



# Protection of Biometric Information Policy

## Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as, socio-economic factors. For further information, please see our Equalities Policy.

### Document Management

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Swale Academies Trust is committed to protecting the personal data of all its pupils and staff, this includes any biometric data collected and processed.

The Trust collects and processes 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 school follows when collecting and processing biometric data.

## **1. Legal framework**

**1.1.** 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
- UK GDPR
- Department for Education (DfE) (2018) Protection of biometric information of children in schools and colleges

**1.2.** This policy operates in conjunction with the following school or Trust policies:

- Data Protection Policy
- Retention Records Schedule

## **2. Definitions**

### **2.1. 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.

### **2.2. 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, facial images, voice, retina and iris patterns, and hand measurements.

### **2.3. 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' biometric data, e.g. taking measurements from a fingerprint via a fingerprint scanner.
- Storing pupils' biometric information on a database.
- 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.

#### **2.4. 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.

### **3. Roles and responsibilities**

**3.1.** The board of directors is responsible for:

- Reviewing this policy on a bi-annual basis.

**3.2.** The Head teacher/Head of School is responsible for:

- Ensuring the provisions in this policy are implemented consistently.

**3.3.** The Data Protection Lead within each school is responsible for:

- Monitoring the school's compliance with data protection legislation in relation to the use of biometric data.
- Advising on when it is necessary to undertake a Data Protection Impact Assessment (DPIA) in relation to the school's biometric system(s).
- Contacting the Data Protection Officer

### **4. Data protection principles**

**4.1.** The school processes all personal data, including biometric data, in accordance with the key principles set out in the Data Protection Act 2018.

**4.2.** The school ensures biometric data 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.

**4.3.** As the data controller, the school is responsible for being able to demonstrate its compliance with the provisions outlined in 4.2.

## **5. Data Protection Impact Assessments**

- 5.1.** Prior to processing biometric data or implementing a system that involves processing biometric data, a DPIA will be carried out.
- 5.2.** Each School's DPL will oversee and monitor the process of carrying out the DPIA.
- 5.3.** The DPIA will:
  - 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.
- 5.4.** When assessing levels of risk, the likelihood and the severity of any impact on individuals will be considered.
- 5.5.** The school will adhere to any advice from the ICO.

## **6. Notification and consent**

- 6.1.** Where the school uses pupils' biometric data as part of an automated biometric recognition system, the school 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 pupil's biometric data, the school will send the pupil's parents or carers a Notification and Consent Form for the use of Biometric Data.
- 6.3.** Written consent will be sought from at least one parent or carer of the pupil before the school collects or uses a pupil's biometric data.
- 6.4.** The name and contact details of the pupil's parents or carers will be taken from the school's MIS.
- 6.5.** Where the name of only one parent or carer is included on the MIS, the Head teacher/Head of School will consider whether any reasonable steps can or should be taken to ascertain the details of the other parent or carer.
- 6.6.** The school does not need to notify a particular parent or carer or seek their consent if it is satisfied that:
  - The parent or carer cannot be found, e.g. their whereabouts or identity is not known.
  - The parent or carer lacks the mental capacity to object or consent.
  - The welfare of the pupil requires that a particular parent or carer is not contacted, e.g. where a pupil has been separated from an abusive parent or carer who must not be informed of the pupil's whereabouts.
  - It is otherwise not reasonably practicable for a particular parent or carer to be notified or for their consent to be obtained.
- 6.7.** Where neither parent or carer of a pupil can be notified for any of the reasons set out in 6.6, consent will be sought from the following individuals or agencies as appropriate:

- If a pupil is being 'looked after' by the Local Authority (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.

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

- Details about the type of biometric information to be taken.
- How the data will be used.
- The parent's or carers and the pupil's right to refuse or withdraw their consent.
- The school's duty is to provide reasonable alternative arrangements for those pupils whose information cannot be processed (see section 7).

**6.9.** The school will not process the biometric data of a pupil under the age of 18 in the following circumstances:

- The pupil (verbally or nonverbally) 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 or carer has objected in writing to such processing, even if the other parent has given written consent.

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

**6.11.** Where staff members or other adults use the school's 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 school'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.

**6.13.** Alternative arrangements will be provided to any individual that does not consent to take part in the school's biometric system(s), in line with section 7 of this policy.

## **7. Alternative arrangements**

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

**7.2.** Where an individual objects to taking part in the 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 magnetic swipe card or PIN instead.

**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 pupil's parents or carers, where relevant).