

Summary

“Legal protection of personal data in public schools and kindergartens”

The subject of the dissertation is the legal protection of personal data in public schools and kindergartens. The issue presented in the dissertation are of high importance as it largely concerns the protection of personal data of pupils and kindergarten pupils i.e. children whose personal data require specific protection because – according to recital 38 of the preamble to the General Data Protection Regulation – children may be less aware of the risks, consequence and safeguards concerned and their rights in relation to the processing of personal data. However, the issue of legal protection of personal data in public schools and kindergartens also applies to the issue of data processing in connection with employment.

The dissertation analyses the provision of, among others, The General Data Protection Regulation, the Act on protection of personal data of 10th May 2018 and selected normative acts concerning the education sector. The guidelines and opinions of the Article 29 Working Party, doctrinal views and theses presented in the case law were also analysed.

The dissertation is divided into five chapters. Chapter I explains general issues concerning processing and protection of personal data in public schools and kindergartens. The issues discussed in Chapter I concern the legal basis of personal data protection in public schools and kindergartens; definitions; general principles relating to processing of personal data, as well as the lawfulness of processing.

Chapter II concerns the admission of candidates to public kindergartens and public schools. This chapter indicates the criteria for recruiting candidates, issues related to admission to the 1st grade of public primary and secondary schools, sports schools and sports championships, and other divisions. The issues presented in Chapter II also refer to the processing of personal data by members of the recruitment committee, processing of personal data in order to provide an appropriate form of education for a child with a certificate of need for special education, admitting persons who are not Polish citizens to public schools and kindergartens and sharing personal data in public schools and kindergartens in the form of the lists of qualified and non – qualified candidates. Moreover, Chapter II discusses the issues of the processing of a child’s personal data concerning health, diet and psychophysical development, the period of storage of personal data collected in the course of the recruitment procedure, as well as entrusting the processing of personal data in the recruitment process.

Chapter III concerns the recording of the fulfilment of the pre – school education obligation, compulsory schooling and education and their fulfilment.

The next Chapter, IV, discusses issues concerning the processing of personal data in connection with employment. The subject of consideration in Chapter IV is the issue of personal data processing for the purpose of recruitment procedures for the position of a teacher, keeping employee records as well as providing access to teachers’ personal data. Chapter IV also applies to the processing of teachers’ personal data for the purpose of conducting analyses of expenditure, granting benefits from the Company Social Benefits Fund, making personal data available to company trade unions and the Social Insurance Institution.

The last Chapter, V, discusses other issues concerning the processing of personal data in public schools and kindergartens. The issues presented in this chapter concern the processing of personal data for the implementation of video surveillance; monitoring the careers of secondary school graduates; the organisation of competitions, Olympiads, tournaments, school ceremonies and school trips and the processing of biometric data. The final chapter also presents the issue of sharing students’ personal data for the purposes of the Programme for International Student Assessment (PISA).

The dissertation demonstrates that legal regulations in the field of education law do not provide sufficient protection of personal data in public schools and kindergartens and therefore they should be amended and adapted to the requirements of the General Data Protection Regulation.