



Circular 41/2021

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

**Fair Processing Notice to explain how the personal data of
students in post-primary schools on the Post-Primary Online
Database (PPOD) will be recorded, processed and shared.**

1. Purpose

The Post Primary Online Database (PPOD) is an individualised database of pupils enrolled in post primary schools which are recognised by the Department. While the database is hosted by and data will be accessible to, the Department of Education, the pupils' data is provided and kept up to date by the schools in which the pupils are enrolled. This database contains the following individualised information on pupils in post primary schools:

- Personal Public Service Number (PPSNN)
- Name – Forename and Surname
- Address and Eircode
- Date of Birth
- Gender
- Nationality
- Mother's maiden name
- Mother Tongue
- Birth Certificate Name
- Birth Certificate checked indicator
- Irish exemption date granted
- Irish exemption reason
- Mother Tongue indicator
- Ethnic/Cultural Background
- Repeat of a Year indicator
- Repeat of a Year reason
- Repeat of a Year date granted
- Deceased Indicator
- Boarder



The purpose¹ of PPOD is to enable the Department to fulfil its public function of providing for education, as far as is practicable and having regard to the resources available, at a level and quality appropriate to meet the needs and abilities of students in post-primary schools recognised by the Department.

PPOD enables monitoring of the progress of children through the education system in order to ensure that every student can meet their educational potential and to ensure that every child of compulsory school age is in receipt of an education.

The data on PPOD shared by schools with the Department enables the public function of the Department of providing for education, including the allocation of funding and staffing to schools based on the individually verified student data, the provision of support and resources to schools and the monitoring and inspection of the curricula being taught by schools.

The Department is committed to:

- abiding by the General Data Protection Regulation (GDPR) (EU) 679/2016 and the Data Protection Act, 2018
- respecting individuals' rights to confidentiality and privacy

Article 4(7) of the General Data Protection REGULATION (EU) 2016/679 defines the data controller as the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;" As the Department of Education & Skills decides 'why' and 'how' the personal data, provided to PPOD by schools, should be processed it is the data controller.

This fair processing notice outlines how the Department of Education will comply with each of these rules in relation to data stored on the Post-Primary Online Database and which schools share with it. Where relevant it will also outline how these rules are adhered to in the case of the Pupil Entity (internal departmental database).

The PPSN number will be used as the unique student identifier on PPOD and the Pupil Entity to enable the Department to provide for education for post-primary students as far as practicable and subject to available resources.² This will allow for a child's educational history to be maintained accurately as they

¹ Section 6(b) of the Education Act, 1998 – *to provide that, as far as practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people.*

² Section 262(6)(b) of the Social Welfare Consolidation Act, 2005



move school, as well as ensuring that there are no duplicate enrolments in the system. The PPSN as provided by the parents/guardian or student will be obtained from the school and used to authenticate the student's public service identity using the Department of Employment Affairs & Social Protection's client service.³ This combines a matching process which authenticates the PPSN numbers using other variables from a student's Public Service Identity dataset, and returns a match code to the Department of Education. In cases where the PPSN number is not available from the school, the Department will attempt to obtain the number via the PPSN number client service and add the information to PPOD and PEIP (Pupil Entity Implementation Project).

The PPSN number may be shared by the Department of Education with the National Council for Special Education (as permitted under the Educational Welfare Act 2000) if it is required for ensuring the educational welfare of a child or for provision of educational supports to meet special educational needs.

The PPSN number may also be subsequently shared with the Department of Employment & Social Affairs to enable that Department to establish the student's continued reckoning for inclusion in child benefit payments when the student has left the post-primary education system before completing their Leaving Certificate.

In cases where the PPSN number is required for a school's own use, and not just for the purposes of population onwards to PPOD, schools are obliged under data protection legislation to explain the specific purpose for which they are collecting and using it.

2 Guides to PPOD in plain English

A set of Frequently Asked Questions on PPOD is available at www.gov.ie/en/publication/8f1a42-post-primary-online-database-p-pod-faqs/
Other information on PPOD is available on

<https://www.gov.ie/en/service/43ddb5-post-primary-online-database-p-pod/>

2. Seven Principles of Data Protection

Article 5 of the GDPR sets out seven key principles which lie at the heart of the general data protection regime.

These seven key principles are

³ Section 262(6)(b) of the Social Welfare Consolidation Act, 2005

³ Section 262(6)(a) of the Social Welfare Consolidation Act, 2005



- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

Lawfulness, fairness and transparency

Personal data must be obtained and processed “fairly and lawfully”.

