

## **This privacy notice applies to applicants and prospective students**

You should note that:

1. A separate notice applies to users of our website, which explains how we monitor usage of our website. You can find that notice at [www.merton.ox.ac.uk/privacy/website](http://www.merton.ox.ac.uk/privacy/website).
2. After applicants accept an offer to study with Merton College, and/or they enrol as a student with Merton College, a further notice applies. You can find that notice at [www.merton.ox.ac.uk/privacy/student-data](http://www.merton.ox.ac.uk/privacy/student-data).
3. For school students and pupils attending “outreach” events that we or the University organise aimed at encouraging participation in higher education, a separate notice is available at [www.ox.ac.uk/about/increasing-access/widening-access-and-participation/heat](http://www.ox.ac.uk/about/increasing-access/widening-access-and-participation/heat).

### **A summary of what this notice explains**

Merton College is committed to protecting the privacy and security of personal data.

This notice explains what personal data Merton College holds about you, how we use it internally, how we share it, how long we keep it and what your legal rights are in relation to it.

For the parts of your personal data that you supply to us to us, this notice also explains the basis on which you are required or requested to provide the information. For the parts of your personal data that we generate about you, or that we receive from others, it explains the source of the data.

There are some instances where we process your personal data on the basis of your consent. This notice sets out the categories and purposes we use your data for where your consent is needed.

### **What is your personal data and how does the law regulate our use of it?**

“Personal data” is information relating to you as a living, identifiable individual. We refer to this as “your data”. It can include information such as your name,

contact details, education history and other information about you that we may process.

“Processing” your data includes various operations that may be carried out on your data, including collecting, recording, organising, using, disclosing, storing and deleting it.

The law requires us:

- To process your data in a lawful, fair and transparent way;
- To only collect your data for explicit and legitimate purposes;
- To only collect data that is relevant, and limited to the purpose(s) we have told you about;
- To ensure that your data is accurate and up to date;
- To ensure that your data is only kept as long as necessary for the purpose(s) we have told you about;
- To ensure that appropriate security measures are used to protect your data.

### **Merton College’s Contact Details**

If you need to contact us about your data, please contact:

Data Protection Officer  
Merton College  
Merton Street  
Oxford  
OX1 4JD

Telephone: 01865276310

Email: [dpo@merton.ox.ac.uk](mailto:dpo@merton.ox.ac.uk)

### **Data that you provide to us and the possible consequences of you not providing it**

If you do not provide us with information that we ask for:

If you are a prospective student wanting to attend an open day, it may mean that you cannot attend the open day, depending on the type of information we requested.

If you are an applicant wanting to study with us, it may mean that we reject your application, depending on the type of information we requested.

### **Other sources of your data**

Apart from the data that you provide to us, we may also process data about you from a range of sources. These include:

- Your school or previous educational establishments or employers if they provide references to us;
- Your family members, guardians, friends, and other contacts who may provide us with information about you if and when they contact us, or vice versa.

### **The lawful basis on which we process your data**

The law requires that we provide you with information about the lawful basis on which we process your personal data, and for what purposes.

Most commonly, we will process your data on the following lawful grounds:

- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those legitimate interests.
- Where it is necessary to take steps at your request prior to entering a contract;
- Where necessary to comply with a legal obligation;

We may also use your data, typically in an emergency, where this is necessary to protect your vital interests, or someone else's vital interests. In a small number of cases where other lawful bases do not apply, we will process your data on the basis of your consent. Where you are aged under 18, we may ask your parent or guardian for their consent also.

*How we apply further protection in the case of "Special Categories" of personal data*

"Special categories" of particularly sensitive personal data require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

The Special Categories of personal data consist of data revealing:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership.

They also consist of the processing of:

- genetic data;
- biometric data (e.g. fingerprints) for the purpose of uniquely identifying someone;
- data concerning health;
- data concerning someone's sex life or sexual orientation.

