

# William Morris College

## PRIVACY POLICY

### WHO WE ARE

WILLIAM MORRIS COLLEGE (WMC) is committed to ensuring that your privacy is protected and WMC is compliant with the General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018 (“Data Protection Law”). This privacy policy (‘Privacy Policy’) explains how WMC uses the information WMC collects about users including registered users of our website as defined below, ‘you’ or ‘your’ and the procedures that WMC has in place to safeguard your privacy.

For the purposes of “Data Protection Law”, WMC is the Data Controller.

### WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how WMC will use or “process” personal data about individuals including: current, past and prospective staff and trustees; current, past and prospective students and residents; 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, trustees, parents, students and residents are all encouraged to read this Privacy Notice and understand WMC’s obligations to its entire community.

This Privacy Notice applies alongside any other information WMC may provide about a particular use of personal data, for example, when collecting data through online or paper formats.

This Privacy Notice also applies to WMC’s other relevant terms and conditions and policies, including:

- any contract between WMC and its staff or the parents of students and residents;
- WMC’s policy on taking, storing and using images of children;
- WMC’s Security policy;
- WMC’s Retention of Records policy;
- WMC’s safeguarding, pastoral, or health and safety policies, including how concerns or incidents are recorded;
- WMC’s ICT and IT Security policies: including Individual Learner Devices Acceptable Use, eSafety, and WiFi.

Anyone who works for, or acts on behalf of WMC (including staff, volunteers, trustees and service providers) should also be aware of and comply with WMC’s data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

### RESPONSIBILITY FOR DATA PROTECTION

- WMC has appointed a Privacy Officer (“PO”) who will deal with all your requests and enquiries concerning WMC’s uses of your personal data (see Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.
- The Privacy Officer can be contacted via email: [Privacyofficer@wmcc.ac.uk](mailto:Privacyofficer@wmcc.ac.uk).

### WHY WMC NEEDS TO PROCESS PERSONAL DATA

In order to carry out its normal duties to staff, students, residents and parents, WMC needs to process a wide range of personal data about individuals, including current, past and prospective staff, students and residents or parents, as part of its daily operation.

WMC will need to carry out some of this activity to fulfil its legal rights, duties or obligations - including those under a contract with its staff, or parents of its students and residents.

Other uses of personal data will be made in accordance with WMC'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.

WMC expects that the following uses will fall within that category of its "legitimate interests":

- For the purposes of student or resident selection and to confirm the identity of prospective students, residents and their parents;
- To provide education services, including musical, physical or spiritual development, and extra-curricular activities to students and residents, and monitoring their progress and educational needs;
- Maintaining relationships with former students, residents and the local and regional community, including direct marketing or fundraising activities;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- 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 WMC's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective students and residents, including relating to outstanding fees or payment history, to/from any educational institution that the student or resident attended or where it is proposed they attend; and to provide references to potential employers of past students and residents and specifically for the purposes of tribunal activity related to admission status to WMC;
- To enable students and residents to take part in national or other assessments, and to publish the results or other achievements;
- To safeguard students' and residents' welfare and provide appropriate pastoral care;
- To monitor, as appropriate, the use of WMC's ICT and communications systems in accordance with WMC's ICT policies;
- To make use of photographic images of students and residents in WMC publications, on WMC website and, where appropriate, on WMC's social media channels in accordance with WMC's Social Media policy;
- For security purposes, including security procedures in accordance with WMC's Safeguarding policy;
- To carry out or co-operate with any internal or external complaints, disciplinary or investigation process;
- Where otherwise reasonably necessary for WMC's purposes, including to obtain appropriate professional advice and insurance for WMC.

In addition, WMC will on occasion need to process special category personal data (concerning criminal records information such as Disclosure & Barring Service checks, ethnicity, religion, health) 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:

- To safeguard students' and residents' 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 co-operation with police or social services, for insurance purposes or to caterers or organisers of College activities 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 student or resident;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare or pension plans;
- To run any of its systems that operate on individual data, such as for security and other forms of student or resident identification;
- As part of any internal or external complaints, disciplinary or investigation process that involves such data, for example if there are education, health or safeguarding elements;
- 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 WMC**

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);
- bank details and other financial information, eg about parents who pay fees/invoices to WMC;
- past, present and prospective students' and residents' academic, disciplinary, admissions and attendance records (including information about any special needs), and accreditation evidence and marks;
- personnel files, including in connection with academic, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by WMC about students and residents, and relevant information provided by previous educational establishments and/or other professionals or organisations working with students and residents;
- correspondence with and concerning staff, students and residents and parents past and present;
- images of students and residents and occasionally other individuals, engaging in College activities, and images captured by WMC's Security system.

## **HOW WMC COLLECTS DATA**

Generally, WMC receives personal data from the individual directly (including, in the case of students and residents, from their parents, carers or agency commissioners). 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 educational organisation or other professionals or authorities working with that individual; or collected from publicly available resources.

