



Biometric Policy
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Board of Trustees
Author: NRF
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Protection of Biometric Information Policy

1. Statement of intent

The Learning Trust is committed to protecting the personal data of all its pupils and staff, this includes any biometric data we collect and process.

We collect and process biometric data in accordance with relevant legislation and guidance to ensure the data and the rights of individuals are protected. This policy outlines the procedure the Trust follows when collecting and processing biometric data.

2. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- a. Protection of Freedoms Act 2012
- b. Data Protection Act 2018
- c. UK General Data Protection Regulation (UK GDPR)
- d. DfE (July 2022) 'Protection of biometric information of children in schools and colleges'

This policy operates in conjunction with the following Trust policies:

- Data Protection Policy

3. Definitions

Biometric data: Personal information about an individual's physical, psychological or behavioural characteristics that can be used to identify that person, including their fingerprints, facial images, voice recognition, retina and iris patterns, and hand measurements.

Automated biometric recognition system: A system which measures an individual's physical or behavioural characteristics by using equipment that operates 'automatically' (i.e. electronically). Information from the individual is automatically compared with biometric information stored in the system to see if there is a match in order to recognise or identify the individual. Biometric systems usually store measurements taken from a person's physical/behavioural characteristics and not images of the characteristics themselves.

Processing biometric data: Processing biometric data includes obtaining, recording or holding the data or carrying out any operation on the data including disclosing it, deleting it, organising it or altering it. An automated biometric recognition system processes data when:

- a. Recording pupils' biometric data, e.g. taking measurements from a fingerprint via a fingerprint scanner.
- b. Storing pupils' biometric information on a database.
- c. Using pupils' biometric data as part of an electronic process, e.g. by comparing it with biometric information stored on a database to identify or recognise pupils.

Special category data: Personal data which the UK GDPR says is more sensitive, and so needs more protection – where biometric data is used for identification purposes, it is considered special category data.

4. Roles and Responsibilities

The Trustees are responsible for Reviewing this policy on an **annual** basis.

The relevant **Headteacher** is responsible for ensuring the provisions in this policy are implemented consistently.

The Data Protection Officer (DPO) is ultimately responsible, but may delegate to appropriate personnel, for:

- a. Monitoring the school's compliance with data protection legislation in relation to the use of biometric data.
- b. Advising on when it is necessary to undertake a data protection impact assessment (DPIA) in relation to the Trust's biometric system(s).
- c. Being the first point of contact for the Information Commissioner's Office (ICO) and for individuals whose data is processed by the Trust and connected third parties.

5. Data Protection Principles

The Trust processes all personal data, including biometric data, in accordance with the key principles set out in the UK GDPR.

The Trust ensures biometric data is:

- a. Processed lawfully, fairly and in a transparent manner.
- b. Only collected for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes.
- c. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- d. Accurate and, where necessary, kept up-to-date, and that reasonable steps are taken to ensure inaccurate information is rectified or erased.
- e. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- f. Processed in a manner that ensures appropriate security of the information, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

As the data controller, the Trust is responsible for being able to demonstrate its compliance with the provisions outlined above.

6. Data Protection Impact Assessments (DPIAs)

Prior to processing biometric data or implementing a system that involves processing biometric data, a DPIA will be carried out.

The DPO will oversee and monitor the process of carrying out the DPIA.

The DPIA will:

- a. Describe the nature, scope, context and purposes of the processing.
- b. Assess necessity, proportionality and compliance measures.
- c. Identify and assess risks to individuals.
- d. Identify any additional measures to mitigate those risks.

When assessing levels of risk, the likelihood and the severity of any impact on individuals will be considered.

If a high risk is identified that cannot be mitigated, the DPO will consult the ICO before the processing of the biometric data begins.

The ICO will provide the Trust with a written response (within eight weeks or 14 weeks in complex cases) advising whether the risks are acceptable, or whether the Trust needs to take further action. In some cases, the ICO may advise the school to not carry out the processing.

The school will adhere to any advice from the ICO.

7. Notification and Consent

Please note that the obligation to obtain consent for the processing of biometric information of children under the age of 18 is not imposed by the Data Protection Act 2018 or the UK GDPR. Instead, the consent requirements for biometric information is imposed by section 26 of the Protection of Freedoms Act 2012.

Where a school uses students' biometric data as part of an automated biometric recognition system (e.g. using students' fingerprints to receive school dinners instead of paying with cash), the school will comply with the requirements of the Protection of Freedoms Act 2012.

