



Circular Letter 0023/2024

**To: The Managerial Authorities of Recognised Post-Primary,
Community and Comprehensive Schools and
the Chief Executives of Education and Training Boards**

**The Education Sponsor Referral Agreement and the
Responsibilities of Data Controllers of the Education Sponsor
Agreement:**

Joint Data Controller Arrangement

between

the Department of Education

and

**the Department of Children, Equality, Disability, Integration and
Youth**

and

**the Managerial Authorities of Recognised Post-Primary,
Community and Comprehensive Schools and the Chief Executives
of Education and Training Boards**

1. Purpose of this Circular

- 1.1 The purpose of this Circular is to set out the role of Principals and Managers in implementing the Education Sponsor Agreement, and to confirm the role of and relationship between:
- i. the Department of Education,
 - ii. the Department of Children, Equality, Disability, Integration and Youth (DCEDIY),

- iii. the Managerial Authorities of recognised post-primary, community and comprehensive schools, and
- iv. the Chief Executives of Education and Training Boards

as Joint Data Controllers with regards to the processing of personal data in relation to the **Education Sponsor Referral Agreement** for the purposes of Section 79 of the Data Protection Acts 1988 to 2018 and Article 26 of Regulation (EU) 2016/679 (GDPR).

Section 3 sets out information on the Education Sponsor Agreement. Sections 4-12 set out information on the data responsibilities of the Joint Controllers.

- 1.2. It is a requirement under the GDPR that joint data controllers set out their respective responsibilities in a transparent manner by means of an agreement and that is the purpose of this circular, as well as to clarify the role of Principals and Managers in implementing the Education Sponsor Agreement.
- 1.3 It should be noted that this Circular does not alter existing arrangements which have been in place on a practical level heretofore, or involve changes to current work practices or GDPR policies in schools. In particular, it does not impose any new requirement on schools to appoint a DPO where there is no existing requirement to do so.
- 1.4 Please ensure that the contents of this circular are brought to the attention of all members of the Board of Management/Education and Training Board as appropriate, and all employees in your employment, including those on leave of absence.

2. Definitions

- 2.1 “The Department” means the Department of Education;

- 2.2 “DCEDIY” means the Department of Children, Equality, Disability, Integration and Youth;
- 2.3 “Managerial Authorities and Chief Executives” means Managerial Authorities of recognised post-primary, community and comprehensive schools and the Chief Executives of Education and Training Boards;
- 2.4 “Pobal’ or “Scheme Administrator” means the National Childcare Scheme Administrator who processes data on behalf of DCEDIY;
- 2.5 The “parties” is a reference to all entities listed in 1.1 of this circular as Joint Data Controllers under this arrangement;
- 2.6 “The Data” means such personal information as is processed;
- 2.7 “GDPR” means the EU General Data Protection Regulation 2016/679;
- 2.8 “Data Protection Acts” means the Data Protection Acts 1988 to 2018 and any amendments thereto;
- 2.9 The term “Article” refers to an article in the GDPR;
- 2.10 “Personal Data”, “Processing”, “Data Controller”, “Data Processor”, “Data Subject” and “Personal Data Breach” have the meanings assigned to them by Article 4 of the GDPR;
- 2.11 “Personal Data” means any information relating to an identified or identifiable natural person;
- 2.12 “Data Subject” means the identified or identifiable natural person whose personal data is being processed: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier

such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

- 2.13 “Data Processor” means an entity which processes personal data on behalf of the controller;
- 2.14 “Controller” means the entity which, alone or jointly with others, determines the purposes and means of the processing of personal data;
- 2.15 “Joint Data Controller” has the meaning given to it by Article 26 of the GDPR, which is where two or more Data Controllers jointly determine the purposes and means of processing;
- 2.16 “The Act” means the Childcare Support Act 2018, as amended;
- 2.17 “Scheme” means the Affordable Childcare scheme, referred to as the National Childcare Scheme;
- 2.18 “Education Sponsor Agreement” refers to the agreement made between the Minister for Children, Equality, Disability, Integration and Youth (M/CEDIY) and the Minister for Education (M/Education) under Section 14 of the Act to support parents under the age of 18 years to remain in education or training through access to childcare services;
- 2.19 “Child” means a child attending an approved childcare services provider in respect of whom a payment is being made;
- 2.20 “Childcare service” means a pre-school childcare service or a school age service;
- 2.21 “Parent” means a parent under 18 years of age;

