

# The 3-18 Education Trust

## Protection of Pupils' Biometric Information and Consent to Use Biometric Data

*Every individual is in a great school.*

Approved: Autumn Term 2023

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## **Introduction**

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 additional protection as this type of data could create more significant risks to a person's fundamental rights and freedoms.

The 3-18 Education Trust (Trust) ensures it complies with The Protection of Freedoms Act 2012 (sections 26 to 28), the Data Protection Act 2018 and the UK GDPR when using biometric data.

The Trust will carry 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 Trust processes biometric data as an aim to make significant improvements to the canteen and lunch facilities or for pupils to sign in/move around the Trust's schools. This is to ensure efficiency and to do away with the need for swipe cards and cash being used.

## **Definitions**

### **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.

### **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.

### **Processing of Biometric Information**

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.

## **The Legal Requirements to Process Biometric Information under UK GDPR**

As biometric data is special category data, in order to lawfully process this data, the Trust must have a legal basis for processing personal data and a separate condition for processing special category data. When processing biometric data, the Trust relies on explicit consent (which satisfies the fair processing conditions for personal data and special category data). Consent is obtained by using the consent form in the attached appendix. The Trust will not process biometric information without the consent of the relevant person.

## **Obtaining Consent to Use Biometric Data of Pupils**

Consent to use biometric data is obtained when the pupil first attends a school within the Trust which uses biometric data as part of its routines. Consent will last for the time period that the pupil attends a school within the Trust (unless it is withdrawn).

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

## **Objecting/Withdrawing Consent to Use Biometric Data of Pupils**

If a parent objects to the processing, then the Trust 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 Trust 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 Trust 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.

Pupils 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 Trust requesting that the School no longer use their child's biometric data.

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

## **Retention of Biometric Data**

Biometric data will be stored by the Trust for as long as consent is provided (and not withdrawn). Biometric data will be kept securely, and systems will be put in place to prevent any unauthorised or unlawful access/use.

Biometric data is only used for the purposes for which it was obtained, and such data will not be unlawfully disclosed to third parties.

Once a pupil leaves, the biometric data will be deleted from the Trust's system no later than 72 hours.

At the point that consent is withdrawn, the Trust will take steps to delete their biometric data from the system and no later than 72 hours.

## Links to other Policies and Procedures

Data Protection Policy and Data Access Request Procedure  
Data Breach Procedure  
Information Security Policy and Procedure  
Operation of CCTV Procedure  
Records Management Policy and Retention Schedule.

## Policy Monitoring and Review

### Monitoring

The Chief Executive Officer, in consultation with the DPO, will monitor the outcomes and impact of this policy on an annual basis.

### Review

Member of Staff Responsible	Chief Executive Officer
Relevant Guidance/Advice/Legal Reference	Data Protection Act 2018 The UK General Data Protection Regulation (UK GDPR) Protection of Freedoms Act 2012.
Policy Adopted By	Trust Board
Date of Policy	Autumn Term 2023
Review Period	Annually
Date of Next Review	Autumn Term 2024

## **Appendix A – Biometric Consent (parent/carer)**

### **Notification of Intention to Process Pupils' Biometric Information**

Dear [name of parent/carer]

The 3-18 Education Trust (Trust) through *School Name* wishes to use information about your child as part of an automated (i.e. electronically operated) recognition system. This is for the purposes of administration of the school's canteen. 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. *School Name* would like to take and use information from your child's fingerprint and use this information for the purpose of providing your child with refreshments and meals.

The information will be used as part of an automated biometric recognition system. This system will take measurements of your child's fingerprint and convert these measurements into a template to be stored on the system. An image of your child's fingerprint is not stored. The template (i.e. measurements taken from your child's fingerprint) 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 Trust 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 Trust must ensure that the information is stored securely.

The Trust must tell you what it intends to do with the information.

#### **Providing your consent/objection**

As stated in Department of Education 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 school/college 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. We are 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 Trust, 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 access refreshments and meals.

If you give consent to the processing of your child's biometric information, please sign, date and return the enclosed consent form to the *School Name*. Please note that when your child leaves the school/college, or if for some other reason he/she ceases to use the biometric system, his/her biometric data will be securely deleted.

## Consent Form for the Use of Biometric Information in the 3-18 Education Trust

Please complete this form if you consent to the 3-18 Education Trust (Trust) taking and using information from your child's fingerprint by *School Name* as part of an automated biometric recognition system. This biometric information will be used by [name of school/college] for the purpose of administration of the school's canteen.

In signing this form, you are authorising the school to use your child's biometric information for this purpose until he/she either leaves the *School Name* 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 Name* at the following address:

*[insert address]*

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

<b>Parental Consent:</b>  Having read guidance provided to me by <i>School Name</i> , I give consent to information from the fingerprint of my child being taken and used by <i>School Name</i> for use as part of an automated biometric recognition system for the administration of the school's canteen.  I understand that I can withdraw this consent at any time in writing.	
<b>Parent/carer name</b>	
<b>Signature</b>	
<b>Date</b>	
<b>Name of pupil</b>	

Please return a copy of this consent form to the School's Business Manager.