

PERSONAL AND SENSITIVE DATA BELONGING TO STUDENTS



The Education Act (Chapter 327 of the Laws of Malta) and its subsidiary legislations, in particular, legitimately provides for practitioners legally recognised as rendering the educational service to minors, to collect and process data about the minors and their parents or legal guardians. Nevertheless, this is to occur in compliance with the General Decree on the Protection of Data (GDPD) issued in 2018 by the Diocese of Malta, and as provided for in the Subsidiary Legislation to the Education Act, S.L. 586.07 of 2015

Basic Principles:

- Personal data should be requested and accessed exclusively on a **need to know basis**.
 - Data subjects have the **right to be informed** about the purpose behind the collection and use of their personal data.
 - The right to erasure or **right to be forgotten** grants data subjects a possibility to have their personal data deleted if they don't want them processed anymore.
 - The **right to opt out of consent** for provision of services at any time if request is made in writing
1. Schools are required to disseminate standard consent forms and organise data gathered from such consent forms for easier access by data processors including members of staff, SFCE psycho-social team allocated to the school and other SFCE service providers.
 2. Standard Consent Forms must be disseminated to all parents of students in **ALL** year groups and not exclusively to new entrants in September /October 2018.
 3. As from scholastic year 2019 -2020 the Consent Forms are disseminated to parents of new entrants only in Kinder /Year 1, Year 7/Form 1 and to new students at any entry point.
 4. In case of single parents birth certificate must be requested to determine whether father is acknowledged or not. If separated separation deed ,decree or judgement to determine care and custody must be requested. If separation proceedings are ongoing and there is no decree yet, then care and custody is joint.
 5. The consent form:
 - Clause 2: Parents give consent to different professionals to access their daughter/son's reports stored at school
 - Clause 3: Parents give consent to their daughter/son to voluntarily see the professionals on individual basis.

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- Clause 8: refers to specific services requiring a separate referral and consent form to carry out individual official assessment.
6. SMTs and teaching staff may consult with professionals on specific students without parents' consent.
 7. The professionals may carry out class observations and give general recommendations to the teacher and LSE without consent. **Such recommendations are not shared with the parents unless the professionals meet the parents to discuss such recommendations.**
 8. Sharing of personal and/or sensitive data should take place only on secure platforms – SharePoint or school platforms such as My School, Klikks.
 9. In case of scanned reports only secure and official email addresses such as school email address, maltadiocese.org, ilearn.com or gov.mt should be used. Such instances should be kept to a minimum.
 10. **Personal addresses such as Gmail or Hotmail should not be used for any work/official purposes.** All schools should provide teachers and LSEs with an official email address that should be used at all times.
 11. When communicating via email, students should not be mentioned by their full name. Initials or first name and initial letter of surname or vice versa may be used. The subject's identity should be protected at all times.
 12. When HOD for Inclusion and /or A/Hd for Inclusion sends an email regarding a particular student, only the teaching staff concerned and /or professionals following that particular student ought to be copied in the email.
 13. Whenever an IEN pupil or student transfers from one school to another, all data pertaining to that student, including but not exclusively, medical reports, reports from professionals, IEPs etc., should be handed over to the new school after seeking the **written** permission of the parents or legal guardians. No extra copies should be kept by the school.
 14. Any professional reports, statement of needs and IEPs of IEN students should be handed over to the parents at the end of Form 5. The school does not need to keep a copy of these beyond this point.
 15. It is important that any teachers' comments, letters, notes etc that may have been written bona fide to help the child but not intended for the parents are removed before the file is handed over to the parents. This is important to safeguard the privacy and wellbeing of the teacher/LSE.
 16. Online records should be stored only on secure, official platforms. Who has access to this data as well as how much, should be determined by the Head of School or the Assistant Head in charge of Inclusion.

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17. Paper documents should be locked away in a filing cabinet and access determined by HoS or A/Hd in charge of Inclusion.
18. When parents pass on documents in sealed envelopes directly to LSEs, such documents should be passed on directly to the A/Hd in charge of Inclusion in the same sealed envelope as given by parents.
19. Daily schedules are passed on to the HoS or his/her delegate at the end of the scholastic year. Such schedules should be shredded within a year. Daily /Weekly Schedules may be passed on to the A/Hd or designated person in charge of Inclusion at the end of the scholastic year. Such schedules should be shredded within a year. Should the LSE decide to keep the Daily Schedules, he is personally responsible for the protection of the students' data.
20. IEN Student profiles, copies of recommendations taken from professional reports and IEP review should be left in a safe place at school at all times. At the end of the year these should be given to the assistant head /designated person in charge of Inclusion who can pass them on to the next LSE in September.
21. Only the latest recommendations from professionals should be kept in the LSEs file. LSEs and teacher may be granted access to read the full reports if it is deemed to be in the best interest of the minor but no copies should be kept in the LSEs file.
22. Members of staff in possession of students' sensitive data in hard or soft copy should be aware that they have the responsibilities of data processors.
23. Access Arrangements should not be posted on notice boards since this may constitute as sensitive data. Particular students can be advised individually about their special room allocations. LSEs and teachers can and should be informed of any access arrangements for particular students.
24. Communication with parents including day to day performance pertaining students should be made via the official school platform or email, or the communication book only. The use of text messages, Messenger, WhatsApp or other similar media to communicate with parents should be avoided at all times.
25. Photos /videos of IEN students performing an activity may be sent to parents via email using official school platforms such as My School, Klikks or other approved platforms.
26. Teachers and LSEs must not use personal phones /cameras /tablets to take photos /videos of students during activities.

September 2018