



Biometric Policy

Document Control

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KEY POINTS

Academies within Leger Education Trust that use students' biometric data must treat the data collected with appropriate care and must comply with the data protection principles as set out in the UK-General Data Protection Regulation.

Where the data is to be used as part of an automated biometric recognition system, each Academy must also comply with the additional requirements in sections 26 to 28 of the Protection of Freedoms Act 2012.

The Academy must ensure that the parent of each child is informed of the intention to use the child's biometric data as part of an automated biometric recognition system.

The written consent of the parent or the child, where the child is deemed to have the capacity to consent, must be obtained before the data is taken from the child and used (i.e. 'processed'). In no circumstances can a child's biometric data be processed without written consent.

The Academy must not process the biometric data of a student where:

- a) The child (whether verbally or non-verbally) objects or refuses to participate in the processing of their biometric data;
- b) A parent or student has not consented in writing to the processing; or
- c) A parent or student has objected in writing to such processing, even if another parent has given written consent.

The Academy must provide reasonable alternative means of accessing the services to those students who will not be using an automated biometric recognition system.

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 UK-General Data Protection Regulation; this means that it must be obtained, used and stored in accordance with that 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 UK-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.

The Trust has carried out a DPIA for the use of biometric data. The DPIAs:

- describe the nature, scope, context and purposes of the processing
- assess necessity, proportionality and compliance measures
- identify and assess risks to individuals
- identify any additional measures to mitigate those risks

The DPIA will be amended if any changes take place to Trust systems.

4. Consent

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

- The parent cannot be found, e.g. their whereabouts or identity is not known.
- The parent lacks the mental capacity to object or consent.
- The welfare of the pupil requires that a particular parent is not contacted, e.g. where a pupil has been separated from an abusive parent who must not be informed of the pupil's whereabouts.
- 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 pupil can be notified for any of the reasons set out, consent will be sought from the following individuals or agencies as appropriate:

- If a pupil 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.
- If the above does not apply, then notification will be sent to all those caring for the pupil and written consent will be obtained from at least one carer before the pupil's biometric data can be processed.

5. Who is able to give consent

The Data Protection Act gives children rights over their own data when they are considered to have adequate capacity to understand. Most children will reach this level of understanding at around age 13. For this reason, for most children in a secondary school, it will normally be up to the individual child to decide whether or not to provide biometric data. Where the academy considers that the child does not have the capacity (generally recognised at around the age of 13) parents will be asked to provide consent.

Schools and colleges will be required to notify each parent of a child whose biometric information they wish to collect/use. If either parent objects in writing, then the Academy will not be permitted to take or use that child's biometric data.

6. Length of consent/Retention

The original written consent is valid until such time as it is withdrawn. However, it can be overridden, at any time either parent or the child themselves objects to the processing (subject to the parent's objection being in writing). When the student leaves the academy, their biometric data will be securely removed from the academy's biometric recognition system.

Biometric data will be managed and retained in line with the Trust's Records Management procedures. If an individual (or a student's parent, where relevant) withdraws their consent for their child's biometric data to be processed, it will be erased from the school's system.

7. Alternative to Biometric

The academy cashless catering system allows for an alternative to biometric scanning and any student objecting to the processing of their biometric data will be issued with a PIN code.

8. Legal Framework:

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

Protection of Freedoms Act 2012

Data Protection Act 2018

General Data Protection Regulation (GDPR) now UK-GDPR

DfE (2018) 'Protection of biometric information of children in schools and colleges'

This policy operates in conjunction with the following Trust/Academy policies: - Data Protection Policy - Records Management Policy

9. 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 pupils/staff biometric data, e.g. taking measurements from a fingerprint via a fingerprint scanner.
- Storing pupils/staff biometric information on a database.
- Using pupils/staff 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.

Associated Resources

DfE guidelines for schools on communicating with parents and obtaining consent:

<https://www.gov.uk/government/publications/protection-of-biometric-information-of-children-in-schools>

The Information Commissioners Office guidance on special categories of data:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/what-is-special-category-data/>

The Information Commissioners Office guidance on Biometric data guidance: Biometric recognition

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/biometric-data-guidance-biometric-recognition/>

BIOMETRIC CONSENT FORM (PARENT)

Student name: _____

Please sign below if you consent to the Academy taking and using information from your son/daughter's fingerprint as part of an automated biometric recognition system. This biometric information will be used by the Academy for the purpose of charging for school meals.

In signing this form, you are authorising the Academy to use your son/daughter's biometric information for this purpose until he/she either leaves the Academy 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 Principal. Once your son/daughter ceases to use the biometric recognition system, his/her biometric information will be securely deleted by the Academy.

Parent consent:

Having read the above guidance information, I give consent to information from the fingerprint of my son/daughter being taken and used by the Academy for use as part of an automated biometric recognition system for the purchase of school meals.

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

Parent Name: _____

Signature: _____

Date: _____

BIOMETRIC CONSENT FORM (STUDENT)

Student name: _____

Please sign below if you consent to the Academy taking and using information from your fingerprint as part of an automated biometric recognition system. This biometric information will be used by the Academy for the purpose of charging for school meals.

In signing this form, you are authorising the Academy to use your biometric information for this purpose until you either leave the Academy or cease 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 Principal. Once you cease to use the biometric recognition system, your biometric information will be securely deleted by the Academy.

Student consent:

Having read the above guidance information, I give consent to information from my fingerprint being taken and used by the Academy for use as part of an automated biometric recognition system for the purchase of school meals.

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

Name: _____

Signature: _____

Date: _____

BIOMETRIC CONSENT FORM (STAFF)

Staff name: _____

Please sign below if you consent to the Academy taking and using information from your fingerprint as part of an automated biometric recognition system. This biometric information will be used by the Academy for the purpose of charging for school meals.

In signing this form, you are authorising the Academy to use your biometric information for this purpose until you either leave the Academy or cease 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 Principal. Once you cease to use the biometric recognition system, your biometric information will be securely deleted by the Academy.

Staff consent:

Having read the above guidance information, I give consent to information from my fingerprint being taken and used by the Academy for use as part of an automated biometric recognition system for the purchase of school meals.

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

Name: _____

Signature: _____

Date: _____