

# SCHOOL AND PRIVACY

## Frequently asked questions provided by the Italian Data Protection Authority

### **1) Does the school have to provide the policy?**

Yes. All schools - both public and private ones - are obliged to make known to the "interested" people (students, families, professors, etc.) how their personal data are processed. That is, they must make known - through adequate information in the most appropriate manner, possibly even online - which data they collect, how they use them and for what purpose.

### **2) Is it possible to access your personal data held by schools?**

Yes. Everyone has the right to know if personal information is stored, to have it rectified if erroneous or out of date. To exercise these rights, it is possible to contact the "Data Controller" (generally the reference school). If the school does not respond or the response is not adequate, it is possible to contact the Authority or the ordinary courts.

### **3) Is it possible to access the documentation relating to pupils and students in possession of the school?**

Yes. It is possible to access the administrative records and documents held by the school according to the law no. 241 of 1990 (articles 22 and following)

### **4) In the event of a proxy to pick up your child from school, you must provide a copy of the identity card of the delegating party and of the delegate?**

On the basis of the general principle of accountability, it is the faculty of educational institutions to regulate and modulate such methods, while ensuring the necessary precautions to guarantee the identifiability of the parties involved and that any data collected are protected (from unauthorized access, risk of loss or tampering) with adequate security measures.

### **5) Are the results of polls or state exams public?**

Yes. The information on academic performance is subject to a knowledge system established by the MIUR. In publishing the votes of polls and exams on the boards, the school must, however, avoid providing information on students' health conditions or other irrelevant personal data. The reference to "differentiated tests" taken, for example, by students with specific learning disabilities (SLD) should not be included on the display boards, but this must only be indicated in the certificate to be issued to the student.

### **6) Can schools process special categories of personal data?**

Schools may process special categories of personal data (e.g. data on religious beliefs, data on health) only if expressly provided for by law or regulations. In any case the health-related data cannot be disseminated: it is not allowed, for example, to publish online a circular containing the names of students with disabilities or those of pupils who follow a differentiated diet for health reasons.

### **7) Can pupils' personal data be included in school-family communications?**

No, in circulars, resolutions or other communications not addressed to specific recipients, personal data must not be entered if they make pupils identifiable (for example, those involved in cases of bullying or those to whom disciplinary sanctions have been imposed or affected by other delicate matters).

### **8) Who can process the data of disabled students or students with specific learning disabilities (SLD)?**

The knowledge of such data is limited only to the subjects legitimated by the school regulations and by sector specific rules, such as teachers, parents and healthcare professionals who jointly have to prepare the individualized educational plan (Law no. 104/92, Law no. 328/2000 and Legislative Decree no. 66/2017).

### **9) Is the use of smartphones within schools allowed?**

It is up to educational institutions to regulate the use of smartphones in classrooms or schools. In any case, where smartphones are used to take pictures or record conversations, the use must be made exclusively for personal purposes and in compliance with the rights of the people involved.

### **10) Do video footage and photographs collected by parents during performances, outings and school concerts violate privacy?**

No. The images, in these cases, are collected for personal purposes and intended for families or friends. However, particular attention must be paid to the possible publication of those images on the Internet and on social networks. In the event of the dissemination of images of minors, it becomes essential to obtain consent from whom has parental authority over them.

### **11) Is it possible to record the lesson by the pupil?**

Yes. It is permissible to record the lesson for personal purposes, for example for individual study, compatibly with the specific school provisions in this regard. For any other use or possible dissemination, including on the Internet, the people involved in the registration (professors, students ...) must be informed to get their consent.

### **12) Students with SLD can freely use didactic tools that also allow them to register (so-called "compensatory and augmentative instruments")?**

Yes. The specific sector legislation (L. n. 170/2010) provides that students with these disorders have the right to use aids for greater didactic flexibility. In particular, it is established that the students with SLD diagnosis can use the tools provided by the school for their individualized educational plans (including the recorder or the PC). In these cases, it is not necessary to request the consent of the people involved in the registration.

### **13) Can schools publish the rankings of ATA staff and teachers on their websites?**

Yes. This allows those who aspire to assignments and substitutions to know their position and their own score. However, these lists must contain only the name, surname, score and position in the ranking. It is instead exceeding the publication of telephone numbers and private addresses of candidates.

### **14) Can cameras be installed inside schools?**

Yes, but the eventual installation of video surveillance systems in schools must guarantee the students' right to confidentiality. The use of such systems may be admissible in cases of strict indispensability, in order to protect the school building and property from vandalism, limiting the shooting to the affected areas only. It is also necessary to signal the presence of the plants with signs. The cameras that frame the interior of the institutes can only be activated during closing hours, therefore not coinciding with the performance of school and extracurricular activities. If the shots concern the outside of the school, the viewing angle of the cameras must be properly delimited. [Revision projects of the regulations on the use of video surveillance tools in schools are currently under the attention of Parliament.]

### **15) Can schools allow legitimate subjects to carry out research activities through questionnaires to be submitted to pupils, containing requests for personal information?**

Yes, but only if the children and, in the case of minors, those who have parental authority over them, have been informed in advance about the processing methods and the security measures adopted to protect the personal data of the students and, where required, have consented to the processing of data. In any case, children and parents must always have the right not to join the initiative.