The Data Protection Act 2018 highlights a clear obligation to inform data subjects how their data is or will be processed and processing will not be considered fair unless the data subject is given specific information about the identity of the controller, who the information will be disclosed to, and the purposes for which the data is to be processed. The rationale is that if the processing is to be fair the data subject must be placed in a position to learn of the existence of the processing operation, have access to that information and consequently be able to have that data rectified if required.

Purpose limitation

All data collected, must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

Data minimisation

Only the minimum amount of personal data should be shared. In many cases all that may be required is a "yes" or "no" in regard to whether an individual is, for example, on PPOD the question as to whether or not a pupil's mother tongue is English or Irish requires a "yes" or "no" response

Accuracy

All data should be accurate and, where necessary, kept up to date. Any data that is known to be inaccurate should be erased or rectified without delay

Storage limitation



All data will be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed

Integrity and confidentiality (security)

All data will be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Accountability

Any organisation which collects personal data of an individual must take responsibility for what they do with personal data and how they comply with the other six principles.

They must have appropriate measures and records in place to be able to demonstrate their compliance.

The controller shall be responsible for, and be able to demonstrate compliance with the above seven principles.

3. October Returns

The student data that schools have obtained previously from parents/guardians or the student was provided by them to schools for the purposes of the individual identification of the student in relation to the provision of their education and for some of this data to meet the requirements of education policy as determined by the Department and communicated by way of departmental rules and circulars to schools. The onward transfer of data from the school to the Department is to ensure the Department can undertake its public function to provide for education (Section 266(a) of the Social Welfare Consolidation Act 2005).

Once a year as part of the annual returns process, known as the October Returns, the schools generate an extract from PPOD containing data on students enrolled as at 30th September. The October Returns generated are returned electronically in a secure manner to the Department.

On receipt of the October Returns from each school the Department updates its Pupil Entity, a departmental database (formerly known as the Post-Primary



Pupil Database), with the student data from the return. Internal Department applications such as those used in the allocation of staffing resources and funding to schools or in the case of statistical analysis and research access the data held on the Pupil Entity (i.e. enrolment data as at 30 September). Where statistical analysis and research requires access to up-to-date student data this data may be sourced from PPOD.

Some of the data collected on PPOD will also be used solely by the school for their own internal administrative purposes. At Junior Cycle, data on outcomes of assessments and examination is retained on PPOD for 3 months (then subsequently deleted) to enable schools to generate or provide reprints of the Junior Cycle Profile of Achievement for students or former students of the school. Schools as data controllers have responsibility for data protection within their own schools and the Department has advised schools of necessity to adhere to their legal responsibilities as data controllers under the Data Protection Acts, please see departmental circular 38/2014 – *Revised arrangements for the submission of returns to the Department of Education by post-primary schools for 2014/15 and future years.*

Queries in relation to how individual schools are adhering to the seven principles of data protection should be referred to the individual school in question.

Schools may only access the data of students on PPOD where the students are currently enrolled in their schools or the school was the last post-primary school of a person who has finished their post-primary education.

It is Department policy that access within the Department to data held on both PPOD and the Pupil Entity is limited to the I.T. technical support staff, PPOD support staff, and staff in the Department's Statistics unit, Teacher Allocations and Schools Financial Section.

The Department also shares some of the personal data stored on the Pupil Entity (i.e. data as at 30th September) as populated from the October Returns from PPOD with other public bodies.

These are:

- *Central Statistics Office*, under section 30(1)(b) the Statistics Act, 1993 to assist with the compilation of national statistics.⁴

⁴ The Statistics Act, 1993 gives the CSO the authority to assess the statistical potential of the records maintained by other public authorities and to ensure that this potential is realised; therefore, the CSO has



- *Department of Employment Affairs & Social Protection* under section 262(6)(a) of the Social Welfare Consolidation Act 2005⁵, this Department shares a limited amount of each student's personal data, including a student's PPSN number with the Department of Employment Affairs & Social Protection's client service in order to authenticate the identity of each student.
- *State Examinations Commission (SEC)* as provided for under Social Welfare Consolidation Act 2005 (between specified bodies) the data on entrants for the state examinations is provided from the schools via the October Returns to SEC to assist its planning of the state examinations.
- *Education Research Centre (ERC)*, in compliance with the General Data Protection Regulation (GDPR) (EU) 679/2016 and the Data Protection Act, 2018, data on 15 year old students, excluding their PPSN number, to meet its research requirements including some of Ireland's international research commitments. The Centre subsequently liaises with post-primary schools directly in respect of any further data it may require on individual students to assist its research requirements.
- *Student Universal Support Ireland* under Section 28(5)(b) of Student Support Act 2011, to verify data supplied as part of the application process confirmation (i.e. either a Yes or No) is provided to SUSI that the applicants for the student grants have been returned by schools as having been enrolled in post-primary education for at least three years out of the five school years.
- *Higher Education Access Route (HEAR) and Disability Access Education Route (DARE)* by way of consent from the applicants from socio-economic disadvantaged backgrounds for consideration under the HEAR access schemes confirmation (i.e. either a Yes or No) is provided to HEAR to confirm that an applicant have been returned by schools as having been enrolled in post-primary education for at least three years out of the last five years. A similar arrangement applies to DARE in respect of applicants with disabilities.
- *NEPS (National Educational Psychological Service)* under sections 2 and 7 of the Education Act 1998 relating to the function of the Minister and the psychological service this Department shares a limited amount of each student's personal data, including a student's PPSN number with NEPS to allow them assess and identify need, and to inform appropriate interventions, in collaboration with schools, parents and pupils, in respect of concerns raised in relation to a student's wellbeing, or educational, social or emotional development.

