

Biometrics policy

1. Purpose

- 1.1 The Trust is committed to protecting the personal data of students and staff. This includes any biometric data we collect and process. Where schools / academies within the Trust process biometric data they will do so in line within this policy.

2. Legislative Framework

- 2.1 This policy has due regard to all relevant legislation and guidance including, but not limited to:
- Protection of Freedoms Act 2012
 - Data Protection Act 2018
 - General Data Protection Regulation (GDPR)
 - DfE (2018) 'Protection of biometric information of children in schools and colleges'
- 2.2 This policy operates in conjunction with the Trust's Data Protection Policy, Data Breach Procedure and Retention policy.

3. Definitions

Biometric data

Personal information about an individual's physical or behavioural characteristics that can be used to identify that person, including their fingerprints, facial shape, 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.

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:

- Recording students' biometric data. For example taking measurements via a fingerprint scanner
- Storing students' biometric information on a database
- Using students' biometric data as part of an electronic process, for example by comparing it with biometric information stored on a database to identify or recognise students

Special category data:

Personal data which the 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. Data protection principles

- 4.1 All personal data, including biometric data, is processed in accordance with the key principles set out in the GDPR in that it is:
- Processed lawfully, fairly and in a transparent manner.
 - Only collected for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes.
 - Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.

- Accurate and, where necessary, kept up to date, and that reasonable steps are taken to ensure inaccurate information is rectified or erased.
- 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.
- 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.

4.2 As the Data Controller, the Trust is responsible for compliance with these provisions.

5. Data Protection Impact Assessments (DPIAs)

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

5.2 The Data Protection Officer will oversee and monitor the process of carrying out the DPIA.

5.3 The DPIA will:

- Describe the nature, scope, context, and purpose of the processing
- Assess necessity, proportionality, and compliance measures
- Identify and assess risks to individuals
- Identify any additional measures to mitigate those risks

5.4 When assessing levels of risk, the likelihood and severity of any impact on individuals will be considered. If a high risk is identified that cannot be mitigated, the Data Protection Officer will consult with the Information Commissioner's Office before the processing of the biometric data begins.

5.5 The Information Commissioner's Office will aim to provide the Data Protection Officer with a written response (up to 14 weeks in complex cases) advising whether the risks are acceptable, or whether the Trust needs to take further action. In some cases, the Information Commissioner's Office may advise the Trust to not carry out the processing. The Trust will comply with the advice received from the Information Commissioner's Office.

6. Notification and consent

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

6.2 Prior to any biometric recognition system being put in place, or processing a student's biometric data, the school / academy will send students' parents a Parental Notification and Consent Form for the use of Biometric Data. An example is found in the appendix to this document. Each school / academy may obtain this information by other means such as part of a process of generally gaining parental permissions and so this is for illustration only

6.3 Written consent will be sought ideally from both parents, but at least one parent, of the student before the school / academy collects or uses a student's biometric data.

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

- The parent cannot be found, for example their whereabouts or identify is not known.
- The parent lacks the mental capacity to object or consent.
- The welfare of the student 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.

- It is otherwise not reasonably practicable for a particular parent to be notified or for their consent to be obtained.
- 6.5 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:
- If a student is being 'looked after by the local authority or is accommodated or maintained by a voluntary organisation, the local authority or voluntary organisation will be notified and their written consent obtained.
 - 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.
- 6.6 Notification sent to parents and other appropriate individuals or agencies will include:
- Details about the type of biometric information to be taken
 - How the data will be used
 - The parent's and the student's right to refuse or withdraw their consent
 - The school's / academy's duty to provide reasonable alternative arrangements for those students whose information cannot be processed
- 6.7 We will not process the biometric data of a student under the age of 18 in the following circumstances:
- The student (verbally or non-verbally) objects or refuses to participate in the processing of their biometric data
 - No parent or carer has consented in writing to the processing
 - A parent has objected in writing to such processing, even if another parent has given written consent.
- 6.8 Parents and students can object to participation in the 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.
- 6.9 If a student objects or refuses to participate, or to continue to participate, in activities that involve the processing of their biometric data, the student's biometric data will not be taken or used as part of a biometric recognition system, irrespective of any consent given by the student's parent(s).
- 6.10 Students will be informed that they can object or refuse to allow their biometric data to be collected and used.
- 6.11 Where staff members or other adults use a biometric system(s), consent will be obtained from them before they use the system.
- 6.12 Staff and other adults can object to taking part in the 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.
- 6.13 Alternative arrangements will be provided to any individual that does not consent to take part in the biometric system(s).

7. Alternative arrangements

- 7.1 Parents, students, staff members and other relevant adults have the right to not take part in any biometric system(s).
- 7.2 Where an individual objects to taking part in the 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 student's biometric data to pay for school meals, the student will be able to use cash for the transaction where the school permits this or an alternative solution.

- 7.3 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).

8. Data retention

- 8.1 Biometric data will be managed and retained in line with the Trust's document retention schedule.
- 8.2 If an individual (or a student's parent, where relevant) withdraws consent for their or their child's biometric data to be processed, it will be erased from the system.

9. Breaches

- 9.1 There are appropriate and robust security measures in place to protect the biometric data held.
- 9.2 Any breach of the biometric system(s) data will be dealt with in accordance with the Data Breach Procedure.

10. General Data Protection Regulation

- 10.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

Document management

Review cycle:	Every two years
Next review due:	January 2023
Policy owner	SLT
Equality Analysis completed:	December 2020

Appendix 1

Example Parental Notification and Consent Form for the use of Biometric Data

Dear [Parent]

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

I am writing to notify you that [school / academy name] 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 [specify what the purpose of the system is, for example to facilitate catering transactions to be made using students' biometric days instead of using cash].

This 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. It can include fingerprints, facial shape, retina and iris patterns, and hand measurements.

[school / academy name] would like to collect and use the following biometric information from your child:

- [specify the biometric information you want to collect and process]

[school / academy name] would like to use this information for the purpose of providing your child with [specify the purpose of using the information, for example so the child can pay for their school meals].

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 and academies when using personal information, such as biometric information, about students for the purposes of an automated biometric recognition system. For example:

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

Please note, [school / academy name] has to share the information with the following bodies:

- [Specify any third part with which the information is to be shared, for example. the supplier of the biometric system]

This is necessary in order to [specify why it needs to be disclosed to the third party].

Providing your consent/objecting to the use of biometric data

Under the Protection of Freedoms Act 2012, [school / academy name] is 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, [school / academy name] 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 wish to.

We are happy to answer any questions you or your child may have – [please contact [name of staff member] on [contact details] with any questions.

If you do not wish for your child's biometric information to be used by [school / academy name], or your child objects to such processing, we will provide reasonable alternative arrangements for students who are not going to use the automated system to [insert relevant service, e.g. pay for school meals].

Please note that, when your child leaves [school / academy name] or ceases to use the biometric system, their biometric information will be securely erased in line with the record retention 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 [add details] by [date].

Yours sincerely

[Name]
[Job title]

Appendix 2

Example Consent form for the use of biometric information

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

- [insert the biometric information the school / academy intends to collect and use]

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

- [Specify the purpose the information will be used for, for example catering]

Having read the guidance provided to me I (please tick one 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 only

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

- I authorise the use biometric information for the purpose specified above until either my child leaves the school / academy 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 the school office.
- I understand that once my child ceases to use the biometric system, the academy will securely delete my child's biometric information.

I confirm that I have read and understood the terms above

All parents to complete

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

Please return this form to the school office by [date]