Privacy Notice for the National Educational Psychological Service: Client Database

Introduction

The National Educational Psychological Service (NEPS), as a constituent section of the Department of Education & Skills (DES) provides a school psychological service nationally. NEPS role is to support, through the application of psychological theory and practice, the wellbeing, and academic, social, behavioural and emotional development of all students and to support their parent(s)/guardian(s), teacher(s) and other school staff in students' learning. NEPS prioritises support for students at risk of educational disadvantage and those with special educational needs (SEN). The psychological service which NEPS provides for individual students is explicitly differentiated in terms of **direct** and **indirect** casework. In **Direct Casework** the psychologist engages in direct face to face work with the student or observation of the student, in addition to working with the student's teachers/parents/other professionals to facilitate a common understanding of the issues and agreement on a plan to support the student. In **Indirect Casework**, the psychologist works solely with a student's teachers or teachers/parents to facilitate a common understanding of the issues and agreement on a plan to support the student.

Why do we collect data?

The purposes for which the NEPS/DES processes your data is

- To undertake casework (direct or indirect) for you, through consultation, observation, interview and/or psychological assessment and relating to concerns which have been raised by your parent(s)/guardian(s) and school authorities in relation to your educational, social, behavioural or emotional development.
- To maintain a record of all such casework which NEPS may undertake on your behalf during your first and second-level school career.
- To compile statistics for the purposes of planning and policy advice. All such data will be anonymised and will not include any personally identifying data, or any anonymised data that can be combined with other data and used to identify you. We may from time to time share such data with authorised third parties or other Public Bodies.

This Privacy Statement needs to be read in conjunction with the Department of Education & Skills' Privacy Statement here, DES Circular 0040/2019 here (Fair Processing Notice to explain how the personal data of students in post primary schools on the Post Primary Online Database (P-POD) will be recorded, processed and shared) and the Primary Online Database (POD) – Data Protection Notice here

NEPS is committed to the abiding by the General Data Protection Regulation (GDPR) (EU) 679/2016 and the Data Protection Acts 1988 to 2018, which respects an individual's rights to confidentiality and privacy. Processing of personal data under GDPR must comply with a number of key data quality principles:

a. Lawfulness: There must be a legal basis for processing the data.

b. Fairness and Transparency: Data must be obtained/collected fairly and transparently.

c. Purpose Limitation: Personal data must be processed for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes.

d. Accuracy: Personal data shall be accurate and where necessary kept up to date.

e. Data Minimisation: Personal data must be adequate and relevant, and limited to what is necessary in relation to the purpose for which it was processed. The 'limited purposes' point underscores one of the crucially important principles, that is, that a controller can only process what is **necessary** for their stated purpose, and no more.

f. Retention: Personal data, in a form which permits identification of data subjects, shall not be kept for longer than is necessary for the purpose(s) for which it was obtained/processed.

g. Security: Personal data must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental destruction or damage, using appropriate technical or organisational measures.

h. Accountability: This requires controllers to maintain records of processing activities in order to demonstrate how they comply with the data protection principles.

Legal basis

- The legal basis for NEPS to obtain data derives from the provision of *support services* under **Sections 2 and 7** of the Education Act, 1998 relating to the function of the Minister, including psychological services. The provision of these support services is one the express functions of the Minister in legislation, which provides the lawful basis for the processing of personal data by NEPS where it is providing a psychological service. All staff within NEPS are bound by the policies, protocols and legal obligations of the DES. Psychologists in NEPS are committed to ethical practice. NEPS psychologists adhere to the code of professional ethics of the Psychological Society of Ireland (2010).
- The clear legal basis underpinning the right of NEPS to process personal data derives from the GDPR **6(1)(e)** – where the processing is necessary for the performance of a task carried out in the public interest. This is elaborated upon by the Data Protection Act 2018, in **Sec. 38(1)** which states that it is lawful to process personal data where such processing "*is proportionate and necessary for the performance of a function of a controller conferred by or under an enactment*" – i.e. where the processing is underpinned by a statutory function of the controller (in this case the Minister). The processing of special category data is permitted subject to the controls and conditions of GDPR Art **9 (2) (h)** "*for the provision of health and social care*".
- The POD and P-POD structures similarly derive legal basis from the functions of the Minister under the Education Act 1998, and elements of the process allowing for the sharing of data by schools with the Minister and for the use of the PPSN are variously described within the Education Welfare Act and Social Welfare Consolidation Act 2005 and enabling instruments.

THIS PRIVACY NOTICE IS ADDRESSED TO THE STUDENT/CHILD AS DATA SUBJECT AND CLIENT AND SHOULD BE READ AS SO BY PARENT(S) AND GUARDIAN(S)

Data Collected by NEPS *(See Appendix A for greater detail)*

Categories of data subject

- You the Client, i.e. the student
- Your Parent(s)/Guardian(s)
- Your Teacher(s)
- Special Needs Assistant(s) in your school

Categories of personal data

You, the Client

- Personal Public Service Number (PPSN)
- School's Pupil ID Number
- Name
- Gender
- Date of Birth
- School details
- Educational Programme and Year
- Home Address and Eircode
- Parent(s)/Guardian(s)

Parent(s)/Guardian(s)

- Name(s)
- Contact Details

Current relevant Teacher(s)/Special Needs Assistant(s)