- 2.22 “Service provider” means the provider of a childcare service;
- 2.23 “Parent portal” means the online mechanism for the parent to access the scheme’s computerised system;
- 2.24 “Sponsor body” means a public body that refers a child to the Scheme for Childcare support under section 14 of the Childcare Support Act 2018;
- 2.25 “Sponsor referral” means a referral by the Minister for Education or an agent acting on behalf of the Minister for Education;
- 2.26 “Referring Officer” means the person who determines that the relevant criteria set out in clause 2 of the Education Sponsor Agreement for referral to the Scheme are satisfied;

3. Education Sponsor Referral Agreement

- 3.1 The data protection provisions set out in this circular support the implementation by schools of the **Education Sponsor Referral Agreement** (“Agreement”). The Agreement is made between the Minister for Education and the Minister for Children, Equality, Disability, Integration and Youth, as provided for in Section 14 of the Childcare Support Act 2018.

The purpose of the Agreement is to enable the referral of a vulnerable Parent so that they can access funds for sponsorship of their childcare fees under the National Childcare Scheme (“NCS”) in order to support them to remain in education and training. The NCS is administered by Pobal which manages the scheme on behalf of DCEDIY.

For the purpose of administering the scheme the Referring Officers are Principals or Managers, defined as follows:

(a) a Principal of a post-primary school or a centre for education which is recognised by the Minister for Education under section 10 of the Education Act 1998,

(b) a Principal or Manager of a recognised school, centre for education or education or training facility established, maintained or resourced under section 10 of the Education and Training Boards Act 2013.

3.2 Role of Referring Officers

- a. The criterion for referral under the Agreement is that the person receiving financial support in respect of children shall be Parents, and funding under this arrangement is provided to support the parent to remain in education or training through access to childcare services.
- b. A referral must be made using the Pobal referral form in **Appendix 1 (“Referral Form”)**.
- c. Where the criterion has been met, the Referring Officer completes and signs the Referral Form and stamps with their official stamp. The Referral Form should be given by the Referring Officer to the Parent who will submit it to the scheme administrator (Pobal) for approval.
- d. The Parent can submit the Referral Form by post. If the parent is over 16 years of age and has a MyGovID account, the parent can upload the Referral Form electronically to the scheme administrator’s IT system, through the Parent portal.
- e. Where there is an urgent need for childcare support, the Referral Form can be submitted by a parent to the postal address specified by the scheme administrator for urgent cases.
- f. At the referral stage, the Referring Officer must inform the Parent that additional fees are not payable by them in respect of the hours of childcare which are being sponsored.

- g. The Referring Officer can direct the parent to the following resources for further information on the National Childcare Scheme, including on the sponsorship of vulnerable children as set out in the Education Sponsor Agreement:

Website: www.ncs.gov.ie

Phone Number: 01-9068535

Email Address: sponsors@ncs.gov.ie

Address: National Childcare Scheme, PO Box: 13105, Southside Delivery Office, Cork City

- h. The sponsorship referral rates as at September 2023 are set out in **Appendix 2.**

4. Data Responsibilities, Subject Matter and Purpose of the Processing

- 4.1 The purpose of the processing is to support the implementation by schools of the **Education Sponsor Referral Agreement** (“Agreement”) (see 3.1).
- 4.2 As Data Controllers, the Department, DCEDIY and Managerial Authorities and Chief Executives are all assigned responsibilities by the GDPR relating to personal data held by them. Each Data Controller is expected to comply fully with all such responsibilities.
- 4.3 Irrespective of the terms of this Joint Data Controller Agreement, a data subject may exercise their rights in respect of and against each of the Data Controllers, but not limited to, those rights specified in Articles 13 and 14 of the GDPR. Where a data subject seeks to exercise their rights under the GDPR in relation to a referral made under the Education Sponsor Agreement from a particular Data Controller, that Data Controller shall deal with the request where it relates to the data held by that Data Controller’s organisation.

- 4.4 Where a data subject seeks to exercise their rights under the GDPR in relation to a referral made under the Agreement from a particular Data Controller that Data Controller shall deal with the request where it relates to the data held by that Data Controller's Organisation.
- 4.5 The data is retained as follows - in the case of a sponsorship referral made:
- (i) directly by the Department (on behalf of the Minister for Education) the Department will hold the personal data of the data subjects.
 - (ii) by Referring Officers, the data will be held and processed by the Managerial Authorities of Recognised Post-Primary, Community and Comprehensive Schools and the Chief Executives of Education and Training Boards.

