



# MELVILLE COLLEGE TRUST PRIVACY NOTICE

## 1. IMPORTANT INFORMATION AND WHO WE ARE

### Purpose of this Privacy Notice

This privacy notice aims to give you information on how Melville College Trust collects and processes your personal data, including any data you may provide through this website when you complete the Contact Us form or you make a donation .

It is important that you read this privacy notice so that you are fully aware of how and why we are using your data. This privacy notice supplements any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you and is not intended to override them.

This website is not intended for children and we do not knowingly collect data relating to children.

### Controller

This privacy notice is issued on behalf of The Governors of the Melville College Trust so when we mention "**Melville College Trust**", "**we**", "**us**", or "**our**" in this privacy notice, we are referring to the Governors of The Melville College Trust (Registered Charity Number SC002074).

Melville College Trust is the processor in respect of your personal data and is responsible for this website. Erskine Stewarts Melville Schools, a group of schools forming part of the Merchant Company Education Board, charity registered in Scotland with charity number SC009747 and whose registered office is at The Merchant Hall, 22 Hanover Street, Edinburgh EH2 2EP ("**ESMS**") is the controller in respect of your personal data and we have entered into a Memorandum of Understanding with ESMS regarding the processing of the personal data of our donors and sponsors and Melville College former pupils.

If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact us using the details set out below.

### Contact Details

If you wish to contact us, our full details are:

Full name of legal entity: Melville College Trust

Contact: The Clerk and Treasurer of Melville College Trust

Email address: melvillecollegetrust@gmail.com

Postal address: c/o Lindsays, Caledonian Exchange, 19a Canning Street, Edinburgh, EH3 8HE

You have the right to make a complaint at any time to the Information Commissioner's Office (**ICO**), the UK's supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO, so please contact us in the first instance.

## Changes to the Privacy Notice

We may update this privacy notice from time to time. Please review this privacy notice periodically for changes. This privacy notice was last updated on 12<sup>th</sup> October 2023.

## Informing us of Changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## Third Party Links

This website may include links to third party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third party websites, plug-ins and applications and we are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

Links on our website to the Stewart's Melville FP Club website and the Mary Erskine FP Guild website are included for information only. We do not share information with these parties.

## 2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes name and title.
- **Contact Data** includes address, email address and telephone numbers.
- **Gift Aid Data** includes information about your tax-paying status.
- **Usage Data** includes information about how you use our website.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

In general, we do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, genetic and biometric data and criminal convictions and offences).

From time to time, we may receive information about your health from direct communications with you or your family. However, we will not use or share this information without your explicit consent or the explicit consent of your legal representative.

## IF YOU FAIL TO PROVIDE PERSONAL DATA

Where we need to collect personal data by law and you fail to provide that data when requested, we may not be able to continue our relationship with you.

### 3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- Direct interactions. You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - send an email to our enquiries address or through our contact form on the website; or
  - send us a donation.
- Automated technologies or interactions. As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, and other similar technologies. Please see our cookie policy at <https://melvillecollegetrust.uk/MCTWebsiteCookiePolicy.pdf> for further details.

### 4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where you have given us your consent.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending or arranging to be sent third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

#### Purposes for Which We Will Use Your Personal Data

We have set out below, in the following table, a description of all the ways we plan to use your personal data, and which the lawful basis on which we rely on to do so.

Please note that we may process your personal data on more than one lawful basis depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of Data	Lawful Basis for Processing
To process donations you may wish to make (including managing any Gift Aid applications)	Identity, Contact and Gift Aid	Necessary for our Legitimate Interests (to receive and manage donations) and Necessary to comply with a legal obligation
To manage our relationship with you	Identity, Contact, Gift Aid and Usage	Necessary for our Legitimate Interests (to keep our records updated)

To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	Identity, Contact and Usage,	Necessary for our Legitimate Interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or business sale)
To provide information to legal and regulatory bodies where we are under a legal or regulatory obligation to do so.	Identity, Contact, Gift Aid and Communications	Necessary to comply with a legal obligation
To use data analytics to improve our website, products and services, marketing, customer relationships and experiences	Usage	Necessary for our Legitimate Interests (to keep our website updated and relevant, to develop our business and to inform our marketing strategy)

Please note that we will not maintain a marketing database or a mailing list. However, we do have a Memorandum of Understanding (MoU) with ESMS which outlines how the Trust and ESMS work together so that ESMS can maintain data within the ESMS Development Office Customer Relationship Management database. Under the MoU, ESMS will collate data pertaining to our donors and sponsors and Melville College Former Pupils on our behalf. ESMS will act as the data controller, maintain a former pupils' database and mailing list and manage the former pupils' data for Melville College (and also for Daniel Stewart's College and The Mary Erskine School).

### **Cookies**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. For more information about the cookies we use, please see <https://melvillecollegetrust.uk/MCTWebsiteCookiePolicy.pdf>

### **Change of Purpose**

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **5. DISCLOSURES OF YOUR PERSONAL DATA**

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Professional advisers including lawyers, bankers, auditors and insurers who provide consultancy, legal, insurance and accounting services.

- HM Revenue & Customs, regulators and other authorities to whom we are required to report in certain circumstances.
- ESMS with regard to *inter alia* the maintenance of a former pupils' database and mailing list.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 6. INTERNATIONAL TRANSFERS

We will not transfer the personal information we collect about you outside of the UK.

## 7. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

ESMS have agreed to comply with the UK's data protection legislation with regard to the control of your personal data.

## 8. DATA RETENTION

### How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances you can ask us to delete your data: see Request Erasure below for further information.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

- **Request access to your personal data** (commonly known as a "**subject access request**"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Please note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal data where we are relying on a legitimate interest.** There may be something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Please note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.