PROTECTION OF BIOMETRIC DATA OF CHILDREN IN SCHOOLS POLICY

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Policy reviewed by:	**R Pieterse (DfE Model Policy adopted)**
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This policy follows the model guidance from the Department of Education "Protection of Biometrics" Policy for Schools.	

Document Control/ Review Sheet

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Aims

Schools have a legal duty if they wish to use biometric information about students for the purposes of using automated biometric recognition systems. The duties on schools in the Protection of Freedoms Act 2012 set out in this advice came into effect from 1 September 2013.

Schools using automated biometric recognition systems, or planning to install them, should make arrangements to notify parents and obtain the consent required under the duties set out in the body of this advice. There are no circumstances in which a school or college can lawfully process a student's biometric data without having notified each parent of a child and received the necessary consent.

The advice should be read alongside

The Data Protection Act 2018
The UK General Data Protection Regulation (UK GDPR)
The Protection of Freedoms Act 2012

Key points

- Schools 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 Data Protection Act 2018.
- Where the data is used as part of an automated biometric recognition system, schools must also comply with the additional requirements in sections 26 to 28 of the Protection of Freedoms Act 2012 (see relevant section below).
- Schools must ensure that each parent of a child is notified of the school's intention to use the child's biometric data as part of an automated biometric recognition system
- The written consent of at least one parent must be obtained before the data is taken from the child and used (i.e. 'processed'). This applies to all students in schools under the age of 18. In no circumstances can a child's biometric data be processed without written consent.
- Schools must not process the biometric data of a student (under 18 years of age) where:
  - ➢ the child (whether verbally or non-verbally) objects or refuses to participate in the processing of their biometric data
  - ➢ no parent has consented in writing to the processing
  - ➢ a parent has objected in writing to such processing, even if another parent has given written consent
- Schools must provide reasonable alternative means of accessing services for those students who will not be using an automated biometric recognition system.

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.

All biometric data is considered to be special category data under the UK General Data Protection Regulation (UK GDPR). This means the data is more sensitive and requires more protection as this type of data could create more significant risks to a person's fundamental rights and freedoms.

This policy complies with The Protection of Freedoms Act 2012 (sections 26 to 28), the Data Protection Act 2018 and the UK GDPR.

The School has carried out a Data Protection Impact Assessment with a view to evaluating whether the use of biometric data is a necessary and proportionate means of achieving the legitimate objectives set out below.

The result of the Data Protection Impact Assessment has informed the school's use of biometrics and the contents of this policy.

What is an Automated Biometric Recognition System?

An automated biometric recognition system uses technology to measure an individual's physical or behavioural characteristics by using equipment that operates 'automatically' (i.e. electronically). Biometric systems usually store measurements taken from a person's physical/behavioural characteristics and not images of the characteristics themselves.

What is Facial recognition?

Facial recognition is the process by which a person can be identified or otherwise recognised from a digital facial image. Cameras are used to capture these images and facial recognition technology software produces a biometric template. Often, the system will then estimate the degree of similarity between two facial templates to identify a match
(e.g. to verify someone's identity), or to place a template in a particular category (e.g. age group). This type of technology can be used in a variety of contexts from unlocking our mobile phones, to setting up a bank account online, or passing through passport control.

Facial recognition will often not be appropriate in schools and colleges if other options are available to achieve similar goals, like paying for school lunches. Schools and colleges must establish that facial recognition is both necessary and proportionate within the school and college environment.

What is live facial recognition?

Live facial recognition is different to the facial recognition technology referenced above and is typically deployed in a similar way to traditional CCTV. It is directed towards everyone in a particular area rather than specific individuals. It has the ability to capture the biometric data of all individuals passing within range of the camera automatically and indiscriminately. Their data is collected in real-time and potentially on a mass scale.

Live facial recognition is not appropriate in schools or colleges. It would be difficult for a school or college to demonstrate that the use of live facial recognition technology is justified as fair, necessary, proportionate or lawful under Article 6 and Article 9 of the UK
GDPR. There is a separate legal regime in the Data Protection Act 2018 which governs the use of biometric data for law enforcement purposes.

What does processing data mean?

'Processing' of biometric data 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:

- recording pupil/students' biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner
- storing pupil/students' biometric information on a database system
- 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 pupil/students'

As biometric data is special category data, in order to lawfully process this data, the School must have a legal basis for processing personal data and a separate condition for processing special category data. When processing biometric data, the School rely on explicit consent (which satisfies the fair processing conditions for personal data and special category data). Consent is obtained using the consent form(s) in the attached appendix.

At present our school process biometric data only where an incident took place, or to safeguard students. CCTV cameras are up in all classrooms, as well as in communal areas. SLT must authorise any use of this data, before they are being looked at or processed.

Consent and Withdrawal of Consent

The Centre will not process biometric information without the relevant consent.