Personal Data is held and processed on behalf of DCEDIY by Pobal, the scheme administrator and data processor.

- 4.6 The subject matter of the processing is data of:
1. Parent
 2. Child
 3. Referral Officer
- 4.7 The purpose of the processing is to refer a parent under 18 to the Scheme for sponsorship of their childcare fees to enable them to remain in Education or Training.

5. Type of Personal Data and Categories of Data Subject

- 5.1 The Department, when making a direct referral to the Scheme Administrator for sponsorship of childcare fees, will hold the following data:
- Parent
 - Parent Address
 - Parent Email
 - Parent Phone Number
 - Parent Date of Birth

- Parent PPSN
- Parent Signature
- Child's Full Name
- Child's Date of Birth
- Child's PPSN
- Child's Educational Status
- Referral Officer Name
- Referral Officer Address
- Referral Officer Email
- Referral Officer Signature

5.2 Managerial Authorities and Chief Executives, when making a direct referral to the Scheme Administrator for sponsorship of childcare fees, will hold the following data:

- Parent
- Parent Address
- Parent Email
- Parent Phone Number
- Parent Date of Birth
- Parent PPSN
- Parent Signature
- Child's Full Name
- Child's Date of Birth
- Child's PPSN
- Child's Educational Status
- Referral Officer Name
- Referral Officer Address
- Referral Officer Email
- Referral Officer Signature

5.3 Pobal, when processing a referral for sponsorship of childcare fees, will hold the following data:

- Parent
- Parent Address
- Parent Email
- Parent Phone Number
- Parent Date of Birth
- Parent PPSN
- Parent Signature
- Child's Full Name
- Child's Date of Birth
- Child's PPSN
- Child's Educational Status

- Referral Officer Name
- Referral Officer Address
- Referral Officer Email
- Referral Officer Signature
- Childcare Identifier Code (CHICK)

6. Functions and obligations of the Managerial Authorities and Chief Executives and Referring Officers

6.1. The Managerial Authorities and Chief Executives, and their designated Referring Officers, are responsible for:

- (i) Receiving an application from a parent who is under 18
- (ii) Verifying the data contained in the application to determine whether the application is eligible to be the subject of a referral for financial support as part of a referral or review process or appeal process
- (iii) Processing the personal data of children in order to ensure that their childcare fees can be sponsored in line with Section 14 of the Act, and the Education Sponsor Referral Agreement. In particular, the Managerial Authorities and Chief Executives will collect data outlined in Section 5.2 to enable the application for sponsorship of fees to be processed
- (iv) Signing and stamping the application form

Therefore, in relation to the personal data processed in these circumstances, Managerial Authorities and Chief Executives have the responsibility to comply with a data subject exercising their rights under the GDPR.

6.2 In accordance with Article 6(1)(c), Article 6(1)(e) of the GDPR, the Managerial Authorities and Chief Executives in discharge of their obligations must have regard for:

- Section 14 and Schedule 2 of the Childcare Support Act 2018 [Provision for Vulnerable Children]
- The Data Protection Acts
- The GDPR

7. Functions and obligations of the Department of Education

- 7.1 The Department processes the personal data of children in the event of a request for direct sponsorship by the Minister for Education. The Department will:
- (i) receive an application from a Parent who is under 18
 - (ii) verify the data contained in the application to determine whether the application is eligible to be the subject of a referral for financial support as part of a referral or review process or appeal process, by obtaining information from the school or centre of education being attended by the parent
 - (iii) process the personal data of children in order to ensure that their childcare fees can be sponsored in line with Section 14 of the Act, and the Education Sponsor Referral Agreement.
 - (iii) verify, in direct consultation with an agreed contact in Pobal, that a child is the subject of financial support is enrolled or registered with a childcare services provider and is continuing to attend the services including the number of hours of such attendance
 - (iv) signing and stamping the application form on behalf of the Minister

Therefore, in relation to the personal data processed in these circumstances, the Department of Education has the responsibility to comply with a data subject exercising their rights under the GDPR.

