

Protection of Biometric Information

Review Date: June 2024

Reviewed by: Pastoral, Safeguarding, Wellbeing

Final Approval: Full Governing Body

Context

The Core Values which relate specifically to this policy state that we are working together to form relationships based on:

Justice – everyone is entitled to be treated fairly and to promote the self-esteem of others.

Responsibility – everyone is expected to understand the consequences of their actions.

Truth – everyone is required to be honest and to communicate in a positive manner.

Such values contribute to our common purpose of “Striving for high quality education with a strong Christian ethos”, and underpin, data practices within the Academy.

Statement of intent

Bishop Stopford School is committed to protecting the personal data of all its students and staff, this includes any biometric data we collect and process.

We collect and process 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 Academy follows when collecting and processing biometric data.

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.

Within Bishop Stopford School, we use CRB Cunninghams ID Management software, which uses fingerprint measurements to process cashless catering and access to library services.

The information is used as part of an automated biometric recognition system. This system will take measurements from a fingerprint and convert these measurements into a template to be stored on the system. An image of the fingerprint is not stored, nor can it be recreated from the template data. The template (i.e. the measurements taken from the fingerprint) will be used to identify individuals and permit payments via the cashless catering system and access to library services.

Obtaining consent/objection to the use of biometric data

Under the Protection of Freedoms Act 2012, the Academy is required to notify each parent of a student under 18 years of age, and obtain the consent of at least one parent before collecting and processing biometric data for an automated recognition system.

Individuals ages 18 and above may provide their consent.

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

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- Data Protection Act 2018
- The United Kingdom General Data Protection Regulation (UK GDPR)
- DfE (2018) 'Protection of biometric information of children in schools and colleges'

1.2. This policy operates in conjunction with the following policies:

- Data Protection Policy
- Data Retention Schedule

2. Definitions

- 2.1. **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. Within the Academy, we use fingerprints only.
- 2.2. **Automated biometric recognition system:** A system that 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 to recognise or identify the individual.
- 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 staff and student biometric data, e.g. taking measurements from a fingerprint via a fingerprint scanner.
 - Storing the biometric information in a database.
 - Using the biometric data as part of an electronic process, e.g., comparing it with biometric information stored on a database to identify or recognise individuals.
- 2.4. **Special category data:** Personal data that the UK GDPR categorises as more sensitive, and needs more protection – where biometric data is used for identification purposes, it is considered special category data.

3. Roles and responsibilities

- 3.1. The Governing Board is responsible for reviewing this policy on an annual basis.
- 3.2. The Headteacher is responsible for ensuring the provisions in this policy are implemented consistently.
- 3.3. The Data Protection Lead (DPL) is responsible for:
- Monitoring the academy's compliance with data protection legislation relating to the use of biometric data.
- 3.4. The Data Protection Officer
- Advising on when it is necessary to undertake a data protection impact assessment (DPIA) in relation to the academy's biometric system(s).
 - Being the first point of contact for the ICO and for individuals whose data is processed by the academy and connected third parties.
- 3.5. Authorised Staff are responsible for ensuring biometric data is collected lawfully.

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4. Data protection principles

- 4.1. The Academy processes all personal data, including biometric data, following the key principles set out in the UK GDPR.
- 4.2. The Academy 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 for the purposes for which they are processed.
 - Accurate and, where necessary, kept up-to-date, and reasonable steps are taken to ensure inaccurate information is rectified or erased.
 - Kept in a form that 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 accidental loss, destruction or damage, using appropriate technical or organisational measures.
- 4.3. As the data controller, the Trust is responsible for being able to demonstrate its compliance with the provisions outlined in 4.2., including seeking and storing the relevant parental consent for biometric processing. The UK GDPR principles are detailed further in the Data Protection Policy. The DPO can be contacted at dposervice@schoolspeople.co.uk

5. Data protection impact assessments (DPIAs)

- 5.1. Before processing biometric data or implementing a system that involves processing biometric data, a DPIA will be carried out. A DPIA has been completed for CRB Cunninghams ID Management.
- 5.2. The DPO 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. No high risks have been identified for CRB Cunninghams ID Management.
- 5.6. If a high risk is identified that cannot be mitigated, the DPO will consult the ICO before the processing of the biometric data begins. The ICO will provide the DPO with a written response (within eight weeks or 14 weeks in complex cases) advising whether the risks are acceptable, or whether the Academy needs to take further action. In some cases, the ICO may advise the Academy to not carry out the processing. The Academy will strictly adhere to any advice issued by the ICO.