We may process special categories of personal data in the following circumstances:

- With your explicit written consent; or
- Where it is necessary in the substantial public interest, and further conditions are met;
- Where the processing is necessary for archiving purposes in the public interest, or for scientific or historical research purposes, or statistical purposes, subject to further safeguards for your fundamental rights and interests specified in law.

We have in place an appropriate policy document and other safeguards which we are required by law to maintain when processing such data.

Less commonly, we may process this type of data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the data public.

*Criminal convictions and allegations of criminal activity*

Further legal controls apply to data relating to criminal convictions and allegations of criminal activity. We may process such data on the same grounds as those identified for “special categories” referred to above.

### **Details of our processing activities, including our lawful basis for processing**

We have prepared a detailed table ([www.merton.ox.ac.uk/privacy/applicants-prospective-students-ropa](http://www.merton.ox.ac.uk/privacy/applicants-prospective-students-ropa)) setting out the processing activities that we undertake, the source of the data, the reasons why we process it, how long we keep it and the lawful basis we rely on.

The table includes detailed information about how and why we process various categories of data, and the related lawful basis including if you are an **applicant**:

- For the purpose of administering your application, we will process various information on the lawful basis that we have a legitimate interest in receiving, considering and administering applications from prospective students including:
  - details of which courses you are applying for,
  - your application, including your contact details, personal statement, predicted grades and education history
  - any written work or tests you submit, and our assessment of that work or tests.
- The information we process for these purposes also includes information that we take into account when deciding who to invite for an admissions interview. We may take into account “contextual” data such relating to information we can access about your school and postcode, and whether you have been in the care system. Further information about this process is available at [www.ox.ac.uk/admissions/undergraduate/applying-to-oxford/decisions/contextual-data](http://www.ox.ac.uk/admissions/undergraduate/applying-to-oxford/decisions/contextual-data).
- Further, to comply with a legal obligation, namely Merton College’s obligation to ensure, so far as is reasonably practicable, that its staff, students and visitors are not exposed to health and safety risks, we will also process details of any relevant criminal convictions, allegations or charges that we ask you to declare to us when you apply to us, and of any Disclosure

and Barring Service checks that we request. Relevant criminal convictions or charges are those that indicate an applicant or student might pose an unacceptable risk to other students or staff.

More information is available for undergraduate admissions at:

[www.ox.ac.uk/admissions/undergraduate/applying-to-oxford/decisions/criminal-convictions?wssl=1](http://www.ox.ac.uk/admissions/undergraduate/applying-to-oxford/decisions/criminal-convictions?wssl=1)

And for graduate admissions at:

[www.ox.ac.uk/admissions/graduate/applying-to-oxford/university-policies/criminal-convictions?wssl=1](http://www.ox.ac.uk/admissions/graduate/applying-to-oxford/university-policies/criminal-convictions?wssl=1).

Processing of criminal convictions and allegations are subject to further controls, as explained above. In this case, the processing is permitted as it is necessary for the exercise of a protective function (the protection of anyone on Merton College's premises), which must be carried out without your consent so as not to prejudice the exercise of that function, and such processing is necessary for reasons of substantial public interest. The processing may also be necessary for the prevention or detection of unlawful acts. (Once the information has been provided to us, this processing must be carried out without your consent, as the law prohibits us from requiring your consent as a condition of performing a contract with you).

- Bank and other payment details, where we need to reimburse you, or where you provide such details to us when making a payment. We both have a legitimate interest in processing such data for this purpose.

### **How we share your data**

We will not sell your data to third parties. We will only share it with third parties if we are allowed or required to do so by law. This includes for example:

- where we are required to report information about students that are subject to visa controls to UK Visas and Immigration;
- where we are required to report information to the University of Oxford in order for it to fulfil its obligations to report information to the Higher Education Statistics Agency or its successor body in order to comply with regulatory obligations;

- where we decide to report alleged criminal misconduct to the police;

It also includes disclosures where the third party is an agent or service provider appointed by the College to enable us to operate effectively, provided we are satisfied that appropriate safeguards have been put in place to ensure adequate levels of security for your data. All our third party service providers are required to take appropriate security measures to protect your personal information in line with our policies, and are only permitted to process your personal data for specific purposes in accordance with our instructions. We do not allow our third party providers to use your personal data for their own purposes.