indirect access on a statutory basis to data on individuals and businesses collected for administrative purposes

⁵Section 262(6)(a) of the Social Welfare Consolidation Act 2005 where a specified body has a transaction with a person, the Minister may share the person's public service identify with the specified body to the extent necessary for authentication by the specified body of the person's public service identity. For the purposes of this act the Department of Education and Skills is a specified body



- *HEA (Higher Education Authority)* Under Higher Education Authority Act 1971 to conduct analysis of the 3rd level entrants and non-entrants from the Leaving Certificate student population including transitions rates analysis from 2nd level to 3rd level

Since 2016/17 PPOD has facilitated the transfer of student data from a state body to the school:

- *State Examinations Commission* may transfer the final results of the state examination at Junior Cycle to schools to enable the school to include this data in the Junior Cycle Profile of Achievement (JCPA) which schools issue to their students who complete the Junior Cycle. This facility is only available under PPOD for three months only.

While the Department via PPOD facilitates the transfer of the above type of data it will not access this type of individual data including the assessment outcomes and examination results of individual students in the Junior Cycle except in what is anticipated to be very rare and exceptional circumstances where in order for the Department to provide technical support to a school user of PPOD the Department needs to access individual records.

The assessment data held on PPOD may be aggregated by school for use by the Department's Inspectorate for purposes of evaluation and assessment of implementation of the Junior Cycle programme by schools. The assessment data may also be used in aggregate format for statistical analysis and research purposes. If this data is used in the compilation of "Comparative Performance) tables, then a specific derogation is required under section 4(a) of Education (Miscellaneous Provisions) Act 2015.

The technical support staff unit within the Department which provides technical support to school users of PPOD may when authorised in advance by schools, access assessment records where this is necessary to resolve a technical issue with PPOD which has been notified to the Department by a school.

Under Section 20 of the Education Welfare Act 2000 schools within the PPOD system may also exchange data for the purposes of facilitating the application and subsequent enrolment of a student in another school.

The student data on PPOD shall be maintained by the school in which the student is enrolled. The school is obliged to ensure that the data of its students is maintained accurately.



The student data on the Pupil Entity database is updated annually via the October Returns process. It should be noted that this data is mainly used in aggregate format as at 30th September each year and occasionally at individual record level for statistical analysis purposes.

Each year the Department requires school authorities as part of the October Returns process to sign a declaration that they have fulfilled their data protection obligations in relation to the collection and sharing of their student data via PPOD.

To assist both schools and the Department to comply with their respective data protection requirements for PPOD, post-primary schools are asked to bring this circular to the attention of parents/guardians, students and school staff.

**Tom Deegan,
Principal Officer,
PPOD Unit
Schools Division,
18 August 2021**



APPENDIX 1 – LEGAL BASIS

The legal bases set out for collection of the personal information on PPOD, including the list of personal items is as follows

1) Social Welfare Consolidation Act Section 266.—

Notwithstanding anything contained in any other enactment, a specified body may share any information that may be prescribed with—
(a) the Minister for Education and Science, where that Minister requires the information for the purpose of enabling him or her to provide education in accordance with section 6(b) of the Education Act 1998, or
(b) an tÚdarástUum Ard-Oideachas, where that body requires the information for the purpose of performing its functions under section 3(a), (b) or (d) of the Higher Education Authority Act 1971.

