



IDPE and ISBA working in association to support schools prepare for GDPR

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Whilst we await the Information Commissioner's Office (ICO) publishing its final guidance on, amongst other things, consent and legitimate interests, we would suggest schools continue to work through the process of assessing what data your school holds using our [Data Protection Review 2017: Audit Grid](#), and review and update where necessary your current policies and procedures.

We have also worked with three of our member schools to share with you their preparations for GDPR:

- [Manchester Grammar School](#)
- [Oundle School](#)
- [Winchester College](#)

Over the coming months, we will continue to work with the Independent Schools' Bursars Association (ISBA) to produce a range of new and updated template documentation, as outlined below, intended to support development professionals and bursars to prepare for GDPR.

NEW documentation

- GDPR Fundraising Toolkit (subject to final ICO guidance on consent and legitimate interests) to include:
 - A step by step guide on how to conduct a privacy impact assessment
 - A guide on how to approach balancing the school's legitimate interest with the individuals' privacy rights
 - Template data sharing agreement for use with third parties e.g. alumni associations, PTAs
- Contracts for engaging third parties (e.g. catering, sports, printing)
- Template policy on the retention and use of medical records (expected September 2017)

ISBA will also be providing UPDATED template policies and contracts

- Parent contract, covering note, registration form and FAQs (expected end July 2017)
- Complaints policy (expected end July 2017)
- Admissions policy (expected end July 2017)



- Discipline and exclusions policy (expected end July 2017)
- Data protection policy for pupils and parents (expected September 2017)
- Data retention and storage guidelines (expected September 2017)
- ICT acceptable use policy covering lending of devices, BYOD etc (expected September 2017)
- E safety policy (expected September 2017)
- Use of CCTV policy (expected September 2017)
- Taking, storing and using images of children policy (expected September 2017)
- Recruitment policy and template pack (expected April 2018)
- Employment contracts – head, bursar, support staff & teacher, visiting teachers, zero hours contract and agreement for services of volunteers (expected April 2018)
- Staff handbook including data protection policy for staff (expected April 2018)

IDPE and Oundle School: A Case Study

The way forward with GDPR

Summary

Ahead of the game, Oundle School have already begun contacting their alumni in preparation for GDPR. Oundle's Director of Development, Matthew Dear says: 'The changes to data protection have potentially far greater impact on the school's ability to fundraise than perhaps other areas of the school – if we cannot communicate with our alumni, we cannot raise money! Likewise, with the increased scrutiny of data protection practices in the fundraising sector and given development is external facing, there is potentially a greater risk of complaints, therefore we have prioritised addressing GDPR within development.'

Where to start

In February 2017, following legal advice, Oundle launched its first request to alumni for 'opt-in' consent. Adopting a similar approach to Rugby School, Oundle focused on requesting an 'opt-in' for all future communications focused on fundraising and provided a choice of communication channels, through a freepost postcard. Matthew says: 'Where possible we are trying to gain consent through existing touchpoints, therefore the postcard was sent out with one of our regular mailings to alumni. We made it clear to our alumni how invaluable their support is and how we want to stay in touch with them, but in light of the new GDPR, we may need their consent to do this.' Matthew adds: 'We have since followed up with an article in our monthly e-bulletin, and in July and August, we will be requesting alumni to 'opt-in' as part of our annual telephone campaign, before moving on to more diverse and active approaches to key supporters from September onwards.'

The response so far...

The response to date from this initial blanket approach has been around 15% 'opt-in', however with 12 months to go, and a strategy in place for a more tailored approach, Matthew is confident that this is just the start. 'There are clear benefits to our approach already. We are being transparent with our alumni, drawing their attention to our privacy statement that clearly states how we will use their personal data; alumni have provided up-to-date contact information; 'lost' alumni are getting in touch to 'opt-in'; and whilst we appreciate we may not acquire consent from all 8,000 alumni, we believe there will

still be the potential to use legitimate interests to periodically contact individuals who have not provided consent for communications that are not fundraising-specific such as our newsletter, on the basis of our alumni's pre-existing relationship with the school.' Matthew adds: 'Ultimately, we will have a database of committed and engaged alumni willing to support Oundle.'

What next?

Alongside acquiring consent, Matthew has been working with Harry O'Hare, the Bursar and nominated Data Protection Officer at Oundle School, to ensure the changes to data protection legislation are addressed throughout the school. Harry says: 'Matthew has led the way in pushing forward our data protection agenda in terms of development, in fact Matthew shared his approach to GDPR at a recent meeting of bursars from the Rugby Group.' Harry adds: 'My focus has been to focus on our internal policies and procedures, such as data storage and IT security and to ensure compliance. Through sharing this workload, it has made working towards compliance more manageable for both of us.'

