



Circular 0023/2016

To
BOARDS OF MANAGEMENT OF POST-PRIMARY
SCHOOLS AND THE CHIEF EXECUTIVES OF EDUCATION AND
TRAINING BOARDS

Student data required to be returned to the Department of Education and Skills by schools from 2016/17 onwards for the purposes of analysis and reporting in the areas of social inclusion and integration.

From the 2016/17 school year onwards the Department of Education and Skills requires all post-primary schools to seek the following information in respect of new entrants to their schools and to return this information via the Post-Primary Online Database (P-POD) as part of the annual October Returns.

The approach being adopted for the collection of this data follows consultations by the Department with the management bodies for post-primary schools; ACCS, ETBI and JMB, and the school principals' body, the NAPD. The Department have also consulted with the Office of the Data Protection Commissioner.

The information on students sought by the Department is

- Nationality
- Whether English or Irish is the mother tongue of the student?
- Ethnic and Cultural background of the student [**To be answered on a voluntary basis**]

Statutory basis for the collection of student data by schools and its subsequent sharing with the Department.

Under the Social Welfare (Consolidation) Act 2005 (sections 262-266 combined with Schedule 5 of that Act) schools are empowered to receive information on students which they may furnish to the Minister for Education and Skills. The students' details, including their nationality, which the school may receive from the parents/guardians and share with the Department, are listed in Statutory Instrument 317 of 2015¹. For all new entrants from 2016/17 onwards Nationality will replace Country of Birth which was collected previously.

¹ *Social Welfare(Consolidated Claims, Payments and Control) (Amendment)(No. 4)(sharing of information) Regulation, 2015*

Student details which may require consent to be collected

As Mother Tongue is optional, the consent of the parent/guardian (or student where deemed of an age to provide consent) is required for the school to collect this data and share it with the Department.

As Ethnic/Cultural background under section 2 of the Data Protection Acts, 1988 and 2003 is deemed sensitive personal data, the explicit written consent of the parent/guardian (or student, where deemed of an age to provide consent) is required for the school to collect this data and share it with the Department.

How the data should be obtained.

Post-Primary schools should only seek the above information where a student, and/or person applying on the student's behalf, has accepted the offer of enrolment in the school.

The information being sought is what is defined as personal data under the Data Protection Acts, 1988 and 2003. Schools as data controllers under those Acts should ensure that the necessary policies and procedures are in place to comply with the Data Protection Acts. Advice and guidance on data protection is available to schools on www.dataprotectionschools.ie/

The information on Ethnic and Cultural background falls within the definition of **sensitive** personal data under the Data Protection Acts. The Department has been advised by the Office of the Data Protection Commissioner that, in order for this data to be collected and returned to the Department, the written explicit consent of either the parent/guardian, - or the student where deemed competent to provide it, - has first been obtained. A form which can be used by schools to obtain this consent is attached at [Appendix A](#).

A covering letter which may be used by schools to inform parents/guardians of the student data to be collected, and why it is required, is included at [Appendix A\(1\)](#), and a form which can be used by schools to obtain consent, as required, is attached at [Appendix A\(2\)](#). Schools may incorporate this form into any form the school itself uses to collect information on students who are enrolled in the school. All completed and signed consent forms should be retained by the school for inspection by an officer of the Department of Education and Skills or the Office of the Data Protection Commissioner. Forms should be kept for the duration of the student's enrolment in the school. If schools do not require these forms for their own purposes after that period, they should securely dispose of the forms after the student has left their school.

Question on students from the Traveller Community now incorporated into new question on Ethnic and Cultural background.

Please note that, for new entrants from 2016/17 onwards, the previous requirement to collect specific information on students who were members of the Traveller Community will now be incorporated into the new question on Ethnic and Cultural background. Any question on membership of the Traveller Community for new entrants currently contained in the enrolment forms used by schools should be removed from these forms and replaced with the new question on Ethnic and Cultural background in the format as outlined in [Appendix A\(2\)](#) below.

Purposes for which the data is sought

This data is required for statistical analysis and reporting in the areas of social inclusion and integration. Details of the specific purposes for which each item is required is provided in [Appendix B](#) below.

Disclosure of this data

In the majority of cases, the Department will use the data provided solely in aggregated format. In a limited number of cases, where the data is being statistically analysed by professional statisticians engaged by the Department, individual records (but not the identity of the students) may be examined, for example where information on student retention rates are being assessed.

The Department will only share the student information on student nationality, mother tongue and ethnic/cultural background where collected above with the Central Statistics Office (CSO) as provided for under the Statistics Acts. The CSO will manage any student data provided in a secure manner similar to their management of data provided via the national census.

Security and Management of data

The Post-Primary Online Database (P-POD) is managed by the Department. Schools access P-POD through the Department's secure network called esinet. Within the Department, only a small number of staff (approximately 15) who either provide technical support to school users of P-POD or who work in the area dealing with statistical analysis, have access to the data, and only then for appropriate purposes.

Retention of data

The Department retains student personal data returned by post-primary schools until the student is aged 25, and subject to review thereafter.

Requests for copies of data

A student or a person authorised to do so may request a copy of any personal data stored on P-POD. This may be done by contacting the school in which the student is enrolled or by contacting the Department directly. Requests for copies of data may be sent to the Department of Education and Skills, P-POD Database Section, Athlone, Co. Westmeath, N37 X659.

