Ath 16.2 : Privacy Notice for Section 29 Appeals Process

Purpose

The purposes for which the Department processes your data and/or the data of your child are as follows:

- Processing of Section 29 appeals under section 29 1(a),(b) and (c) (i) and (ii) of the Education Act, 1998

For the purposes of this data processing, the Department and the appeals committee are joint data controllers. This arrangement is reflected in this notice.

Legal basis

Article 6(e) and 9(2)(h) of the General Data Protection Regulation (2016/679)

Sections 29 to 29F of the Education Act 1998

Section 67 of Education Act 1998 [Enacted 22nd July 2022]

Source

Parents/Guardians or the student if they are over 18 years

Categories of data subject

- Committee members
- Appellant – Parent / legal guardian
  Student – if over 18 years
- Student on whose behalf the appeal is being taken
- Respondent – School
- EWO (Educational Welfare Officer), Tusla
- SENO (Special Educational Needs Officer), National Council for Special Education

Categories of personal data:

Appellant – Parent/student/legal guardian

- Identity
- Address and contact details
- Personal data submitted by parent / legal guardian in respect of themselves

Student (on whose behalf the appeal is being taken) or student if they are over 18 years and making the appeal

- Identity
- Address and contact details
- Any information sent in by the appellant and the school relating to the student (will include the completed enrolment form for refusal to enrol appeals and details relating to expulsion/suspension for the student in expulsion /suspension appeals)

Committee members

- Members identity by name only

Respondent – School

- Identity of school representatives for the hearing of the appeal
- Staff identity - may be provided by the school when submitting details on the matter being appealed
- School details

EWO

- EWO identity by name and in certain appeals by email address

SENO

- SENO identity by name and in certain appeals by email address
  (for appeals where the student has special needs)

Further Processing

Where the Department intends to further process your data or that of your child for a purpose other than the purposes listed in this notice, the Department will provide you prior to that further processing with information on that other purpose and with any relevant further information on the processing activity and your data protection rights.

Recipients of the data

Data Sharing

For all section 29 appeals taken under section 29 (1) (c) (i) of the Education Act 1998, as inserted by section 7 of the Education (Admissions to School Act, 2018), for the purpose/s of preparing for the Section 29 appeal, data will be shared with the section 29 hearing committee, will be shared with Tusla Educational Support Services (TESS) and may also be shared with the SENO (National Council for Special Education) if your child has special educational needs.

For all section 29 appeals taken under section 29 (1) (a), (b) and (c) (ii) of the Education Act 1998, as inserted by section 7 of the Education (Admissions to School Act, 2018), data will be shared with; the section 29 hearing committee, all parties to the appeal, Tusla Educational Support Service (TESS) and may also be shared with the SENO (National Council for Special Education), if your child has special educational needs,

Your Data may also be shared with other sections of the Department of Education, including Home Tuition section to ensure applicants for Home Tuition qualify for the scheme and apply for the appropriate Home Tuition scheme.

The legal basis for this data-sharing is Sections 29 to 29F as inserted by section 7 of the Education (Admissions to School Act, 2018) and by Section 67 of the Education Act 1998

Storage period

The data processed will be retained for a period of 25 years (subject to review).

Third Country

None of your data or that of your child will be transferred to a country outside of the European Economic Area i.e. the EU and Norway, Iceland and Liechtenstein

Data Subject Rights

Please follow the https://www.education.ie/en/The-Department/Data-Protection/Information.html for information on your right to access your data and that of your child.

You may also exercise your right to correct your data, seek to restrict how it may be processed or object to how it may be processed. Your data or that or your child will not be used for automated decision-making or profiling, please see https://www.dataprotection.ie/en/individuals/rights-individuals-under-general-data-protection-regulation for the data Protection Commissioner's Guide to Data Subject Rights.

While you have a right to request to have your data or that of your child deleted the Department may not be able to agree to your request if it is less than 25 years since you submitted your application under this scheme. Similarly the Department may not be able to agree to your request for deletion where your data is subject to the National Archives Act 1986 and no order has been made to dispose of the this category of data under that Act, see guidance from the National Archives

https://www.nationalarchives.ie/wp-content/uploads/2019/03/20190309Guidance-Note_GDPR_V4.pdf

You have the right to lodge a complaint with the Data Protection Commissioner, please see www.dataprotection.ie

Further Information

Further information on how this scheme operates is available at www.education.ie

Contact Details

The Department of Education is the joint data controller with the appeal committee for the processing of your data. If you have any query in respect of this you may contact Section 29 Appeals by e-mail Section29@education.gov.ie or by post to Department of Education, Section 29 Appeals Administration Unit, Friar's Mill Road, Mullingar, Co. Westmeath. N91 H30Y

The Department's Data Protection Officer may be contacted by sending an e-mail to dpo@education.gov.ie or by post to Department of Education, Data Compliance and Support Unit, Athlone, Co. Westmeath, N37 X659.