- Name(s)
- School Contact Details

Client Special Category data

- The Reason you were referred to NEPS
- Concerns from Parent(s)/Guardian(s) about you
- Your Developmental and Familial History
- Your Medical/Health Information
- Your Home Mother tongue
- Your Ethnicity (to support the educational plan)
- Your History of Involvement of other support services
- Supports which you currently have in place in school
- Your Educational history
- Data produced by NEPs in the course your referral (consultation records, psychometric test scores, observations, findings and recommendations)

Source

Your data is gathered in the main through the NEPS Request for Involvement Form submitted by yourself, your parent(s)/guardian(s) and staff from your school. Further data on you is produced as a consequence of the NEPS Psychologist's involvement with you through direct casework with you, your parents()/guardian(s) and staff from your school or through indirect casework with your parent(s)/guardian(s) and staff from your school (direct casework with you means observing/meeting you and meeting teacher(s) and parent(s)/guardian(s), while indirect casework about you involves consultation with teacher(s) and/or parent(s)/guardian(s)). Specific Data related to your personal data, including your ethnicity, your PPSN and Pupil ID No., will be verified and shared with the Department's P-POD and POD databases through NEPS' electronic Client Database (PsyMIS).

Further Processing

Where the Department intends to further process your data for a purpose other than the purposes listed above, 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

- Your School
- You the Client (commonly through your Parent(s) or Guardian(s))

Any further sharing (e.g. with HSE professionals) is only done following the obtaining of a further signed Consent specific to this purpose from you or your Parent(s)/Guardian(s), as appropriate.

Security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees who have an official capacity from their role in the Department to process your personal data.

Storage period

The National Archives of Ireland have instructed NEPS to retain Client files, under Section 7 of the National Archives Act 1986, in that they have significant archival value to the State. They have directed accordingly that NEPS retain these files for a period not less than 30 years from their initiation date and thereafter transferred to the National Archives for preservation. NEPS shall have due regard to the individuals data protection rights as enshrined in GDPR and in the context of section 8.4 of the National Archives Act 1986.

Third Country

None of your data 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 Subject Access Request link for information on your right to access your data.

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 will not be used for automated decision-making or profiling, see http://gdprandyou.ie/wp-content/uploads/2018/03/Rights-of-Individuals-under-the-General-Data-Protection-Regulation.pdf for the data Protection Commissioner's Guide to Data Subject Rights. Correction of inaccuracies of fact in relation to the data held will be carried out upon request. Questions in relation to professional interpretation by the listed psychologist from the client/client's parents may be the subject of clarification but not necessarily change.

The Department may not be able to agree to your request for deletion also where your data is subject to the National Archives Act and no order has been made to dispose of the this category of data under that Act, see National Archives Act

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 service operates is available at **https://www.education.ie/en/Schools-Colleges/Services/National-Educational-Psychological-Service-NEPS-/NEPS-Home-Page.html**

Contact Details

The Department of Education and Skills is the data controller for the processing of your data. If you have any query in respect of this you may contact **the National Educational Psychological Service (NEPS) 01- 8892700** or e-mail NEPS@Education.gov.ie or by post to Department of Education and Skills, **NEPS, Marlborough Street, Dublin 1.**

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 and Skills, Data Protection Unit, Athlone, Co. Westmeath, N37 X659.

APPENDIX A

Data Held on Client (Direct Casework) / Client (Indirect Casework)

Data Supplied by School

Date Request for Involvement received

School roll number

School Name

School Address/Eircode

Type of school:

Client current Class/year/special class

History of Client's previous or current involvement with other services/agencies

Detail of diagnosis given through previous documented involvement with other services

Areas of Need identified through previous documented involvement with other services?

Language of the Home

Interpreter Required (for direct engagement with client or for consultation meeting with parents / carers

Student's current access to Special Education Teaching / Special Needs Assistant support

Detail of Client's current Student Support Plan

Client School attendance in days and potential days in current and previous academic year

Primary reason for Request for Involvement (as ranked in RFI - Learning, Social, Emotional and Behavioural issues)

- Detail of the specifics of the concerns which resulted in his/her referral to NEPS
- His / Her strengths or interests
- Family details (family size, his/her birth order position
- His/her medical history or relevant concerns in early development
- Length of time in current schools and detail of previous school(s)
- Details of school based testing - cognitive, attainments, diagnostic
- School / Parental commentary on his/her strengths and difficulties

Data produced by NEPS in conducting Direct & Indirect Casework

Nature of NEPS Involvement (Direct or Indirect Casework)

Source of Request for Involvement (School / Tusla-EWS)

Detail of action taken by NEPS psychologist with/for this Student inc. date and duration of Input (inc. notes on Consultation Records with School/Patents, Client Observation Record/ Referral Reports & Letters)

Areas of Need identified through Direct/Indirect Casework Process (specific Detail of Need recorded)

Has the student been identified with a general learning disability? (Nature and description of identified General Learning Difficulty)

Purpose of onward Referral for further assessment recommended (detail of target service)

Recommendations - Intervention within school, access to additional supports. Onward referral to outside support / clinical service

Date file closed

Location of Hard Copy file

Detail of Psychometric assessment test instruments applied

Ethnicity (taken from POD/PPOD)