Consent for Students

When obtaining consent for students, both parents will be notified that the School intends to use and process their child's biometric information. The School only requires written consent from one parent (in accordance with the Protection of Freedoms Act 2012), provided no parent objects to the processing.

If a parent objects to the processing, then the School will not be permitted to use that child's biometric data and alternatives will be provided.

The child may also object to the processing of their biometric data. If a child objects, the School will not process or continue to process their biometric data, irrespective of whether consent has been provided by the parent(s).

Where there is an objection, the School will provide reasonable alternatives which will allow the child to access the same facilities that they would have had access to had their biometrics been used.

Students and parents can also object at a later stage to the use of their child's/their biometric data. Should a parent wish to withdraw their consent, they can do so by writing to the School at admin@northhertsesc.herts.sch.uk requesting that the School no longer use their child's biometric data.

Students who wish for the School to stop using their biometric data do not have to put this in writing but should let the School Business Manager know.

Consent for Staff

The School will seek consent of staff before processing their biometric data. If a staff member objects, the School will not process or continue to process the biometric data and will provide reasonable alternatives. Staff who wish for the School to stop using their biometric data should do so by writing to the School Business Manager.

The consent will last for the time period that the staff member remains employed by the School (unless it is withdrawn).

Retention of Biometric Data

Biometric data will be stored by the School for as long as consent is provided (and not withdrawn).

Once a student or staff member leaves, the biometric data will be deleted from the School's system no later than 72 hours.

Appendix A – Biometric Consent Form (Parent/ Carer)

Please sign below if you consent to the school 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 school for the purpose of borrowing library books and charging for school meals. In signing this form, you are authorising the school to use your son/daughter'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 Business Manager. Once your son/daughter ceases to use the biometric recognition system, his/her biometric information will be securely deleted by the school no later than 72 hours.

For further information on the processing of biometric data, please see our Biometrics Policy, which is available on the school website.

Parental Consent
Having read the guidance in The Protection of Biometric Information Policy (available on the school website), I give consent to information from the fingerprint of my son/daughter being taken and used by the school for use as part of an automated biometric recognition system. I understand that I can withdraw this consent at any time.

Child's Name:
Parent Name:

Signature:
Date:

Please return a copy of this consent to:
The School Business Manager, North Herts Education Support Centre, Briar Patch Lane, Letchworth Garden City, Hertfordshire, SG6 3LY.

Appendix B Parental Notification Form

Template Notification Form

The following is suggested text for a notification letter and consent form for schools and colleges to use to notify parents of their plans to collect and use biometric data. Schools and colleges may wish to adapt this text in light of their own particular systems but should ensure that parents are made aware of the school's and college's requirements as set out in sections 26-28 of the Protection of Freedoms Act 2012 in addition to providing privacy information under UK GDPR as set out earlier in the guidance.

NOTIFICATION OF INTENTION TO PROCESS PUPILS' BIOMETRIC INFORMATION

Dear [name of parent/carer]

The North Herts Education Support Centre 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 North Herts Education Support Centre 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 taking 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:

- the North Herts Education Support Centre 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)
- the North Herts Education Support Centre must ensure that the information is stored securely
- the North Herts Education Support Centre must tell you what it intends to do with the information

- unless the law allows it, the North Herts Education Support Centre cannot disclose personal information to another person/body – you should note that the only person/body that the North Herts Education Support Centre 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/objecting

As stated in the guidance, 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 North Herts Education Support Centre must not collect or use their 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. [Your child's] 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 North Herts Education Support Centre 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 North Herts Education Support Centre, 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 North Herts Education Support Centre. Please note that when your child leaves the North Herts Education Support Centre, or if for some other reason he/she ceases to use the biometric system, his/her biometric data will be securely deleted.

Appendix C - Consent to the North Herts Education Support Centre using under 18 biometric data

CONSENT FORM FOR THE USE OF BIOMETRIC INFORMATION IN THE NORTH HERTS EDUCATION SUPPORT CENTRE

Please complete this form if you consent to the North Herts Education Support Centre taking [and using information from your child's [insert biometric – e.g. fingerprint] by the North Herts Education Support Centre as part of an automated biometric recognition system. This biometric information will be used by the North Herts Education Support Centre for the purpose of [describe purpose(s) for which this data will be used, e.g. administration of school/college library/canteen].

In signing this form, you are authorising the North Herts Education Support Centre to use your child's biometric information for this purpose until he/she either leaves the North Herts Education Support Centre 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 North Herts Education Support Centre at the following address:
The North Herts Education Support Centre, Briar Patch Lane, Letchworth Garden City, Hertfordshire, SG6 3LY.

Once your child ceases to use the biometric recognition system, his/her biometric information will be securely deleted by the North Herts Education Support Centre

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