



MAGDALEN COLLEGE SCHOOL

FOUNDED BY WILLIAM OF WAYNFLETE, 1480

Privacy Notice

April 2018



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WHO WE ARE AND WHAT THIS NOTICE COVERS

Founded in 1480, Magdalen College School is a selective day school for pupils aged 7-18. Shaped by its Christian Collegiate foundation and links with the university city of which it is part, it aims to inspire in all its pupils a desire to learn, flourish and serve both now, in their time at school, and in the future.

This notice covers the activities of Magdalen College School, including the Waynflete Office (which includes fundraising activities and alumni relations), the Parents' Association, and the OFA (Oxford Festival of the Arts, run by the school and including outreach projects). For the purposes of relevant legislation, the school is the data controller for all areas of activity covered in this notice.

This notice has regard to Data Protection Legislation, including General Data Protection Legislation from May 25 2018. Guidance on GDPR from the Information Commissioner's Office can be found [here](#)

WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how the school will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the school's obligations to its entire community.

This **Privacy Notice** applies alongside any other information the school may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This **Privacy Notice also** applies in addition to the school's other relevant terms and conditions and policies, including:

- any contract between the school and its staff or the parents of pupils;
- the school's policy on taking, storing and using images of children;
- the school's CCTV and biometrics policy;
- the school's retention of records policy;
- the school's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the school's IT policies, including its Acceptable Use policy, eSafety Strategy, Remote Working policy and Bring Your Own Device policy.

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice and the School's Privacy Notice for Staff, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

Responsibility for data protection lies with the Bursar who is the Data Protection Lead, who will deal with all your requests and enquiries concerning the school's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the school needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

Some of this activity the school will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Magdalen College School holds information on former pupils, parents of former pupils and others connected with the school, such as former staff or supporters, as we believe it is in the school's legitimate interest to process this data.

We use the data to keep these individuals connected with one another and with the School, to organise alumni events, and in support of the School's activities, including careers, outreach and fundraising programmes.

Other uses of personal data will be made in accordance with the school's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The school expects that the following uses will fall within that category of its (or its community's) "**legitimate interests**":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the school community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background, relevant interests, and ability to offer financial support based on publicly available sources;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's IT: acceptable use policy;
- To make use of photographic images of pupils in school publications, on the school website and (where appropriate) on the school's social media channels in accordance with the school's policy on taking, storing and using images of children;
- For security purposes, including biometrics and CCTV in accordance with the school's biometrics and CCTV policies;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, the school will on occasion need to process data, including **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include but are not limited to:

- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (lockers, lunch etc.);
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- biometric information, which will be collected and used by the school in accordance with the school's biometrics policy;
- bank details and other financial information, e.g. about parents who pay fees to the school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the school about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and

- images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the school's CCTV system (in accordance with the school's policy on taking, storing and using images of children);
- in relation to trips some data may be stored overseas but this is destroyed once the trip is completed
- The Waynflete Office, that department of the school covering Alumni Relations (Old Waynfletes or OWs) and Fundraising Activities, will process the following data by way of example:
 - contact details;
 - details of OWs' education and interests while at school;
 - details about family and other personal data supplied to the school;
 - communications preferences;
 - financial information about gifts to the school, willingness to make gifts, and information on ability to offer financial support based on publicly available sources;
 - Career information and highlights, based on information from individuals and other public sources, such as LinkedIn and Companies House;
 - Other interests or extracurricular activities that the school has been notified of, or which are available through public websites or publications;
 - Information about computers and about visits to the MCS and OW & Friends websites (including your IP address, geographical location, browser type, referral source, length of visit and number of page views). We use the information we collect to measure the number of visitors to the different sections of our site, and to help us make our site more useful to visitors;
 - Some data is currently stored in the USA but this is moving to the European Union in Summer 2018
 - Information relating to any transactions carried out on or in relation to these websites, including information relating to any purchases made of our goods or services;
 - We ask OWs for their permission to pass on their contact details to other OWs. OWs are free to opt in or out of this at any time.

HOW THE SCHOOL COLLECTS DATA

Generally, the school receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However in some cases personal data will be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources, for example by the Waynflete Office as described above.

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH

Occasionally, the school will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority);
- appropriate regulatory bodies e.g. the Independent Schools Inspectorate, the Information Commissioner, the Charity Commission, NCTL
- organisations essential for the ongoing education and welfare of our pupils, for example universities, UCAS; and
- organisations which use information to support the welfare and education of our pupils on a fixed term basis, e.g. educational visit companies. Such organisations will agree to destroy all such data at the end of the fixed period of use

For the most part, personal data collected by the school will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records held and accessed by the medical centre or under its supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information, and certain details regarding specific health matters of certain pupils, will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the school's Safeguarding Policy.