SI No317/2015 Social Welfare Consolidated Claims Payments and Control Regulations <http://www.irishstatutebook.ie/eli/2015/si/317/made/en/pdf>

Sharing of information

2. Article 189 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) is amended by—

- (a) The substitution of the following sub-article for sub-article (1):*
- “
(1) The following information is prescribed as the information that may be shared, in accordance with section 266, by a body specified in
paragraph 2 of Schedule 5 with the Minister for Education and Skills
or an tÚdarás um Ard-Oideachas:
(a) in relation to a student of that body—
(i) his or her—
(I) forename,
(II) surname,
(III) date of birth,
(IV) address,
(V) sex,
(VI) nationality,
(VII) personal public service number, and
(VIII) mother’s birth surname,
and
(ii) whether the student—
(I) boards at his or her school,



- (II) is exempt from studying the Irish language and, if so,*
the date, category and grantor of such exemption,
(III) is in receipt of resource teaching support or learning support and, if so, the type of such support,
(IV) is in a class for students with special educational needs and, if so, the level of integration of the student, if any, in mainstream class settings,
(V) is a student in a special class and, if so, the type of special class,
(VI) Is a student in a special school and, if so, the category of capitation grant that is paid in respect of that student,
(VII) Is a new entrant,
(VIII) Is repeating a year and, if so, the reasons why,
(IX) Is a short-term placement student and, if so, the duration for which he or she has been enrolled;
- (b) In relation to the course of study being undertaken by a student of that body—*
- (i) The date of enrolment of the student,*
 - (ii) The source of enrolment for the student,*
 - (iii) The class group and standard of the student,*
 - (iv) The class type of the student,*
 - (v) The student type,*
 - (vi) The current school roll number for the student,*
 - (vii) The former school roll number for the student, if applicable,*
 - (viii) The date that the student leaves the course of study*
- and*
- the leaving destination,*
 - (ix) The programme for which the student is studying and his or her programme year,*
 - (x) The examination candidate number for the student,*
 - (xi) The subjects which the student is studying and the subject level at which he or she is studying those subjects,*
 - (xii) The language through which the student is studying,*
 - (xiii) Whether the student is participating in a scheme administered*



by an Education and Training Board and known as the Vocational Training Opportunities Scheme, and (xiv) Where the student is enrolled in a Post Leaving Certificate or an Applied Leaving Certificate Programme, the highest level of academic attainment previously achieved.”,

2) Section 20 of the Education Welfare Act 2000

(1) The principal of a recognised school shall, as soon as may be after the commencement of this section, cause to be established and maintained a register of all students attending that school.

(2) The principal of a recognised school shall, on the day on which the child first attends that school, enter the child's name, the date of his or her first so attending and such other particulars as may be prescribed by the Minister, in the register maintained under this section in respect of that school, and the child concerned shall, for the purposes of this Act, be deemed, as on and from that date, to be registered in that school.

(3) The principal of a recognised school shall, as soon as may be after entering in the register maintained under this section in respect of that school the name of a child who is registered in another recognised school, so inform by notification in writing the principal of the second-mentioned school.

(4) The principal of the second-mentioned school referred to in subsection (3) shall, on receipt of a notification under that subsection, remove the name of the child concerned from the register maintained under this section in respect of the said second-mentioned school except where the child continues to receive part of his or her education at that school.

(5) The principal of a recognised school shall, on receiving a notification under subsection (3) in relation to a child, notify the principal of the school first-mentioned in that subsection of—

(a) any problems relating to school attendance that the child concerned had while attending the second-mentioned school referred to therein, and

(b) such other matters relating to the child's educational progress as he or she considers appropriate.

(6) The principal of a recognised school shall not remove a child's name from the register other than—

(a) in accordance with subsection (4), or



(b) where he or she has received a notification in writing from the Board that the child concerned is registered in the register maintained under [section 14](#) .

3) Section 28 of the Education Welfare Act, 2000.

<http://www.irishstatutebook.ie/2000/en/act/pub/0022/sec0028.html#sec2>

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(1) *The data controller of a prescribed body may supply personal data kept by him or her, or information extracted from such data, to the data controller of another prescribed body if he or she is satisfied that it will be used for a relevant purpose only.*

(2) *The data controller of a prescribed body may, for a relevant purpose only, keep and use personal data supplied to him or her under this section.*

(3) *In this section— "data controller" and "personal data" have the meanings assigned to them by the Data Protection Act, 1988; "prescribed body" means a body prescribed by the Minister; "relevant purpose" means the purpose of—*

(a) recording a person's educational or training history or monitoring his or her educational or training progress in order to ascertain how best he or she may be assisted in availing of educational or training opportunities or in developing his or her full educational potential, or

(b) carrying out research into— (i) the extent to which persons in receipt of, or who have received, a certain minimum education present for examinations to which Part VIII of the Act of 1998 applies, and the performance in such examinations of persons who so present, (ii) the extent to which persons who have received a certain minimum education participate further in programmes of education, training or instruction, or (iii) the general effectiveness of educational or training programmes.

