



To: The Managerial Authorities of Recognised Post-Primary Schools

Information Note for Principals, Guidance Counsellors and Guidance Teams in relation to the storage and transfer of guidance-counselling notes

1. Purpose of this information note

This document provides schools with information about the storage and transfer of guidance-counsellor notes where a situation arises in which the guidance counsellor who gathered the information is no longer in a position to store/safeguard them e.g. in the case of retirement / maternity leave / resignation etc.

This document provides schools with clear information on GDPR issues that may arise, in consideration of the confidential nature of guidance counselling and child-protection guidelines.

2. Guidance counselling in schools

Under the Education Act 1998, it is the function of a school to ensure that students have access to appropriate guidance to assist them in their educational and career choices.

Guidance counselling is a key part of the school guidance programme, offered on an individual or group basis as part of a developmental learning process, at moments of personal crisis and at key transition points.

The guidance counsellor is a teacher employed by the school board of management.

Guidance counsellors provide support to students in relation to educational and career guidance, and also in relation to a broad range of personal and social issues as outlined in [Information Note 0008/2023 on personal and social guidance counselling](#).

Guidance counsellors operate within professional guidelines including child protection legislation, are trained to respond appropriately to situations along a broad continuum and refer students on to other supports services and agencies as appropriate.



It is understood to be best practice for guidance counsellors to take note of what was discussed in guidance meetings with students. Guidance-counselling notes contain personal data and in some cases, may contain special-category personal data as defined in GDPR (e.g. data relating to health, sexuality, religious beliefs etc.).

It is a matter for the schools, as data controllers, to determine the appropriate retention period for guidance-counselling notes, in line with the GDPR principle of storage limitation. Specifically, the personal data contained within these notes should be retained by schools no longer than is necessary for the purposes for which the personal data was initially collected and processed.

3. Confidentiality in guidance counselling

The confidential nature of guidance counselling, and the boundaries within which the guidance counsellor can maintain confidentiality are disclosed to students regularly as a normal part of the guidance service in a school.

Confidentiality has clear benefits for the student community who know they can approach a trusted adult who will maintain a professional level of confidentiality thereby supporting the personal and social development of the student.

In their training, a key competency for guidance counsellors is the ability to demonstrate and maintain confidentiality using knowledge of its limits (especially when working with minors) ([Programme Recognition Framework, 2016](#)). This includes employing appropriate, confidential record-keeping.

4. GDPR and guidance-counselling notes

The school board of management is the data controller. Boards should consider carefully and apply the general principles of the GDPR when preparing any training documents, codes, specific privacy policies etc. Boards should also familiarise themselves with the [Fundamentals for a Child-Oriented Approach to Data Processing](#)

The GDPR (in Recital 38) stipulates that children merit specific protection when it comes to the processing of their personal data as they may be unaware of risks, rules and safeguards in relation to the processing, as well as their rights. As such, it will be important that schools take account of this higher threshold of protection when considering their policies and procedures around the processing of children's personal data.



It is incumbent upon the Board of Management in each school, as data controllers, to ensure that they have appropriate technical and organisational measures in place when it comes to the personal data that a school processes.

It will be imperative that robust processes/procedures are in place for ensuring that records are securely stored by the person in the role of guidance counsellor and that procedures are in place for the transfer of guidance counselling notes, outlined in point 5 below.

5. Transfer of guidance-counselling notes

It is a matter for each school to determine their legal basis when processing personal data. Simultaneously, schools have a duty to ensure that students have ongoing access to appropriate guidance and must account for the fact that this may involve the changing of personnel from time to time.

Transparency is vital in terms of making both students and parents aware that ultimately the board of management is responsible for guidance-counsellor records, and in the event that a school's guidance counsellor should leave (temporarily or permanently), these records (which contain the personal data of students) will be accessed by an incoming guidance counsellor.

Once a procedure is decided and agreed upon within a school, providing students (and parents) with this clarity of procedure will greatly assist schools to comply with their transparency obligations. For example, as part of this routine disclosure of confidentiality to students as outlined in section 3, schools could include that in the event of a change in personnel, the incoming guidance counsellor will have access to the records kept by the outgoing guidance counsellor, provided both parties are employees of the school.