Prior to any biometric recognition system being put in place or processing a student's biometric data, the school will send the student's parents a Parental Notification and Consent Form for the use of Biometric Data, either with/or included in the Admission Form or the letter outlined in Appendix A.

Written consent will be sought from at least one parent of the student before the school collects or uses a student's biometric data.

The name and contact details of the student's parents will be taken from the school's admission register.

Where the name of only one parent is included on the admissions register, the Headteacher will consider whether any reasonable steps can or should be taken to ascertain the details of the other parent. For example, the school might ask the parent who is included in the admission register, or, where the school is aware of the local authority or other agency involvement with the child and its family, may make enquires with the local authority or other agency. Schools and colleges are not expected to engage the services of 'people tracer' or detective agencies but are expected to take reasonable steps to locate a parent before they are able to rely on the exemption in section 27(1)(a) of the Protection of Freedoms Act (i.e. notification of a parent not required of the parent cannot be found).

The school does not need to notify a particular parent or seek their consent if it is satisfied that:

- a. The parent cannot be found, e.g. their whereabouts or identity is not known.
- b. The parent lacks the mental capacity to object or consent.
- c. The welfare of the pupil requires that a particular parent is not contacted, e.g. where a student has been separated from an abusive parent who must not be informed of the student's whereabouts.
- d. It is otherwise not reasonably practicable for a particular parent to be notified or for their consent to be obtained.

Where neither parent of a student can be notified for any of the reasons set out above consent will be sought from the following individuals or agencies as appropriate:

- a. If a student is being 'looked after' by the LA or is accommodated or maintained by a voluntary organisation, the LA or voluntary organisation will be notified and their written consent obtained.
- b. If the above does not apply, then notification will be sent to all those caring for the student and written consent will be obtained from at least one carer before the student's biometric data can be processed.

Notification sent to parents and other appropriate individuals or agencies will include information regarding the following:

- a. Details about the type of biometric information to be taken
- b. How the data will be used
- c. The parent's and the student's right to refuse or withdraw their consent
- d. The school's duty to provide reasonable alternative arrangements for those students whose information cannot be processed

7.10 A school will not process the biometric data of a student under the age of 18 in the following circumstances:

- a. The student (verbally or non-verbally) objects or refuses to participate in the processing of their biometric data
- b. No parent or carer has consented in writing to the processing
- c. A parent has objected in writing to such processing, even if another parent has given written consent

7.11 Parents and students can object to participation in a school's biometric system(s) or withdraw their consent at any time. Where this happens, any biometric data relating to the student that has already been captured will be deleted.

7.12 If a student objects or refuses to participate, or to continue to participate, in activities that involve the processing of their biometric data, a school will ensure that the student's biometric data is not taken or used as part of a biometric recognition system, irrespective of any consent given by the student's parent(s).

7.13 Parents and students will be informed that they can object or refuse to allow biometric data to be collected and used via a letter or within the admissions pack.

7.14 Where staff members or other adults use the Trust's biometric system(s), consent will be obtained from them before they use the system.

7.15 Staff and other adults can object to taking part in the Trust's biometric system(s) and can withdraw their consent at any time. Where this happens, any biometric data relating to the individual that has already been captured will be deleted.

7.16 Alternative arrangements will be provided to any individual that does not consent to take part in the Trust's biometric system(s), in line with the Alternative Arrangements section of this policy.

8. Alternative Arrangements

8.1 Parents, students, staff members and other relevant adults have the right to not take part in a school's biometric system(s).

8.2 Where an individual objects to taking part in a school's biometric system(s), reasonable alternative arrangements will be provided that allow the individual to access the relevant service, e.g. where a biometric system uses pupil's fingerprints to pay for school meals, the pupil will be able to use a PIN code for the transaction instead.

8.3 Alternative arrangements will not put the individual at any disadvantage or create difficulty in accessing the relevant service, or result in any additional burden being placed on the individual (and the student's parents, where relevant).

9. Data Retention

Biometric data will be managed and retained in line with the Trust's **Data Protection Policy**. Normally, Biometric data will only be held for six months after the data subject has ceased to be an employee or student of the Trust.

If an individual (or a student’s parent, where relevant) withdraws their consent for their/their child’s biometric data to be processed, it will be erased from the school’s system.