Further information

Further information on the processing of personal data of post-primary students by the Department is contained in [Departmental circular 47/2010 Fair Processing Notice](#)

An information sheet on P-POD in a frequently asked questions (FAQ) format is also available on the Department's web site, see

<http://www.education.ie/en/Schools-Colleges/Services>Returns/Post-Primary-Online-Database-P-POD-Project/P-POD.html>

TOM DEEGAN
PRINCIPAL OFFICER
SCHOOLS' DIVISION

FEBRUARY, 2016.

Appendix A (1)–Letter which schools may issue to parents/ guardians

Dear Parent/Guardian,

I am writing to you at the request of the Department of Education and Skills who are seeking the following information on the nationality, mother tongue and ethnic/cultural background of students who have been offered and accepted a place in post-primary schools for the coming year.

The Department requires this information for the purposes of statistical analysis and reporting in the areas of social inclusion and integration of students in the education system. The Department has also informed the schools that it has consulted with the Office of the Data Protection Commissioner in respect of the data they are now seeking to collect.

The Department has advised schools that it will only use this information in an aggregate format for the above purposes, i.e. not identifying individual students. Access by Department staff to any of this information is restricted to a small number of Department staff, not exceeding 15, who provide technical support to schools on the collection of this data or who work in the area dealing with statistical analysis. Further information on the purposes for which this data is required by the Department and how it is managed and secured is available in Departmental circular 0023/2016. A FAQ on the use of the data of post-primary students by the Department is also available. Copies of both of these documents may be found on www.education.ie or on request from the school.

With the exception of the Central Statistics Office (CSO) the Department has informed schools that it will not share individual data on a student's nationality, mother tongue or ethnic/cultural background with any other body or person outside of the Department. The CSO may obtain the information provided to the Department under the Statistics Acts. The CSO manage the data so provided in a secure manner and to the same standards that operates for the National Census.

Please note that schools are empowered under legislation² to receive information on a student's nationality which they may in turn share with the Department. In order to collect details of mother tongue and share it with the Department, the school must obtain the consent of the parent/guardian. In respect of the ethnic/cultural background of the student (because this is deemed sensitive and personal³ for data protection purposes) the school must first obtain the explicit written consent of the parent/guardian to collect this data and share it with the Department.

Please complete the attached form and return it to the school.

Yours sincerely,

Principal

² Social Welfare (Consolidation) Act 2005 sections 262-266 and S.I. 317 of 2015 Social Welfare (Consolidated Claims, Payments and Control) (Amendment)(No. 4) (Sharing of Information) Regulation 2015.

³ Section 2 of Data Protection acts, 1988 and 2003

Circular 0023/2016 - APPENDIX A (2) FORM for the collection and return of student data by the school to the Department of Education and Skills.

NAME OF SCHOOL _____

ADDRESS OF SCHOOL _____

NAME OF STUDENT _____

Date of Birth of Student _____

Academic year which student is in _____

Q1: What is the student's NATIONALITY⁴ _____
(please use BLOCK CAPITALS)

Q2: Is English or Irish the MOTHER TONGUE⁵ of the student? -----
(answer YES or NO)

IN RESPECT OF THE NEXT QUESTION YOU MAY OPT NOT TO PROVIDE AN ANSWER.

Q3: To which ethnic or cultural background does the above named student belong?

Please circle only one category (these categories used are based on the Census)

1. White Irish
2. Irish Traveller
3. Roma
4. Any other white background
5. Black or Black Irish – African
6. Black or Black Irish – any other Black background
7. Asian or Asian Irish – Chinese
8. Asian or Asian Irish – Any other Asian background
9. Other including mixed background
10. No consent

Signed

PRINT NAME

DATE

Please return completed forms to the student's school

This form should be retained by the school for the duration of the student's enrolment and made available for inspection by an officer of the Department or the Office of the Data Protection Commissioner, if required.

⁴ NATIONALITY is the preferred nationality which the parent/guardian (or student, where of an age deemed competent to do), so provides. It is chosen regardless of whether the student is adopted or has dual nationality.

⁵ MOTHER TONGUE is the language a child speaks as their first language.

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Appendix B – The student data and the purposes for which it is being collected.

Data required	Purpose	Comment
Nationality*	<p>This is required for statistical and reporting purposes.</p> <p>Nationality is collected for students in the education and training sectors.</p> <p>Data will be used in aggregate format only.</p>	<p>*It is the preferred nationality which the parent/guardian or student who is deemed competent to do so provides. It is chosen regardless of whether the student is adopted or has a dual nationality.</p>
Is English or Irish the mother tongue* of the student (Yes/No)	<p>To help identify need for language support.</p> <p>To monitor progression and assessment of outcomes.</p> <p>Meet national and EU reporting requirements.</p>	<p>*Mother tongue is the language a child speaks as their first language.</p>
Ethnicity or cultural background of the student	<p>To assist outcome focused planning of policy and support for minority groups</p> <p>Monitoring and evaluation of policy supports</p> <p>Data on students from the Traveller community is required for the allocation of enhanced capitation.</p> <p>Data on Roma is required for reporting to the EU and UN.</p>	<p>The identification in relation to ethnic and cultural background is on the basis of voluntary self-identification. It is not compulsory. Parents and students are free to decline to provide this information.</p> <p>The question is similar to the question in the national census.</p>