## **WHO HAS ACCESS TO PERSONAL DATA AND WHO WMC SHARES IT WITH**

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

- companies or organisations providing educational resources or services (eg examination boards, educational apps, activities providers and extra-curricular providers)
- professional advisers (eg solicitors, insurers, PR advisers, IT technical advisers and accountants);
- government authorities (eg HMRC, DfE, police or the local authority);
- appropriate regulatory bodies eg Ofsted, Care Quality Commission, Charity Commission or the Information Commissioner's Office.
- For the most part, personal data collected by WMC will remain within WMC, and will be processed by appropriate individuals only in accordance with access protocols ie on a 'need to know' basis.

Particularly strict rules of access apply in the context of:

- medical records held and accessed only by Senior Management, HR and appropriate medical authorities under their supervision, or otherwise in accordance with express consent;
- pastoral or safeguarding files.

However, a certain amount of any student's or resident's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the student or resident requires.

Staff, students, residents and parents are reminded that WMC 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 personal or safeguarding files, and in some cases referrals to relevant authorities such as the police. For further information about this, please view WMC's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of WMC'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 WMC's specific directions.

## **HOW LONG WE KEEP PERSONAL DATA**

WMC will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and student or resident personnel files is up to 7 years following departure from WMC.

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 you no longer believe to be relevant is considered for erasure, please contact the Privacy Officer via email [Privacyofficer@wmcc.ac.uk](mailto:Privacyofficer@wmcc.ac.uk). However, please bear in mind that WMC will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and 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").

## **KEEPING IN TOUCH AND SUPPORTING WMC**

WMC will use the contact details of parents, former students and residents, parents and other members of the WMC community, to keep them updated about the activities of WMC or events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, WMC will also:

- Share personal data about parents and/or previous students or residents, as appropriate, with organisations set up to help establish and maintain relationships with WMC community.
- Contact parents and/or former students and residents by post and email in order to promote and raise funds for WMC and, where appropriate, other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Privacy Officer via email [Privacyofficer@wmcc.ac.uk](mailto:Privacyofficer@wmcc.ac.uk). You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, WMC 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.

## YOUR RIGHTS

- Rights of access, etc:

Individuals have various rights under Data Protection Law to access and understand personal data about them held by WMC and in some cases ask for it to be erased or amended or have it transferred to others, or for WMC 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 Privacy Officer at [Privacyofficer@wmcc.ac.uk](mailto:Privacyofficer@wmcc.ac.uk).

WMC 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.

WMC 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, WMC 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 eg legal advice given to or sought by WMC, or documents prepared in connection with a legal action.

WMC is also not required to disclose any student or resident award or other information consisting solely of student or resident work, provide award results ahead of any ordinary publication, nor share any confidential reference given by WMC itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". 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.

- Student or Resident requests:

Students and residents can make subject access requests for their own personal data, provided that, in the reasonable opinion of WMC, they have sufficient capacity to understand the request they are making (see section Whose Rights? below). A student or resident 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 students and residents, the law still considers the information in question to be the student's or resident's: for some students and residents, the parent making the request may need to evidence their child's authority for the specific request.

- Parental/Carer 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 students and residents without their consent. WMC may consider there are lawful grounds for sharing with or without reference to that student or resident.

Parents will in general receive educational and pastoral updates about their children, in accordance with the WMC Review procedures. Where parents are separated, WMC 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 student or resident.

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

- **Consent:**

Where WMC 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 WMC relies on consent are: certain types of uses of images, certain types of fundraising activity. Please be aware however that WMC 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 eg an employment or parent contract or because a purchase of goods, services or membership of an organisation such as Board of Trustees, has been requested.

- **Whose rights?**

The rights under Data Protection Law belong to the individual to whom the data relates. However, WMC will often rely on parental or carer authority or notice for the necessary ways it processes personal data relating to students and residents - eg under the parent liaison contract, or via a form. Parents, students and residents should be aware that this is not necessarily the same as WMC 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 student's or resident's age and capacity to understand - to seek the student's or resident's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the student or resident, the parents' rights at law or under their contract, and all the circumstances.

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

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

Students and residents are required to respect the personal data and privacy of others, and to comply with WMC's ICT Policy. Staff are under professional duties to do the same covered under the relevant staff policy Data Protection Policy within the Staff Handbook.

## **DATA ACCURACY AND SECURITY**

WMC 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 WMC 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 WMC may need to process your data, of who you may contact if you disagree.

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

## **THIS POLICY**

WMC 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 the Privacy Officer using the following contact details: Privacy Officer, William Morris College, Eastington, Stonehouse, Gloucestershire GL10 3SH or [Privacyofficer@wmcc.ac.uk](mailto:Privacyofficer@wmcc.ac.uk)

If an individual believes that WMC has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise WMC Complaints Procedure obtainable from [Privacyofficer@wmcc.ac.uk](mailto:Privacyofficer@wmcc.ac.uk). 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 WMC before involving the Regulator.

May 2019