HAROLD'S CROSS
Educate Together NS

March 2026

Data Access Procedure Policy

This policy was ratified by the Board of Management on: 11th March 2026

Harold's Cross Educate Together National School

Data Access Request Procedures Policy

Introduction:

This Data Access Request Procedures Policy relates to the right of access by an individual data subject. This policy was first developed in 2018, reflecting the General Data Protection Regulation (GDPR), which replaces the existing data protection framework under the EU Data Protection Directive. The policy was reviewed in January 2026 and ratified in March 2026.

Harold's Cross Educate Together National School is not subject to the Freedom of Information Acts 1997-2003, but is subject to data protection legislation. Data subjects have a right to access all data relating to them.

Within policies, the Department of Education and Youth can sometimes be referred to as the Department of Education and Science.

Rationale:

The Data Protection Acts provide for a right of access by an individual data subject to personal information held by Harold's Cross Educate Together National School. The procedures outlined in this policy are provided to ensure compliance with the school's obligations under the Acts and govern the manner in which requests for access to personal data will be managed by the school.

It is important to note that only personal information relating to the individual (or in the case of a parent/guardian making an access request on behalf of a student, only personal information in relation to his/her/their child) will be supplied. No information will be supplied that relates to another individual.

Relationship to the characteristic spirit of the school:

Harold's Cross Educate Together National School is a multi-denominational, equality-based, child-centred and democratically-run school. It seeks to enable each student to develop their full potential; provide a safe and secure environment for learning; and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

We aim to achieve these goals while respecting the privacy and data protection rights of pupils, staff, parents/carers and others who interact with us. The school wishes to achieve this while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

Making an Access Request:

Any data subject about whom the school holds personal data has a right to find out, free of charge, if a person (an individual or organisation) holds information about him/her.
The data subject also has a right to be given a description of the information and to be told the purpose for holding the information. Applications for the release of data must always be in writing and should state the purpose for which it is required. This must be done on the school's Data Access Request Form (Appendix 1).

When making an access request, a data subject is required to familiarise themselves with the procedure and to complete the Data Access Request Form This will assist the school in processing the access request where personal information (or in the case of a parent/guardian making an access request on behalf of a student, personal information in relation to their child) as a data subject is processed and retained by the school.

1.1 Individuals making an access request

On making an access request, any individual whose personal data is kept by the school is entitled to:

- a copy of the data which is kept about him/her (unless one of the exemptions or prohibitions under the Data Protection Acts applies), in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner
- know the purpose/s for processing his/her data
- know the identity (or the categories) of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions, where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the "decision" as to whether a loan should be made to an individual based on his/her credit rating)

1.2 Students making an access request

Where a student (aged under 18 years) makes an access request, the school may inform the student that:

(a) Where they make an access request, their parents/guardians will be informed that they have done so and
(b) A complete copy of the access request materials being furnished to the data subject by the school will also be furnished to their parents/guardians.

The right of access under the Data Protection Acts is the right of the data subject.
However, there may be some data held by the school which may be of a sensitive nature, and the school will have regard to the following guidance issued by the Office of the Data Protection Commissioner in relation to releasing such data:

- A student aged **eighteen years or older** (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves

- If a student aged eighteen years or older has a disability or medical condition which may impair his or her ability to understand the information, then parent/carer consent will be sought by the school before releasing the data to the student.

- A student aged from **twelve up to and including seventeen** can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:

    (a) If the information is ordinary, routine or non-controversial (e.g. a record of a test result, statement of attendance) the student could readily be given access

    (b) If the information is of a sensitive nature, the school will seek parent/guardian consent before releasing the data to the student

    (c) If the information would be likely to be harmful to the individual concerned, parental/carer consent will be sought before releasing the data to the student.

- In the case of students **under the age of twelve**, an access request may be made by their parent or guardian on the student's behalf. The school, however, notes that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation will be addressed to the child at his/her address, which is registered with the school as being his/her home address.

Note: Where a parent/guardian makes an access request on behalf of their child (a student aged under 18 years), the right of access is a right of the data subject (i.e. it is the student's right). In such a case, the access materials will be sent to the child, not to the parent who requested them. This means that the access request documentation will be sent to the address at which the child is registered on the school's records and will be addressed to the child. The documentation will not be sent to or addressed to the parent/guardian who made the request. Where a parent/carer is unhappy with this arrangement, the parent/guardian is invited to make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court (on application by a parent/guardian) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information available to a parent/carer, a copy of the order should be given to the school by the parent/guardian, and the school can release the data on foot of the court order.

1.3 Parents/Guardians making an access request

Under the Education Act 1998, parents/guardians of children under the age of 18 years are statutorily entitled to information relating to their child's educational progress. This obligation is entirely separate and distinct from an 'access request'.

Parents/guardians are reminded that an 'access request' only applies where an individual

requests their own data. The school can facilitate the parents' access to records relating to their child's progress in his/her education under Section 9(g) Education Act 1998.