IDPE and Manchester Grammar School: A Case Study

The way forward with GDPR

Summary

Bursar, Gillian Batchelor and Director of Development, Simon Jones at Manchester Grammar School (MGS) are working in partnership to comply with the future changes to data protection. Their initial preparation for GDPR has been around development and specifically requesting 'opt-in' consent from all their alumni - with 11,000 individuals to contact this was going to take some time!

Where to start

Gillian says: *'For me, the changes to data protection under the new GDPR, echo the changes we saw to health and safety legislation a number of years ago. Our approach at MGS is a methodical one: to work through the different areas of personal data we process, identify the areas of risk, and then consider how we will address these.'* Gillian adds: *'Given the size of the alumni database and the potential time it will take to secure consent, this had to be our first priority.'*

In the last month, MGS has launched their first campaign for consent capture. Working with leading regular giving consultants, Buffalo, MGS did some initial test e-mails to small segments of their database, before launching their campaign to capture consent to 'opt-in', three weeks ago. Simon says: *'I started looking at GDPR and the potential need for consent back in June last year when we were running a telephone campaign. For me, I feel being upfront with our alumni about the fact that we are going to ask for money is really important, and therefore moving towards a consent model, where every alumnus opts in, for MGS, was the most appropriate way forward.'* Simon adds: *'I knew we didn't have the resource to manage this inhouse, contacting 11,000 donors is no small feat. I likewise knew one of the biggest challenges we would face, would be communicating the changes about GDPR and the need for consent to our alumni, in a succinct and clear way – the High Master fully supported my approach and agreed that we could bring in Buffalo to provide support and expertise.'*

The response so far...

Since its launch just over three weeks ago, MGS's alumni response to consent has been incredibly heartening, with almost a third of the database already opting in to receive fundraising communications. Simon says: *'Each school needs to consider what is right for them. Moving to a consent model for MGS's alumni is right for MGS but may not be the right approach for every school. Knowing our alumni, we were confident that we would receive a high percentage of 'opt-ins': with over 3,000 consents received in less than two weeks. We now have time, before May next year, to follow up by direct mail, an article in our newsletter on consent, and then a telephone campaign later in the year to secure consent from the remaining alumni on our database.'* Simon adds: *'We're not expecting to receive consent from 11,000 alumni, but we anticipate a large proportion of them will want us to continue to be in touch, and whilst we may have a slightly smaller database, effectively it will reduce the number of alumni who are disengaged, and make our warm alumni even warmer!'*

What next?

Next steps for MGS alongside their continued push for consent from alumni, is to consider the implications of GDPR on the wider school. Simon says: *'I'll be working with Gillian over the coming months to ensure MGS is fully GDPR compliant by 25 May 2018. Gillian has been a fantastic sounding board for me to work through how we approach GDPR within development and I hope to support her over the coming months with preparing for GDPR across the school.'*

Gillian adds: *'Simon and I work in partnership across a number of areas, co-managing the school transport, our bursary programme, GDPR is no different, working together, sharing the workload but also recognising our different areas of expertise, will ensure that we prepare thoroughly and effectively for compliance under GDPR.'*

IDPE and Winchester College: A Case Study

The way forward with GDPR

Summary

Winchester College has been preparing for GDPR over the past 18 months, with the Second Master (Deputy Headmaster), Nicholas Wilks and the Director of Development, Lorna Stoddart, taking the lead. Initially, Winchester College carried out an audit of all personal data collected by the school and then created a matrix, similar to the Audit Grid produced by Farrer & Co, identifying an appropriate management approach for each of their key stakeholder groups.

Lorna Stoddart, as Director of Development, has been keen to drive forward a review of data protection in light of the forthcoming changes to regulation: 'We are acutely aware that an issue or complaint from any individual, regardless of their relationship with the school, could lead to reputational damage and from a development perspective, affect our ability to raise funds.' Lorna adds: 'We aim to be transparent in everything we do, as with transparency comes trust.'

Where to start

Nicholas and Lorna are supported by a data protection committee which includes the Domestic Bursar, who is the school's appointed Data Protection Officer, and involving key members of staff, who represent a cross-section of the school and the different ways in which personal data is processed. This committee reports to the Development Committee, which as a sub-committee of the Governing Body, ensuring that the governors remain informed and are able to monitor the progress towards GDPR compliance.

'One of the key challenges for any school is the varying nature of relationships with the school,' says Lorna. Winchester College has 11 Boarding Houses which all have their own databases of pupils and parents; the Bursar liaises with parents regarding fees, bills etc.; whilst the development team are engaging with the Friends of Winchester College, past parents, alumni and the wider Winchester community.' Lorna adds: 'Having a committee which includes representatives from each area of the school and which meets on a regular basis has been an effective way of understanding the impact of these different relationships on our processing of personal data, and has increased understanding across the school of the need to address data protection compliance as a priority.'