- 7.2 In accordance with Article 6(1)(c), Article 6(1)(e) of the GDPR, the Department of Education in discharge of its obligations must have regard for:
- Section 14 and Schedule 2 of the Childcare Support Act 2018 [Provision for Vulnerable Children];
 - The Data Protection Acts
 - The GDPR

8. Functions and obligations of the Department of Children, Equality, Disability, Integration and Youth

- 8.1 DCEDIY is responsible for the administration of the NCS, which includes the administration of agreements made under Section 14 of the Act. Pobal administers the NCS on behalf of DCEDIY. DCEDIY shall ensure that it has in place a data processing agreement with POBAL requiring them to comply with the requirements in GDPR and the Data Protection Act 2018. The parties will ensure that the personal data covered by this arrangement will not be further processed in a manner that is incompatible with the purposes for which it was originally collected.
- 8.2 In accordance with Article 6(1)(c) and Article 6(1)(e) the DCEDIY in discharge of its obligations must have regard for:
- Section 14 and Schedule 2 of the Childcare Support Act 2018 [Provision for Vulnerable Children]
 - The Data Protection Act 2018; and
 - The GDPR.

9. Joint Data Controllers

- 9.1 Article 26 of the GDPR defines a joint controller as follows: "*where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers*". The Department together with DCEDIY and the Managerial Authorities and Chief Executives are deemed to be joint data controllers in respect of the data processed. This Circular outlines the Joint Controller arrangement between the Department, DCEDIY and schools.
- 9.2 The purpose of this arrangement is to define the relationship and respective obligations to data subjects of both Managerial Authorities and Chief Executives, DCEDIY and the Department. In so doing all parties have determined their respective responsibilities for compliance with the obligations under the DP Acts and GDPR, in particular as regards the exercising of the

rights of the data subject and their respective duties to provide the information referred to in Articles 13 and 14 of the GDPR.

9.3 The parties agree not to transfer the data outside of the European Economic Area without putting appropriate safeguards in place, as set out in the GDPR.

9.4 The parties will ensure that the personal data covered by this arrangement will not be further processed in a manner that is incompatible with the purposes for which it was originally collected.

9.5 The parties are permitted to appoint Data Processors to process personal data under this arrangement, in accordance with Data Protection legislation.

10. Obligations of the Departments, Managerial Authorities and Chief Executives and DCEDIY as Joint Data Controllers

10.1 For the purposes of this arrangement all parties jointly assume the role of “Data Controller” within the definition of the DP Acts and shall have responsibility for ensuring compliance with the DP Acts and GDPR. Each party shall respond to requests made to that party from data subjects regarding the data held by that party. Without prejudice to the generality of the foregoing, the obligations of both parties under this arrangement shall extend to:

Data compliance

10.1.1 Compliance with relevant sections of the DP Acts in force from time to time.

10.1.2 Compliance with the GDPR.

Fair and Lawful Processing

10.1.3 Ensuring compliance with the DP Acts in respect of fair and lawful processing and Articles 5 (principles relating to the processing of

personal data), 6 (lawfulness of processing), 7 (conditions for consent) & 9 (processing of special categories of personal data) of the GDPR.

Data Subject Rights - Dealing with Requests under Article 15 - 22 of the GDPR

10.1.4 Dealing with requests under Articles 15 - 22 of the GDPR regarding the rights of data subjects.

Transparency

10.1.5 Complying with Articles 13 and 14 of the GDPR in respect of information to be furnished to individual applicants.

Accountability

10.1.6 Maintaining suitable records to demonstrate compliance with the GDPR and DP Acts in accordance with Article 24 of the GDPR.

Data Security & Data Breach

10.1.7 The use of appropriate security measures for the data as per Article 32.

10.1.8 The notification of any data breach in accordance with Article 33 and where applicable, under Article 34. Whichever party holds the data which is the subject of the breach will be responsible ensuring compliance with the DP Acts and GDPR and for informing and engaging with the Data Protection Commission where appropriate.

Data Protection Officer

10.1.9 The appointment of a designated Data Protection Officer as per Article 37, where applicable.

The Data Protection Officer for the Department of Education can be contacted at:

Data Compliance & Support Section

Department of Education

Cornamaddy, Athlone, Co. Westmeath, N37 X659.

