: Includes all accounts records, salary, and pension details

Tax/Social Welfare: Includes all Tax matters including PAYE and PRSI payments of employees.

Procurement: Includes details viz. purchase of equipment and services on behalf of the Centre as well as Government and European Union Guidelines concerning procurement

Personnel: Includes files of present personnel

In-service Courses: Flyers, attendance sheets and evaluations

Schools: Details of schools in our catchment area

Teachers: Details collected subject to our Data Protection Policy

Trainers: Details of personnel employed on National In-service Programmes

Library: List of acquisitions and borrower's records

Statistics: Breakdown of categories of in-service provided

Correspondence: Letters and emails to and from members and others

Responsibility for Data Protection

The Director of Waterford Teachers' Centre has overall responsibility for Data Protection.

Registration with the Office of the Data Protection Commissioner

As a public body, Waterford Teachers' Centre is required to register with the Data Protection Commissioner (DPC) as a Data Controller. This registration details the name and contact details of the data controller, the purpose for collecting data, a description of the data collected, a list of any disclosees and whether or not data is transferred abroad. This registration is renewed annually at which time the Centre reviews its registration details and updates them where necessary.

Code of practice relating to data protection rules

The Data Protection Acts 1988 and 2003 confer rights on individuals as well as responsibilities on those persons controlling and processing personal data. Waterford Teachers' Centre has key responsibilities in relation to the information which it keeps on computer or in structured manual files about individuals. The Centre undertakes to execute its responsibilities in accordance with the eight Data Protection Principles/Rules as outlined below:

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes
8. Give a copy of his/her personal data to an individual, on request

Access to Personal Data

In relation to point 8 above: Individuals have the right to periodically review, update and/or correct their personal information held by the Centre. The right of access does not include a right to see personal data about another individual, without that other person's consent. Should an employee, committee member, school, teacher, creditor wish to access their personal information they should contact the Director of the Centre in writing stating that they are making an access request under section 4 of the Data Protection Acts and giving any details which might be needed to help identify him/her and locate all the information the Centre may keep about him/her. A maximum fee of €6.35 may be charged for accessing the data and often there will not be a charge.

A copy of the information requested will be provided within 40 days of receipt of such request in accordance with the Data Protection Acts 1988- 2003. If an access request is being refused, the Centre will clearly state the reasons for refusal (as per exemptions in Sections 4, 5 and 8 of the Data Protection Acts). Under Section 3 of the Data Protection Acts, an individual has a separate right to be informed whether an organisation holds personal data on him/her and, if so, to be given a description of the data and the purposes for which they are kept within 21 days of making the request. The restrictions on the right of access to data which are set out in Sections 4 and 5 of the Acts do not apply to the Section 3 right.

Responsibility of Employees of Waterford Teachers' Centre

All employees of the Centre have a duty to ensure compliance with the principles of Data Protection and undertake to follow the provisions of this Code of Practice in accordance with the Centre's policy and procedures. The Centre will provide information, training and support for employees to ensure compliance with this Code of Practice and the Data Protection Acts.

All employees are charged with the responsibility of ensuring that all data that they access, manage and control as part of their daily duties is carried out in accordance with the Data Protection Acts and this Code of Practice.

Employees found in breach of the Data Protection rules may be found to be acting in breach of or, in certain circumstances, committing an offence under the Data Protection Acts 1988 and 2003. All current and former employees of the Centre may be held accountable in relation to all data processed, managed and controlled by them during the performance of their duties in the Centre.

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