10. Breaches

10.1 There are appropriate and robust security measures in place to protect the biometric data held by the school.

10.2 Any breach of this Protection of Biometric Information Policy may result in disciplinary action.

11. Further information and guidance

This can be found via the following links:

Department for Education’s “Protection of Biometric Information of Children in Schools – Advice for proprietors, governing bodies, head teachers, principals and school staff”:
<https://www.gov.uk/topic/schools-colleges-childrens-services/school-college-funding-finance>

ICO guidance on data protection for education establishments: <https://ico.org.uk/for-organisations/business/>

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NB: In all TLT policies, the use of the word ‘Trustees’ may also be read to mean ‘Local Governors’ and ‘Head teacher’ may also mean ‘CEO’ ... and vice versa

Parental Notification and Consent Form for the use of Biometric Data (template)

Notification of intention to process students' biometric information and consent form

Dear Parent/Carer,

I am writing to notify you of the school's wishes to use information about your child as part of an automated (i.e. electronically-operated) recognition system. The purpose of this system is to facilitate catering transactions to be made using pupils' fingerprints biometric and/or facial biometric instead of by using cash.

The information from your child that we wish to use is referred to as 'biometric information'.

Biometric information and how it will be used

Biometric information is information about a person's physical or behavioural characteristics that can be used to identify them, e.g. their fingerprint. The school would like to collect and use the following biometric information from your child:

- Fingerprint – converted to code
- Face – converted to code

The school would like to use this information for the purpose of providing your child with the ability to pay for their school meal using their fingerprint/face scan.

The information will be used as part of an automated biometric recognition system. This system will take measurements of the biometric information specified above and convert these measurements into a template to be stored on the system. An image of your child's biometric information is not stored. The template (i.e. the measurements taken from your child) will be used to permit your child to access services.

The law places specific requirements on schools when using personal information, such as biometric information, about pupils for the purposes of an automated biometric recognition system. For example:

- The school will not use the information for any purpose other than those for which it was originally obtained and made known to the parent(s) (i.e. as stated above).
- The school will ensure that the information is stored securely.
- The school will tell you what it intends to do with the information.
- Unless the law allows it, the school will not disclose personal information to another person or body.

Please note, the school has to share the information with the following bodies:

- The supplier of the biometric system

This is necessary in order to **be able to allow your child to the system for purchasing food in the canteen.**

Providing your consent/objecting to the use of biometric data

Under the Protection of Freedoms Act 2012 (sections 26 to 28), we are required to notify each parent of a child and obtain the written consent of at least one parent before being able to use a child's biometric information for an automated system.

Consent given by one parent will be overridden if the other parent objects in writing to the use of their child's biometric information. Similarly, if your child objects to the use of their biometric information, the school cannot collect or use the information for inclusion on the automated recognition system.

You can also object to the proposed processing of your child's biometric information at any time or withdraw any consent you have previously given. Please note that you must make any consent, withdrawal of consent or objection in writing.

Even if you have given your consent, your child can object or refuse at any time to their biometric information being collected and used – their objection does not need to be in writing. We would appreciate if you could discuss this with your child and explain to them that they can object if they want to.

The school is happy to answer any questions you or your child may have – please contact the school on [**<school to insert school email address>**](mailto: <school to insert school email address>) with any questions.

If you do not wish for your child's biometric information to be used by the school, or your child objects to such processing, the school will provide reasonable alternative arrangements for pupils who are not going to use the automated system to **pay for school meals.**

Please note that, when your child leaves the school or ceases to use the biometric system, their biometric information will be securely erased in line with the school's **Data Protection Policy.**

Please complete the form below to confirm if you do or do not consent to the collection and use of your child's biometric information and return it to the school office.

Kind regards, [**<insert name of Headteacher>**](mailto: <insert name of Headteacher>)

Headteacher

Consent form for the use of biometric information

Please complete this form to confirm whether you provide consent for the school to collect and use the following biometric information relating to your child:

- **Finger print**
- **Face scan**

This biometric information will be used by the school for the following purpose:

- **Catering**

Having read the guidance provided to me by the school, I (please tick your selection):

- **Do** consent to the processing of my child's biometric data
- **Do not** consent to the processing of my child's biometric data

For parents that have provided consent

Please confirm that you have read and understood the following terms:

- I authorise the school to use my child's biometric information for the purpose specified above until either they leave the school or cease to use the system.
- I understand that I can withdraw my consent at any time.
- I understand that, if I wish to withdraw my consent, I must do so in writing and submit this to **(enter school name and address)**
- I understand that once my child ceases to use the biometric system, the school will securely delete my child's biometric information.

I confirm that I have read and understood the terms above

For all parents

Name of child:	
Name of parent:	
Signature:	
Date:	

Please return this form to the relevant **school office**.