Telephone: +353(0)90 648 3908

Email: dpo@education.gov.ie

The Data Protection Officer for DCEDIY can be contacted at:

Information Management Unit (Data Protection)
Department of Children, Equality, Disability, Integration and Youth,
Block 1 Miesian Plaza, 50-58 Baggot Street Lr, Dublin 2, D02 XW14

In relation to data controlled by the school, the data subject should contact the school.

Disclosures

- 10.1.10 The parties will not disclose any of the personal data which they process unless there is a legal basis for such disclosures and, subject to any regulations restricting the data subject's rights under the DP Acts, the data subjects will be informed by the parties of these disclosures in advance.

Data Storage

- 10.1.11 Each party shall determine the retention period which is necessary for any personal data which it processes.

11. Administrative Matters

- 11.1 The parties as Joint Data Controllers, shall:
- 11.1.1 Assume liability for all Data in respect of Sections 141, 142 and 143 of the DP Acts, Articles 79 and 82 of the GDPR and the Law of Torts.
- 11.1.2 Deal with all requests under Chapter 4 of the DP Acts regarding rights and the restriction of rights of data subjects and Articles 13 to 22 of the GDPR. Responses thereto shall be final, subject to review only by the Data Protection Commission or Courts, as appropriate.

12. Contact Details for Data Subjects

12.1 Data subjects wishing to make contact with the data controllers can:

- contact the Managerial Authorities and Chief Executives, *i.e.* the relevant Recognised Post-Primary, Community and Comprehensive Schools or the Chief Executive of the relevant Education and Training Board

or

- contact the Early Years Education Policy Unit, Department of Education, Marlborough Street, Dublin 1, D01 RC96 or email: earlychildhood@education.gov.ie

or

- contact Early Years Schemes Oversight Unit, Department of Children, Equality, Disability, Integration and Youth, Block 1 Miesian Plaza, 50-58 Baggot Street Lr, Dublin 2, D02 XW14

Appendix 1



Department of Education Sponsor Referral to the National Childcare Scheme

Sponsor Body Reference No¹:

Parent Details

(The parent will be the designated contact)

Parent² name: _____

Parents address: _____

Parent Email: _____

Parent Phone Number: _____

Parent date of birth³: _____

Parent PPSN: _____

Parent Signature: _____

Child details:

Child's Full Name: _____

Child's Date of birth: dd/mm/yyyy _____

Child's PPSN: _____

¹ This is the unique reference number given to the referral by the person making the referral. It will be referenced in communications between the scheme administrator and the designated contact in relation to the specific child being referred.

² The parent will be the designated contact person for dealings with the scheme administrator.

³ If the parent is under 16 years old, the referral can only be submitted by post. If the parent is 16-17 years old they have the option to upload the referral form on the parent portal where they have a PSC card.

Child's current educational stage: Please indicate

Pre-ECCE ____ ECCE/ECCE eligible ____ Early Start ____ Jr/Sr Infants ____ 1st-6th Class

Post-Primary ____

Child's next educational stage within the next year: Please indicate

ECCE/ECCE eligible ____ Early Start ____ Jr/Sr Infants ____ 1st-6th Class ____ Post-Primary

What date will the child begin this educational stage? _____

Referral details:

Amount of childcare needed

Maximum hours per week: _____

Number of weeks of childcare⁴: _____

Referral Officer Statement

I confirm that this referral meets the criteria for referral (i.e. the purpose is to support a parent under the age of 18 years to remain in education or training through access to childcare services) for childcare under section 14 of the Childcare Support Act 2018 which is the subject of a formal agreement between the Minister for Children, Equality, Disability, Integration and Youth and the Minister for Education. The parent has been informed that they will not be charged any fee in relation to the childcare hours which are the subject of financial support under the agreement referred to.

Referral officer name (in block capitals):

Address:

Contact phone number: _____

Email address: _____

Signature: _____

Date: _____



⁴ Maximum number of weeks for which financial support will be payable based on the referral is 60 weeks

Appendix 2

The NCS Sponsor Referral rates will be changing as part of Budget 2024 measures. The increased Sponsorship rate will be introduced from September 2024. The below table outlines both the original rate, and the rate as from September 2024.

Age of Child	Original Rate	Rate following September 2024
24-52 Weeks	€5.87	€5.87
1-2 Years	€5.00	€5.30
3+ Years	€4.54	€5.30
School-Age	€4.31	€5.30