



Protection of biometric information of children in schools policy

The Department for Education updated their list of statutory policies that all schools must have on 19/09/19. It is a requirement that all schools have a Protection of biometric information of children in schools policy.

At Deykin Avenue JI School we currently do not hold any biometric information. This policy has been written with reference to the ‘Protection of biometric information of children in schools advice for proprietors, governing bodies, head teachers, principles and school and college staff’ guidance issued by the Department for Education.

This policy sets out the requirements if in the future the school introduced biometric data.

Policy approved by the Governing Board on.....

Signed by Chair of Governors.....

This policy will be reviewed annually. Next review date : September 2023

Legislation and Guidance

- The Protection of Freedoms Act 2012
- The Data Protection Act 1998
- General Data Regulations Protection
- Protection of biometric information of children in schools advice for proprietors, governing bodies, head teachers, principles and school and college staff

Biometric Data and Processing

1. What is biometric data?

- Biometric data means personal information about an individual’s physical or behavioural characteristics that can be used to identify that person; this can include their fingerprints, facial shape, retina and iris patterns, and hand measurements.
- The Information Commissioner considers all biometric information to be personal data as defined by the Data Protection Act 1998 and the General Data Protection Regulation;

this means that it must be obtained, used and stored in accordance with that Act and Regulation.

- The Protection of Freedoms Act 2012 includes provisions which relate to the use of biometric data in schools and colleges when used as part of an automated biometric recognition system. These provisions are in addition to the requirements of the General Data Protection Regulation.

2. What is an automated biometric recognition system?

- An automated biometric recognition system uses technology 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 recognition systems can use many kinds of physical or behavioural characteristics such as those listed in 1 above.

3. What does processing data mean?

'Processing' of biometric information includes obtaining, recording or holding the data or carrying out any operation or set of operations on the data including (but not limited to) disclosing it, deleting it, organising it or altering it. An automated biometric recognition system processes data when:

- a. recording students' biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner;
- b. storing students' biometric information on a database system; or
- c. using that data as part of an electronic process, for example, by comparing it with biometric information stored on a database in order to identify or recognise students.

4. Notification and Parental Consent

At Deykin Avenue JI School if we implemented a biometric recognition system the following procedures would be followed:

- Each parent of a child or any other individual who has parental responsibility will be notified that the school wishes to collect biometric information. If either parent objects in writing, then the school will not take or use the child's biometric information.

- As long as the parent or individual with parental responsibility does not object, the written consent of only one parent will be required for the school to process the child's biometric information.

- We do not need to notify a particular parent or seek his or her consent if we are satisfied that:
 - a] the parent cannot be found, for example, his or her whereabouts or identity is not known.

 - b] the parent lacks the mental capacity to object or consent (within the meaning of the Mental Capacity Act 2005)

 - c] the welfare of the child requires that a particular parent is not contacted, for example where a child has been separated from an abusive parent who is not to be informed of the child's whereabouts; or

 - d) where it is otherwise not reasonably practicable for a particular parent to be notified or for his or her consent to be obtained.

In the event of the school not being able to notify a parent for one of the reasons above (which would mean consent cannot be obtained from either of them), section 27 of the Protection of Freedoms Act 2012 sets out who should, in such circumstances, be notified and who can give consent:

- a) if the child is being 'looked after' by a local authority or is accommodated or maintained by a voluntary organisation (i.e. a not-for-profit organisation), the local authority, or as the case may be, the voluntary organisation must be notified and their written consent would be obtained.

- b) if the above does not apply, then notification will be sent to all those caring for the child and written consent will be gained from at least one carer before the child's biometric data can be processed (subject to none of the carers objecting in writing).

We will never in any circumstances process a child's biometric information (for the purposes of using an automated biometric recognition system) without one of the persons above having given written consent.

We will notify parents if we intend to take and use their child's biometric information as part of an automated biometric recognition system and seek written consent to do so at the same time as obtaining details of parents as part of the enrolment process.

We will ensure that parents are given sufficient information about the processing of their child's biometric information so that they are fully informed about what is being proposed. This will include: details about the type of biometric information to be taken; how it will be used; the parents' and the pupil's right to refuse or withdraw their consent; and the school's

duty to provide reasonable alternative arrangements for those pupils whose information cannot be processed. (Notification and Consent Form – Appendix 1)

The pupil's right to refuse

What the law says:

If a pupil under the age of 18 objects or refuses to participate in activities that involve the processing of their biometric data, we will ensure that the pupil's biometric data is not taken or used as part of a biometric recognition system. A pupil's objection or refusal overrides any parental consent to the processing.

As a school it is our responsibility to take steps to ensure that pupils understand that they can object or refuse to allow their biometric data to be taken/used and that, if they do the school would have to provide them with an alternative method of accessing relevant services. We will ensure that we take into account their age and level of understanding. We will inform parents of their child's right to object or refuse and we will encourage them to discuss this with their child.