6. Notification and consent

- 6.1. The obligation to obtain consent for the processing of biometric information of children under the age of 18 is not imposed by the Data Protection Act 2018 or by the UK GDPR. Instead, the consent requirements for biometric information are imposed by section 26 of the Protection of Freedoms Act 2012.

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- 6.2. Where the Academy uses biometric data as part of an automated recognition system as outlined above the Academy will comply with the requirements of the Protection of Freedoms Act 2012.
- 6.3. Before processing a student's biometric data, the Academy will send the parents/carers a consent form.
- 6.4. Consent **must** be obtained from at least one parent before the Academy collects or uses a student's biometric data.
- 6.5. Information provided to parents /carers will include information regarding the following:
 - How the data will be used
 - The parent and the students' right to refuse or withdraw their consent
 - The Academy's duty to provide reasonable alternative arrangements for those students whose information cannot be processed
- 6.6. The Academy **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 to 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
- 6.7. Parents/carers may object to their child's participation in the Academy's 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.
- 6.8. If a student objects to or refuses to participate, or to continue to participate, in activities that involve the processing of their biometric data, the Academy will ensure that the student's biometric data is not taken or used as part of a biometric recognition system, irrespective of any consent given by the parent/carers.
- 6.9. Staff and other adults may object to taking part in the Academy's biometric system and may withdraw their consent at any time. Where this happens, any biometric data relating to the individual that has already been captured will be deleted.
- 6.10. Alternative arrangements will be provided to any individual that does not consent to take part in the Academy's biometric system(s), in line with Section 7 of this policy.

7. Alternative arrangements

- 7.1. Students and staff have the right to not take part in the Academy's biometric system.
- 7.2. Where individual objects to taking part in the Academy's biometric system(s), reasonable alternative arrangements will be provided that allow the individual to access the relevant services. Student are able to give their name in the canteen to purchase food and in the library to borrow books and materials.
- 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 Academy's Data Retention Schedule.
- 8.2. If an individual (or a Student's parent/carers, where relevant) withdraws their consent for their/their child's biometric data to be processed, it will be erased from the

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Academy's system.

9. Breaches

- 9.1. There are appropriate and robust security measures in place to protect the biometric data held by the Academy. These measures are detailed in the DPIA.
- 9.2. Any breach of the college biometric system will be dealt with by the DPO.

10. Monitoring & review

- 10.1. This policy will be reviewed every year or as necessary in response to breaches of policy, or changes in the regulatory environment.
- 10.2. At every review the policy will be shared with the Governing Board.

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Biometric Data and Automated Recognition Systems: Information for parents/carers

The academy wishes to use information about your child as part of an automated recognition system. We use this system to enable our students to access the academy's canteen and the library services.

The information from your child that we wish to use is referred to as 'biometric data' and is classed as special category data under the Data Protection Act 2018 and the UK GDPR.

The Protection of Freedoms Act (2012) - sections 26 to 28, required the academy to notify each parent of a child and obtain the written explicit consent of at least one parent before we can collect and process a child's biometric information for an automated system.

Biometric information and how it will be used

Biometric data is information about a person's physical or behavioural characteristics that can be used to identify them, for example, information from their fingerprint.

The academy would like to take and use information from your child's *fingerprint* and use this information to allow your child automated access to the academy canteen and library.

The system will take measurements of your child's fingerprint and these measurements will be converted into a number, more commonly referred to as a digital signature. The digital signature created is unique to your child and will be stored on the automated recognition system. The actual image of your child's fingerprint is not stored, and the digital signature cannot be used to recreate an image of your child's fingerprint. To access a service your child will place their finger on the scanner and the software will match their fingerprint with the unique digital signature held in the database. This system removes the need to carry cash or cards which may be forgotten or lost. It also affords an element of privacy to our pupils in receipt of free school meals.

