

## Refugee Children Pre-Enrolment Data Collection - Data Protection Privacy Notice April 2023

### Purpose

This Privacy Notice covers the collection of data in respect of using Regional Education and Language Team (REALT) Coordinators to assist with provision of education places and supports for Refugee children of primary and post primary age.

The Department of Education, which provides for the education of people resident in the State, requires certain personal data on all learners in order to fulfil its functions, including the planning of the provision of education in schools.

The REALT Coordinator, based in the local Education and Training Board (ETB), requires this personal data to assist families in securing school places, to advise and support the Department in developing new capacity where required, and to co-ordinate the provision of education services to schools and families across their defined area.

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

### Legal basis

- Article 6(1)(e) of the General Data Protection Regulation - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- Article 6(1)(c) of the General Data Protection Regulation - processing is necessary for compliance with a legal obligation to which the controller is subject
- EU Directive 2013/33/EU states that *“Access to the education system shall not be postponed for more than three months from the date on which the application for international protection was lodged by or on behalf of the minor”*
- European Communities (Reception Conditions) Regulations 2018, Regulation 17:  
*“(1) A recipient who is a minor shall have access to primary and post-primary education in the like manner and to the like extent in all respects as a minor who is an Irish citizen.  
(2) The Minister for Education and Skills shall ensure that a recipient to whom paragraph (1) applies is provided with such support services and language supports as are necessary to facilitate the recipient’s access to, and participation in, the education referred to in that paragraph.”*
- Section 38 of the Data Protection Act 2018 - processing is necessary for the performance of a function of a controller conferred by or under an enactment or by the Constitution, or the administration by or on behalf of a controller of any non-statutory scheme, programme or funds where the legal basis for such administration is a function of a controller conferred by or under an enactment or by the Constitution.

- Sections 6 and 7 of the Education Act 1998 as amended – to promote equality of access to and participation in education and to promote the means whereby students may benefit from education and to fulfil the Minister’s function to plan and coordinate the provision of education in recognised schools
- Sections 15 and 23 of the Education Act 1998 as amended – to manage the school on behalf of the patron and the function of the Principal to be responsible for the day-to-day management of the school
- Section 266 of the Social Welfare Consolidation Act 2005
- Section 10 of the Education and Training Boards Act 2013 – to fulfil the function of an education and training board to plan, provide, coordinate and review the provision of education in recognised schools in its functional area

### **Source of Data**

Parent/Guardian of the student

### **Categories of data subject**

- Refugee children in Ireland
- Parents/guardians of Refugee children in Ireland

### **Categories of personal data:**

(i) Refugee child:

- Name
- Date of Birth
- PPSN
- Gender
- Current school name, if applicable
- Current class/year in school, if applicable

(ii) Parent/guardian of Refugee child:

- Name
- Current address including Eircode
- Whether address is an accommodation centre
- PPSN
- Email address
- Telephone number

### **Further Processing**

Where the Department or ETB intends to further process your data or that of your child for a purpose other than the purposes listed in this notice, the Department/ETB 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**

Personal data will be shared between the Department of Education and REALT Coordinators and Education and Training Boards Ireland. Your personal data will also be shared with schools and Education and Training Boards in the relevant area to assist in the prediction of school placement and capacity needs. Where the Department of Education/ETB intend to share your personal data with any other party, the Department/ETB will provide you prior to that further processing with information on that data sharing and with any relevant further information on the processing activity and your data protection rights. Anonymised statistics based on the collected data may be shared with other organisations.

### **Storage period**

The personal data provided will be retained for a period of a maximum of 12 months following receipt.

Departmental records are subject to the National Archives Act 1986, which provides that the Department cannot dispose of any departmental record without authorisation from the Director of the National Archives. The Department will comply with any instruction or authorisation received in that regard.

Relevant guidance from the National Archives can be found at the following link - [https://www.nationalarchives.ie/wp-content/uploads/2019/03/20190309Guidance-Note\\_GDPR\\_V4.pdf](https://www.nationalarchives.ie/wp-content/uploads/2019/03/20190309Guidance-Note_GDPR_V4.pdf)

### **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 see [Department of Education – Data Protection](#) 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 of 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 12 months since your data was recorded by the REALT Co-ordinator. 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.

You have the right to lodge a complaint with the Data Protection Commissioner, please see [www.dataprotection.ie](http://www.dataprotection.ie)

### **Contact Details**

The Department of Education is the joint data controller with the ETB for the processing of your data.

The Department's Data Protection Officer may be contacted by sending an e-mail to [dpo@education.gov.ie](mailto:dpo@education.gov.ie) or by post to Department of Education, Data Protection Unit, Athlone, Co. Westmeath, N37 X659.

Contact details for your local REALT Coordinator are available here: [Regional Education and Language Teams for Ukraine](#)