Details on the school's internal pastoral filing system can be obtained from the email address data@mcsoxford.org

Finally, in accordance with Data Protection Law, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

The school will not pass personal data to third party organisations except when they are contracted by Magdalen College School for specific alumni-related and fundraising activities. These activities include the administration of events, communications such as *The Bridge*, data verification against public information sources, school surveys and using public information to assess financial capacity to support the school as part of the school's fundraising activity.

All financial transactions made on the OW & Friends website are handled through our secure payment services provider, Blackbaud Merchant Services (BBMS). The school will share information with BBMS only to the extent necessary for the purposes of processing payments made via our website, through paper forms or over the telephone to the Waynflete Office.

Data may be stored outside the UK if we store information on computer servers based outside the UK or if we communicate with you when you are overseas, or if MCS is undertaking activities outside the UK. If data is transferred out of the EEA it will be subject to privacy shield standards.

The OFA will use companies to process data in order to run the Festival of the Arts, including ticketing. These companies include, by way of example, MailChimp, Ticketsolve, SurveyGizmo and SurveyMonkey.

HOW LONG WE KEEP PERSONAL DATA

The school will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. A reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact The Bursar on data@mcsoxford.org. However, please bear in mind that the school will often have lawful and necessary reasons to hold on to some personal data even following such request.

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The school and Waynflete Office will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the school, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school will also:

- Share personal data about parents and/or alumni, as appropriate;

- Contact parents and/or alumni (including via the Waynflete Office) by post and email in order to promote and raise funds for the school (and, where appropriate, other worthy causes);
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the school's fundraising potential;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the **Bursar** in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).
- OWs, parents of former pupils and other supporters can update the data we hold on you, update your communications preferences or withdraw your consent to receiving electronic communications by contacting the Waynflete Office. If you would also prefer not to receive postal mailings, please contact the Waynflete Office

YOUR RIGHTS

- Rights of access, etc.

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the school, and in some cases ask for it to be erased or amended or have it transferred to others, or for the school to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the **Bursar, who is Data Protection Lead**.

The school will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information).

The school will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

- Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for

example legal advice given to or sought by the school, or documents prepared in connection with a legal action).

The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the school itself for the purposes of the education, training or employment of any individual.

- Right to be forgotten

Magdalen College School is committed to complying to requests regarding the "right to be forgotten" in a fitting and timely manner. Requests of such a nature should be sent in writing to the Bursar.

However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

- Pupil requests

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the school, they have sufficient maturity to understand the request they are making (see section Whose Rights? below). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's: for older pupils, the parent making the request may need to evidence their child's authority for the specific request.

Pupils at Senior School are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home.

- Parental requests, etc.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The school may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. Where parents are separated, the school will [in most cases aim to provide the same information to each

person with parental responsibility, but may need to factor in all pertaining circumstances, including the express wishes of the child.

All information requests from, on behalf of, or concerning pupils – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

- Consent

Where the school is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are: biometrics and use and storing of images. Please be aware however that the school may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

In order to withdraw this consent, please contact the **Bursar in writing**.

- Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, the school will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the school relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek the pupil's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the school will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in the school's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the school may be under an obligation to maintain confidentiality unless, in the school's opinion, there is a good reason to do otherwise; for example where the school believes disclosure will be in the best interests of the pupil or other pupils, or if required by law.

Pupils are required to respect the personal data and privacy of others, and to comply with the school's policies, for example Acceptable Use of IT Policies, and the school rules as updated and published in the Red Diary.

DATA ACCURACY AND SECURITY

The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Usher's Office of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the school may need to process your data, and of how to contact the school if you disagree.

The school will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

The OW & Friends website includes a secure, password-protected area. OWs are given access to this secure area through a password-protected log in where they can update contact details and other personal information. Users are responsible for keeping their password and user details confidential. We will not ask for password in email communications or over the phone.

Individual's name, year group, email address and country are available to other OWs logged in to this website through the online 'OW Search' if you have given permission. OWs can opt out of this search at any time so that these details do not appear on the secure OW website. OWs agree to treat information about other members as confidential and agree not to disclose it to a third party outside the OW community. Any information downloaded must not be stored longer than is immediately necessary to use for the legitimate nature of communicating with another OW.

THIS POLICY

The school will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to data@mcsoxford.org.

Formal written requests referred to in this policy should be addressed to

The Bursar
Magdalen College School
Oxford
OX4 1DZ

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school complaints procedure and should also notify the Bursar. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator.

Reviewed	May 2018
Reviewed by	MAC & GDPR Group
Next Review	May 2019