



STATUTORY INSTRUMENTS.

S.I. No. 230 of 2023

TEACHING COUNCIL (INFORMATION TO BE FURNISHED BY
EMPLOYER IN CASE OF DISMISSAL OR RESIGNATION OF
REGISTERED TEACHER) REGULATIONS 2023

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The Teaching Council, in exercise of the powers conferred on it by sections 4 and 37 of the Teaching Council Act 2001 (No. 8 of 2001) (as adapted by the Education and Skills (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 450 of 2020)), with the consent of the Minister for Education, hereby make the following regulations:

1. These Regulations may be cited as the Teaching Council (Information to be furnished by employer in case of dismissal or resignation of registered teacher) Regulations 2023.

2. Where a registered teacher –

- (a) is dismissed by his or her employer, or
- (b) resigns and that resignation follows upon –
 - (i) the making of a complaint in relation to the teacher (other than a complaint made in relation to the teacher under section 42 of the Teaching Council Act 2001 (No. 8 of 2001), or
 - (ii) the invoking of procedures under section 24 of the Education Act 1998 (No. 51 of 1998), or such other procedures as may be invoked, in respect of the teacher,

the employer shall, as soon as practicable, furnish in writing to the Council the information specified in Regulation 3.

3. The information referred to in Regulation 2 is the following:

- (a) the name and address of the employer;
- (b) the name and, where known, address of the registered teacher concerned;
- (c) the registration number of the registered teacher as entered in the Register of Teachers;
- (d) where the registered teacher has been dismissed –
 - (i) the reasons for the dismissal,
 - (ii) all documentation relating to the disciplinary process leading to the dismissal, and
 - (iii) all complaints made in relation to the teacher (including any complaint made in relation to the teacher under section 42 of the Teaching Council Act 2001) which

contributed to, or resulted in, the dismissal, including copies of the following:

- (I) letters of complaint;
- (II) statements from witnesses;
- (III) minutes or notes of meetings held with the teacher;
- (IV) statements and responses from the teacher;
- (e) the circumstances surrounding the dismissal or resignation, including, where known –
 - (i) whether those circumstances are the subject of any investigation (including the status of any such investigation) by any other person, including the Garda Síochána or the Child and Family Agency, and
 - (ii) whether there are any civil proceedings contemplated or in being in relation to the circumstances surrounding the dismissal or resignation;
- and
- (f) where known, the current employment status and place of employment of the registered teacher.

4. (1) To the extent that any information specified in Regulation 3 as furnished by an employer to the Council pursuant to Regulation 2 contains or discloses personal data (within the meaning of Article 4 of the Data Protection Regulation) relating to any individual (in this Regulation referred to as a "third party data subject") other than the registered teacher concerned, the Council shall protect the legitimate interests of such third party data subject by –

- (a) publishing on a website maintained by or on behalf of the Council a notice stating that these Regulations require the information specified in Regulation 3 to be furnished to the Council and that the information may contain such personal data,
- (b) conducting a risk assessment to ensure that such personal data are processed securely in accordance with section 72 of the Data Protection Act 2018 (No. 7 of 2018) and Article 32 of the Data Protection Regulation,
- (c) using secure storage, passwords, encryption and other methods to ensure that such personal data can only be accessed by persons authorised by the Council to access that personal data,
- (d) having in place controls to limit access to such personal data in order to prevent unauthorized consultation, alteration, disclosure or erasure,
- (e) having in place controls to log whether and by whom such personal data have been consulted, altered, disclosed or erased,

- (f) ensuring that the processing of such personal data goes no further than is necessary for the fulfilment of the Council's duties,
- (g) ensuring that such personal data shall not be processed in such a way that damage or distress is, or is likely to be, unnecessarily caused to the third party data subject,
- (h) not disclosing such personal data unless that disclosure is required or permitted by law, or the third party data subject has given his or her explicit consent to the disclosure, and
- (i) having regard to the purpose for which such personal data was obtained, having in place arrangements to anonymise and archive, or destroy, that personal data once the Council has no further use for it.

(2) In this Regulation, “Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016¹.

¹ OJ No. L 119, 4.5.2016, p. 1.

The Minister for Education consents to the making of the foregoing regulations.



GIVEN under the Official Seal of
the Minister for Education,
11 May, 2023.

NORMA FOLEY,
Minister for Education.



GIVEN under the Seal of the Teaching Council,
11 May, 2023.

MICHELLE KEANE,
Chairperson of the Teaching Council.

DR. LYNN RAMSEY,
Director of the Teaching Council.

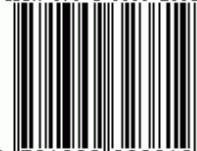
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