Should the school receive an access request from a parent/guardian relating to their child, we will, in the first instance, consider releasing the data per Section 9(g) Education Act 1998. Should this not be relevant, the school may choose to deem the parental access request as an access request made on behalf of the child who is under 18 (see above).

Should the school receive an access request from a parent/guardian relating to their own data, the procedures, as outlined below, will be followed.

1.4 Solicitors making an access request

Where a solicitor makes an access request on behalf of an individual, the school will seek legal advice. However, if the school is satisfied that the solicitor is acting on behalf of the data subject (by the solicitor furnishing a signed consent from the data subject), there is no legal requirement for the school to seek legal advice in the context of complying with a request.

Procedures for Data Access Requests:

1 To make an access request, you must apply in writing, requesting access to your data using the Data Access Request Form (Appendix 1) to assist the school in processing your access request. Such correspondence should be addressed to the Chairperson of the Board of Management.

2 The school reserves the right to request official proof of identity (e.g. photographic identification such as a passport or driver's licence) in order to process your request.

3 On receipt of the access request form, a co-ordinator will be appointed to check the validity of your access request and to check that sufficient information to locate the data requested has been supplied. In Harold's Cross Educate Together National School, the co-ordinator is the Chairperson of the Board of Management. It may be necessary for the co-ordinator to contact you if further details are required with a view to processing your access request.

4 The co-ordinator will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.

5 The co-ordinator will ensure that all relevant manual files (held within a "relevant filing system") and computers are checked for the data in respect of which the access request is made.

6 The co-ordinator will ensure that the access request is processed as quickly as possible, and **will not take longer than one month,** in line with GDPR .

7 Before supplying the information requested to you as data subject (or where the access request is made on behalf of a student aged under 18 years, information relating to the student), the co-ordinator will check each item of data to establish:

- If any of the exemptions or restrictions set out under the Data Protection Acts apply, which would result in that item of data not being released, or
- where the data is "health data", whether the obligation to consult with the data subject's medical practitioner applies, or
- where the data is "social work data", whether the prohibition on release applies.

8 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 to conceal the identity of the third party. Where it is not possible to anonymise the data to ensure that the third party is not identified, then that item of data may not be released.

9The school reserves the right to seek legal advice regarding data access requests.

10 The co-ordinator will ensure that the information is provided in an intelligible form (e.g. codes explained) or will provide an explanation.

11 The documents supplied under a data access request will be numbered.

12 The response to a data access will be 'signed-off' by an appropriate person, i.e. Chairperson of the Board of Management.

13 The school reserves the right to supply personal information to an individual in an electronic format e.g. on tape, USB, CD etc.

14 Where you as an individual data subject, may seek to rectify incorrect information maintained by the school, please notify the school.

15 In circumstances where your access request is refused, Harold's Cross Educate Together National School will write to you explaining the reasons for the refusal. In such circumstances, you have the right to make a complaint to the Office of the Data Protection Commissioner www.dataprotection.ie.

Policy review:

This policy will be reviewed as necessary, particularly to comply with any relevant changes to Department of Education and Youth guidelines/circulars or legislation.

Ratification, communication and implementation:

This policy was ratified and adopted by the Board of Management of Harold's Cross Educate Together National School on

This policy will be circulated to all parent(s)/guardians(s) following ratification, and a copy will be published on the school website.

This policy will be brought to the attention of all staff members upon their appointment to the school.

The implementation of the policy shall be monitored by the Principal and the Chairperson of the Board of Management.

Signature of Chairperson: John Lavelle

Signature of Principal: Aoife O'Neill Acting-Principal

Date: 11th March 2026

Appendix 1: Data Access Request Form

Harold's Cross Educate Together National School
Data Access Request Form

Request for a copy of Personal Data under the Data Protection Acts 1988 to 2018

Please see the school's Data Protection Policy and Data Access Request Procedures Policy for further information regarding the completion of this Data Access Request Form.

<u>Important:</u> Proof of Identity must accompany this Access Request Form (eg. official/State photographic identity document such as driver's licence, passport).

Full Name:	
Maiden Name *(if name used during* your school duration*)*	
Address:	
Contact number *	Email addresses *

* We may need to contact you to discuss your access request

Please tick the box which applies to you:

Parent/Guardian of current/former pupil	**Current/former pupil**	**Current staff member**	**Former staff member:**
☐	☐	☐	☐

Name of Pupil:	Date of Birth of Pupil:
Insert Year(s) of attending school:	

Data Access Request:

I, _____, [insert name] wish to make an Access Request for a copy of personal data that Harold's Cross Educate Together National School holds about me/my child [please choose as relevant]. I am making this access request under Data Protection Acts 2013 to 2018.

To help us locate your personal data, please provide specific details below (e.g. description of the category of data you seek, relevant dates and the purpose of seeking this information). This is to help us facilitate your access request.

I declare that all the details I have given in this form are true and complete to the best of my knowledge.

Signature of Applicant: _____Date: _____

Please return this form to the relevant address:

To the Chairperson of Board of Management, Harold's Cross Educate Together National School, 151/153 Harold's Cross Road, Dublin 6w, D6WHP44