Biometric Data and the Law

The law places specific requirements on schools when using student personal data for the purposes of an automated biometric recognition system. For example:

- the academy **cannot** use the information for any other purpose than that for which it was originally obtained and made known to the parent; for example, if we wish to introduce a fingerprint system for any other area or function of the academy we will need to notify you accordingly, and seek additional and specific consent for that use
- the academy must ensure that the information is stored securely
- the academy must tell you what it intends to do with the information

Unless permitted by law or our policies, the academy cannot share personal information with another person or organisation.

Third-party service providers are contracted to supply the cashless canteen and library management systems.

These third-party service providers act as data processors on the Academics behalf and are required to take appropriate security measures to protect personal data in line with our policies and data protection legislation.

We authorise these service providers to use personal data only as necessary to perform contracted services on our behalf or to comply with legal obligations if necessary.

To lawfully process your child's biometric information, the written consent of at least one parent/carer is required for a child under 18 years of age. Please be aware that consent given by

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one parent/carer can be overridden if the other parent/carer objects in writing to the use of your child's biometric data.

Parental Objection to Processing and Withdrawal of Consent

A parent/carer may object to the processing and withdraw any consent previously given at any point before or after the fingerprint has been scanned and the template stored on the automated recognition system. This means that, if you initially give consent but later change your mind, you have the right to withdraw the consent. Please note that any consent, withdrawal of consent, or objection to processing from a parent **must** be in writing.

Student Objection to Processing/Withdrawal of Consent

If your child objects either verbally or non-verbally or refuses to participate in the process the academy cannot collect or use their biometric information for inclusion in the automated recognition systems. Even if you have consented, your child can object or refuse at any time to their biometric information being taken and/or processed. Their objection **does not** need to be in writing.

The academy will provide every student with resources informing them of their data subject rights. However, we would appreciate it if you would explore this with your child and explain to them that they can object to the processing if they wish to do so.

It would also be useful for you to indicate to your child whether you have provided your consent or not. While the academy strives to ensure biometric data is never processed without explicit consent, mistakes can be made. If your child firmly believes their fingerprint is being processed against your wishes, we hope any previous conversations with you will empower them to speak up and prevent an infringement of their rights.

If you do not wish your child's biometric information to be processed by the academy, or your child objects to such processing, the law says that we must provide reasonable alternative arrangements for access to automated areas. A membership card can be issued for library access and a swipe card can be provided for the canteen. Please note that should the canteen swipe card be lost or stolen a replacement swipe card will cost £10.

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

Please note that when your child leaves the academy, or if for some other reason they cease to use the automated recognition system, their biometric data will be securely deleted.

Further information and guidance

Department for Education's *'Protection of Biometric Information of Children in Schools – Advice for proprietors, governing bodies, headteachers, principals and school staff.'*

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Parental Consent Form for the use of Biometric Data

Please complete this form if you consent to Bishop Stopford School taking and using information from your child's *fingerprint* as part of an automated biometric recognition system. This biometric information will be used by Bishop Stopford School to allow your child to access the Academy's canteen and library services.

In signing this form, you are authorising the academy to use your child's biometric information for this purpose until they 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 academy at the following address:

Bishop Stopford School
Headlands
Kettering
NN15 6BJ

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

Declaration

Having read and understood the guidance above, provided to me by Bishop Stopford School, I give explicit consent to the processing of information from the fingerprint of my child:

Name of Child (PLEASE PRINT)	
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- To enable my child to access canteen and library services via the academy's automated biometric recognition systems.
- I understand that I can withdraw this consent at any time in writing.
- I understand that this consent may be overridden by another adult with parental responsibility for my child if they object to the processing in writing.
- I understand that this consent may be overridden by my child should they object to and/or refuse to engage with the processing of their biometric data

Parent/Carer Name (1): (PLEASE PRINT)	
Signature:	
Date:	

Parent/Carer Name (2): (PLEASE PRINT)	
Signature:	
Date:	

Please return this form to Bishop Stopford School

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