A recognised school within the meaning of section 2 of the Education Act has been designated a prescribed body for these purposes.

4) Social Welfare Consolidation Act (2005) Section 262

(4) A person shall give to a specified body his or her personal public service number and the personal public service numbers of his or her spouse and children, where relevant, as required by the body for the purposes of the person's transaction.



(6) (a) *Where a specified body has a transaction with a person, the Minister may share the person's public service identity with the specified body to the extent necessary for authentication by the specified body of the person's public service identity.*

SCHEDULE 5 of the Social Welfare consolidation Act contains a list of Specified Bodies.

1. *Each of the following shall be a specified body for the purposes of this Schedule and sections 262 to 270*

(1) A minister of the Government

2. *Each of the following shall be a specified body for the purposes of this Schedule and section 266 : a recognised school or centre for education (within the meaning of section 2 of the Education Act 1998),*

<http://www.irishstatutebook.ie/2005/en/act/pub/0026/sched5.html>

Rules and Programme for Secondary⁶ Schools made pursuant to the Education Acts, 1878 to 1998. <https://www.education.ie/en/Schools-Colleges/Information/Rules-and-Programmes-for-Schools/>

⁶ The **Rules and Programme** apply to all second level schools including schools in the Community & Comprehensive and Education and Training Boards sectors as well as the voluntary secondary schools.



APPENDIX 2 – CONSENT FORM

Pupil Information required for Post Primary Online Database

The Department of Education has developed an electronic database of post primary school pupils called the Post Primary Online Database (PPOD) which involves schools maintaining and returning data on pupils to the Department at individual pupil level on a live system. The database allows the Department to validate school enrolment returns for grant payment and teacher allocation purposes and for statistical reporting. It also provides information to the State Examinations Commission on exam students for both Junior Cert and Leaving Cert and details of their subjects and levels.

The database will hold data on all post primary school pupils including their PPSN, First Name, Surname, Name as per Birth Certificate, Mother's Birth Surname, Address (including Eircode), Date of Birth, Gender, Nationality, whether the pupil is in receipt of an Exemption from Irish and if so the reason for same. The database will also contain, on an optional basis, information on their ethnic or cultural background and whether one of the pupil's mother tongues is English or Irish. In order to assist with the gathering of data please complete this form in CAPITAL LETTERS and return to the school. The second page of this form will be retained by the school.

Pupil Forename:

Pupil Surname:

Pupil's Date of Birth _____

PPSN of Pupil _____

Pupil's Gender: Male Female

Birth Cert Forename (if different from name above)

Birth Cert Surname (if different from name above)

Nationality _____

Mother's Maiden Surname _____

Pupil Address and Eircode _____



The Department has consulted with the Data Protection Commissioner in relation to the collection of individual pupil information for the Post Primary Online Database. Ethnic and Cultural background are special category data under the General Data Protection Regulation (GDPR). Mother tongue is personal category data requiring consent for collection. While these questions are optional, written consent is sought by the student's school to record this information and for the school to forward this information to the Department of Education via PPOD.

The information will be used by the Department for statistical and research purposes.

Aggregated information on Ethnic/Cultural background will be used to track the progress of these groups, and to compare their progress with other groups, thereby identifying gaps in the system and assisting in the development and implementation of appropriate policies and interventions. Mother tongue is collected to identify, monitor and evaluate the need for English as an additional language (EAL) support. Parents/guardians have the option to identify their children's ethnic background and whether their mother tongue is English or Irish and to consent for this information to be transferred to the Department of Education.

This page of the form will be retained by your post primary school.

Special category data

To which ethnic or cultural background group does your child belong (please tick one)?

(Categories based on the Census of Population)

White Irish

Irish Traveller

Roma

Any other White Background

Black or Black Irish - African

Black or Black Irish - Any other Black Background

Asian or Asian Irish – Chinese

Asian or Asian Irish - Any other Asian background

Other (inc. mixed background)

No consent



Personal category data

Is one of the pupil's mother tongues (i.e. language spoken at home) Irish or English?

Yes

No

No Consent

I consent for the special category data question and the personal category data question to be stored on the Post Primary Online Database (PPOD) and transferred to the Department of Education and any other post primary schools my child may transfer to during the course of their time in post primary school.

Signed: _____
Parent/Guardian

Date: _____

Please complete this form and return to your post primary school.

Signed: _____
Parent/Guardian

Date: _____

For further information on PPOD please go to the Department of Education website <https://www.education.ie/en/Schools-Colleges/Services>Returns/Post-Primary-Online-Database-P-POD-Project/>