More information on the categories of recipients of your data is set out in a table at [www.merton.ox.ac.uk/privacy/data-sharing-table](http://www.merton.ox.ac.uk/privacy/data-sharing-table).

### **Sharing your data outside the European Union**

The law provides various further safeguards where data is transferred outside of the EU.

In the case of **applicants**, when you are resident outside the EU in a country where there is no “adequacy decision” by the European Commission, and an alternative safeguard is not available, we may still transfer data to you which is necessary for the implementation of pre-contractual measures, or for the performance of your contract with us.

We may transfer your data outside the European Union, but only for the purposes referred to in this notice and provided either:

- There is a decision of the European Commission that the level of protection of personal data in the recipient country is adequate; or
- Appropriate safeguards are in place to ensure that your data is treated in accordance with UK data protection law, for example through the use of standard contractual clauses; or
- There is an applicable derogation in law which permits the transfer in the absence of an adequacy decision or an appropriate safeguard.

### **Automated decision-making**

We do not envisage that any decisions will be taken about you based solely on automated means, however we will notify you in writing if this position changes.

### How long we keep your data

The detailed table of processing activities

([www.merton.ox.ac.uk/privacy/applicants-prospective-students-ropa](http://www.merton.ox.ac.uk/privacy/applicants-prospective-students-ropa)) explains how long we will keep your data.

Please note that we may keep anonymised statistical data indefinitely, but you cannot be identified from such data.

### Your legal rights over your data

Subject to certain conditions set out in UK data protection law, you have:

- The **right to request access** to a copy of your data, as well as to be informed of various information about how your data is being used;
- The **right to have any inaccuracies in your data corrected**, which may include the right to have any incomplete data completed;
- The **right to have your personal data erased** in certain circumstances;
- The **right to have the processing of your data suspended**, for example if you want us to establish the accuracy of the data we are processing.
- The right to receive a **copy of data you have provided to us**, and have that transmitted to another data controller (for example, another University or College).
- The **right to object to any direct marketing** (for example, email marketing or phone calls) by us, and to require us to stop such marketing.
- The **right to object to the processing of your information** if we are relying on a “legitimate interest” for the processing or where the processing is necessary for the performance of a task carried out in the public interest. The lawful basis for any particular processing activity we carry out is set out in our detailed table of processing activities ([www.merton.ox.ac.uk/privacy/applicants-prospective-students-ropa](http://www.merton.ox.ac.uk/privacy/applicants-prospective-students-ropa)).
- The **right to object to any automated decision-making** about you which produces legal effects or otherwise significantly affects you.
- Where the lawful basis for processing your data is **consent**, you have the **right to withdraw your consent at any time**. When you tell us you wish



to exercise your right, we will stop further processing of such data. This will not affect the validity of any lawful processing of your data up until the time when you withdrew your consent. You may withdraw your consent by contacting the College's Data Protection Officer, using the contact details given above.

Further guidance on your rights is available from the Information Commissioner's Office (<https://.ico.org.uk/>). You may also wish to contact the College's Data Protection Officer (contact details given above) if you are considering how or whether to exercise your rights.

You have the right to complain to the UK's supervisory office for data protection, the Information Commissioner's Office if you believe that your data has been processed unlawfully.

### **Future changes to this privacy notice, and previous versions**

We may need to update this notice from time to time, for example if the law or regulatory requirements change, if technology changes, or to make Merton College's or the University's operations and procedures more efficient. If the change is material, we will give you not less than two months' notice of the change so that you can decide whether to exercise your rights, if appropriate, before the change comes into effect. We will notify you of the change by email.

You can access past versions of our privacy notices at [www.merton.ox.ac.uk/privacy/archive](http://www.merton.ox.ac.uk/privacy/archive).

**Version control: V.1.0 (May 2018)**