Providing alternatives

What the law says:

Reasonable alternative arrangements must be provided for pupils who do not use automated biometric recognition systems either because their parents have refused consent (or a parent has objected in writing) or due to the pupil's own refusal to participate in the collection of biometric data.

The alternative arrangements should ensure that pupils do not suffer any disadvantage or difficulty in accessing services/premises etc as a result of their not participating in an automated biometric recognition system. Such arrangements should not place any additional burden on parents whose children are not participating in such a system.

As *data controllers*, we will process pupils' personal data (which includes biometric data), in accordance with the Data Protection Act 1998 and the General Data Protection Regulations.

We will:

- a. store biometric data securely to prevent any unauthorised or unlawful use.
- b. not keep biometric data for longer than it is needed meaning that we will destroy a child's biometric data if, for whatever reason, the child no longer uses the system including when he or she leaves the school or where a parent withdraws consent or the child objects.
- c. ensure that biometric data is used only for the purposes for which they are obtained and that such data is not unlawfully disclosed to third parties.

Appendix One

NOTIFICATION OF INTENTION TO PROCESS PUPILS' BIOMETRIC INFORMATION

Dear [*name of parent/carer*]

The school wishes to use information about your child as part of an automated (i.e. electronically-operated) recognition system. This is for the purposes of [*specify what purpose is – e.g. catering, library access*]. The information from your child that we wish to use is referred to as 'biometric information' (see next paragraph). 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.

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, for example, information from their [*fingerprint/iris/palm*]. The school/college would like to take and use information from your child's [*insert biometric to be used*] and use this information for the purpose of providing your child with [*specify what purpose is*].

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

You should note that the law places specific requirements on schools and colleges when using personal information, such as biometric information, about pupils for the purposes of an automated biometric recognition system.

For example:

- (a) the school cannot 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);
- (b) the school must ensure that the information is stored securely;
- (c) the school/college must tell you what it intends to do with the information;
- (d) unless the law allows it, the school cannot disclose personal information to another person/body – you should note that the only person/body that the school wishes to share the information with is [*insert any third party with which the information is to be shared e.g. X supplier of biometric systems*]. This is necessary in order to [*say why it needs to be disclosed to the third party*].

Providing your consent/objection

As stated above, in order to be able to use your child's biometric information, the written consent of at least one parent is required. However, 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 this, the school/college cannot collect or use his/her biometric information for inclusion on the automated recognition system.

You can also object to the proposed processing of your child's biometric information at a later stage or withdraw any consent you have previously given. This means that, if you give consent but later change your mind, you can withdraw this consent. Please note that any consent, withdrawal of consent or objection from a parent **must be in writing**.

Even if you have consented, your child can object or refuse at any time to their biometric information being taken/used. [*His/her*] objection does not need to be in writing. We would appreciate it if you could discuss this with your child and explain to them that they can object to this if they wish.

The school is also happy to answer any questions you or your child may have.

If you do not wish your child's biometric information to be processed by the school, or your child objects to such processing, the law says that we must provide reasonable alternative arrangements for children who are not going to use the automated system to [*insert relevant service e.g. access school library*].

If you give consent to the processing of your child's biometric information, please sign, date and return the enclosed consent form to the school.

Please note that when your child leaves the school, or if for some other reason he/she ceases to use the biometric system, his/her biometric data will be securely deleted.

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*':

<http://www.education.gov.uk/schools/adminandfinance/schooladmin>.

ICO guide to data protection for organisations: [Guide to data protection | ICO](#)

ICO guidance on data protection for education establishments: [Education | ICO](#).

Biometric Consent Form

Pupil name:

Please complete this form if you consent to the school taking and using information from your child's (insert biometric e.g. fingerprint) by Deykin Avenue JI School as part of an automated biometric recognition system. This biometric information will be used by Deykin Avenue JI School for the purpose of (describe purposes for which this data will be used e.g. administration of library/canteen).

In signing this form, you are authorising the school to use your child's biometric information for this purpose until he/she either leaves the school or ceases to use the system. If you wish to withdraw your consent at any time, this must be done so in writing and sent to the school at the following address:

Deykin Avenue JI School,
Deykin Avenue,
Witton,
Birmingham
B6 7BU.

Once your child ceases to use the biometric recognition system, his/her biometric information will be securely deleted by the school.

Having read the guidance provided to me by Deykin Avenue JI School, I give consent to information from the (insert the biometric) of my child;

Name of Child:

being taken and used by Deykin Avenue JI School for use as part of an automated biometric recognition system for (describe the purposes for which the data will be used).

I understand that I can withdraw this consent at any time in writing.

Name of Parent:.....

Signature:.....

Date:.....

Please return this form to the school office.