



MAGDALEN COLLEGE SCHOOL

FOUNDED IN 1480
BY WILLIAM OF WAYNFLETE

Individual rights

YOUR RIGHTS

Individuals have various rights under data protection law to access and understand their own personal data held and used 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.

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 generally one month, but actually fulfilling more complex or multiple requests, e.g. those involving third party information, may take 1-2 months longer).

Rights of access, etc.

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 objection to how their personal data is used, should put their request in writing to the Compliance Officer, who is Data Protection Lead.

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 reasonable fee for the administrative costs of complying with the request or in certain cases refuse the request (but only where data protection law allows it, and in accordance with relevant regulatory guidance).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, the School will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

Requests that cannot be fulfilled

You should be aware that UK GDPR rights (including the right of access) are limited to your own personal data, and certain data is exempt. 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), or where a duty of confidence is owed by a legal adviser.

The School is not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including mock exam scripts or any other types of exams / tests used to assess performance) – although markers’ comments may still be disclosable if they constitute pupil personal data. The School is also not required to provide examination or other test marks ahead of their ordinary publication date, nor share any confidential reference held by the School that was (or will be) given for the purposes of the education, training, appointment or employment of any individual.

Right to be forgotten

Requests regarding the ‘right to be forgotten’ should be sent in writing to the Compliance Officer.

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 proportionate legitimate interest identified in the Privacy Notice. Generally, if the School still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. 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 belong to the child; for older pupils, the parent making the request may need to evidence their child’s authority for the specific request. Requests not considered in the child’s best interests may sometimes be refused.

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, in accordance with the Parent Contract. 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 the circumstances, including the express wishes of the child, court orders or pastoral issues.

All information requests from, on behalf of, or concerning pupils – whether made under subject access rules 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, such as using and storing pupil images, any person may withdraw this consent at any time (subject to similar age considerations as above). 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 in the 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 Compliance Officer 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, either alongside or in place of parental 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.