What next?

Following the audit, Winchester College is in the process of updating its privacy statements, donation forms and parent contracts to comply with GDPR, and is reviewing data security arrangements, data storage and agreements with third parties.

‘A key part of our preparation is also informing our community about the changes to data protection legislation, through for example information about GDPR on the back of letters to parents or through articles in our alumni magazine,’ says Lorna. ‘Whilst there is still some uncertainty about what best practice will look like under the GDPR, we want to be sure our community understands GDPR and its potential impact. For example, being clear that moving forward, we may be able to rely on legitimate interests for processing personal data and therefore can continue to communicate with them, as well as when we will need consent to ensure that they are not excluded from communication. This ‘drip-feed’ approach has been positively received by the Winchester community.’

Lorna adds: ‘We are by no means completely GDPR-ready, but we understand our areas of risk and have a strategy in place to address these, working together across the school. We are and will continue to keep our staff and our community informed, and we hope through such transparency, we can continue to communicate with the whole of the Winchester Community.’

DATA PROTECTION REVIEW 2017: AUDIT GRID FOR ISBA (Farrer & Co, May 2017)

TYPE OF DATA	IS THIS SENSITIVE PERSONAL DATA?	SOURCE	IS INDIVIDUAL AWARE YOU HOLD THEIR DATA, AND WHY?	LEGAL BASIS FOR HOLDING DATA	WHAT DO YOU DO WITH THE DATA? AND – WHAT MIGHT YOU WANT TO USE DATA FOR?	DO YOU SHARE DATA WITH ANYONE ELSE?	HOW IS DATA HELD?	IS DATA EVER ARCHIVED / DESTROYED?	IS DATA EVER TRANSFERRED / USED OUTSIDE UK?	ANY SPECIFIC CONCERNS?
		<i>Often individual him/herself, but not always</i>	<i>And, if so, how?</i>	<i>If consent: attach / reference any form. What is the scope of that consent?</i>	<i>Obviously key – and for matching up against any consent/notification by the individual</i>	<i>For example : contractor (this may be as "data processor"), volunteer, consultant, social services, police, etc. – and PTA, alumni associations</i>	<i>Paper-based; electronic; what security standard applied?</i>			<i>Any thoughts not covered by other questions</i>
Employee / permanent staff personal details , including details of pay / remuneration and basic / contact information for family members <i>[elaborate a little what this consists of]</i>	Yes, potentially – for example recording mental and physical health details.	Employees (when first employed and/or updated via HR department from time to time?)	[Yes – via contract of employment / internal data protection policies? What about how disciplinary or health concerns etc. are recorded?]	[Consent via contract of employment / internal data protection policies; <i>are full details of your data use included?</i>] [Legal exemptions for employers where they have specific duties or obligations]	[Process it for [employee welfare, appraisal, remuneration] purposes in line with contract of employment and/or internal data protection policies?]	Yes, potentially – where required / necessary: (1) healthcare, social and welfare organisations; (2) trade associations; (3) employment / recruitment agencies; [in line with contract of employment / internal data protection policies?]	On internal CRM system? <i>[Is this segregated by country / entity in your co. group / otherwise?]</i> <i>[include more detail]</i>	[Yes – "archived" after [X] years, but still accessible] <i>[include more detail]</i>	[Yes – when players are on tour etc] <i>[include more detail]</i>	Very possible that some employees have signed different forms of contract and/or incorporating different data protection policies. <i>[include more detail]</i>
Consultant / contractor personal details , including pay / remuneration			External / public-facing privacy policy <i>[provide link]</i>							
Prospective pupils / parents										
Current students / pupils	Yes, potentially – for example recording mental and physical health details, safeguarding file.		[Student / Pupil Handbook, joining forms, parent contracts, general data collection forms, and related policies e.g. Privacy Policy]							
Alumni / ex-pupils / ex-parents	[unlikely for marketing uses – but perhaps for historic accident or safeguarding records]		[Previous versions of Student Handbook, leaving forms, parent contracts and policies and forms and other related policies] Bespoke privacy policy used by alumni group(s)? <i>[provide link]</i>	[Consider legal grounds for longer retention of safeguarding records, accident reports etc.] [consider legal grounds for marketing to alumni] [Consider PECR, Privacy & Electronic Communication Regulations - consent is needed for certain communication, i.e. e-mail, TPS, SMS]	e.g. do you conduct wealth screening? Will you send magazines / newsletters?	e.g. alumni association (if separate entity), mailhouse / printers, etc			e.g. storage of data on US cloud system, processing of data by US-based company, etc	
Parents / those with parental responsibility	[contact details / bank accounts but also emails / complaints]		Parent contracts and policies and forms. External / public-facing Privacy Policy <i>[link]</i>			e.g. other parents as part of PTA business				