



CHRIST THE KING CATHOLIC HIGH SCHOOL AND SIXTH FORM CENTRE

Biometric Policy

PROTECTION OF BIOMETRIC INFORMATION OF CHILDREN IN SCHOOLS

About this advice

This is non-statutory advice from the Department for Education. It is intended to explain the legal duties schools and colleges have if they use *automated biometric recognition systems*.

This advice replaces “*Becta guidance on biometric technologies in schools*”.

Sixth form colleges and 16-19 Academies are covered by this advice. Separate advice will be issued by the Department for Business, Innovation and Skills to cover FE institutions with under 18 students.

Expiry/review date

This advice is being published for **consultation purposes only**. It will be reviewed once the consultation process has ended.

What legislation does this advice relate to?

The Protection of Freedoms Act 2012
The Data Protection Act 1998

Who is this advice for?

This advice is aimed at proprietors, governing bodies, head teachers and principals of **all** schools¹, sixth form colleges and 16-19 Academies

It will also be of use to school and college staff, parents and pupils.

Key points

- Schools and colleges that use **biometric recognition systems** (see 2 below) must treat the data collected with appropriate care and must comply with the data protection principles set out in the Data Protection Act 1998.
- Schools and colleges must ensure that all the parents of a child are notified and the written consent of at least one parent is gained before a pupil's **biometric data** (see 1 below) is taken and **processed** further (see 3 below) for the purposes of an automated biometric recognition system. This applies to all pupils in schools and colleges **under the age of 18**.

¹ “All schools” includes Academies, Free Schools, and independent schools and all kinds of maintained schools.



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- Schools and colleges must not process the biometric data of a pupil (under 18 years of age) who objects or refuses to participate in the processing of their biometric data. They must also not process such data where a parent has objected or no parent has consented in writing to the processing.
- Schools and colleges must provide reasonable alternative means of accessing services for those pupils who will not be using an automated biometric recognition system.

1 What is biometric data?

- 1) *Biometric data* is 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. This does not include photographs, other than where a child's photograph is automatically scanned by an automated biometric recognition system to provide him or her with a service in the school.
- 2) The Information Commissioner considers all biometric information to be personal information under the Data Protection Act 1998; this means that it must be obtained, used and stored in accordance with that Act (see the **Data Protection Act 1998** below).
- 3) The Protection of Freedoms Act includes provisions which relate to the use of this data in schools and colleges. (See the **Protection of Freedoms Act 2012** below).

2 What is biometric recognition technology?

- 1) *Biometric recognition technology*² is technology which measures an individual's physical or behavioural characteristics by means of equipment operating automatically (i.e. electronically) and uses this information in order to recognise or identify them.
- 2) Biometric recognition systems can use many kinds of physical or behavioural characteristics such as those listed in 1, 1) above.³

² 'Biometric recognition technology will be referred to hereafter as 'biometric recognition systems'

³ Biometric systems usually store mathematical templates that allow physical characteristics to be recognised rather than images of the characteristics themselves; these templates are also biometric data.



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3 What does processing data mean?

- 1) *'Processing'* of biometric information includes obtaining, recording or holding the data or carrying out any operation or set of operations on the data. An automated biometric recognition system processes data when:
 - a. recording pupils' biometric data, for example, via a fingerprint scanner;
 - b. storing data relating to pupils' biometric information on a database system;
 - c. using the data as part of an electronic process which compares and matches biometric information in order to recognise pupils.
- 2) More information on these topics is available via the **Associated Resources** section below.

THE PROTECTION OF FREEDOMS ACT 2012

4 Parental Consent

What the law says:

- 1) Schools and colleges **must** notify **all** parents⁴ of pupils under the age of 18 where they intend to take and subsequently use their child's biometric data as part of an automated biometric recognition system. As long as the child does not object and no parent objects in writing, the written consent of only one parent will be required for a school or college to process the child's biometric information.
- 2) Schools and colleges will not need to notify a particular parent or seek his or her consent if the school or college is satisfied that:
 - a. the parent cannot be found, for example where the whereabouts or identity of this particular parent is not known;
 - b. the parent lacks the capacity⁵ to object or to consent, for example where he or she is mentally ill;
 - c. where the welfare of the child requires that this particular parent is not contacted, for example where a child has been separated from an abusive parent who is not to be informed of the child's whereabouts; or
 - d. where it is otherwise not reasonably practicable for this parent's consent to be obtained.

⁴ The parents of a child include not only the biological mother or father (or the adoptive parents) but any other individual with parental responsibility for the child.

⁵ Within the meaning of the Mental Capacity Act 2005



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- 3) Where none of the parents of a child can be notified for one of the reasons set out above (which would mean consent cannot be obtained from any of them):
 - (a) unless paragraph (b) below applies, notification must be sent to all those caring for a child and written consent must be gained from at least one carer;
 - (b) where a child is looked after by a local authority or is accommodated or maintained by a voluntary organisation, the consent of the local authority, or as the case may be, the voluntary organisation must be gained.
- 4) Schools and colleges could, at the same time as enrolling a child, notify parents that they intend to take and then use their child's biometric information as part of an automated biometric recognition system and seek written consent to do so. Details of both parents should be requested by the school or college for both purposes (enrolment and notification of intention to process biometric information).
- 5) Under the Education (Pupil Registration) Regulations 2006, schools are required to keep an admissions register that includes the name and address of every person known to the school to be a parent of the child, including non-resident parents. Schools that wish to notify and seek consent to process a child's biometric information at any point after the enrolment of a child at the school should, therefore, have contact details for most parents in the admission register. Schools should, however, be alert to the fact that the admission register may, for some reason, not include the details of both parents. Where the name of only one parent is included in the admission register, schools should consider whether any reasonable steps can or should be taken to ascertain the details of the other parent (for example, by asking the parent who is included in the admission register or, where the school is aware of local authority or other agency involvement with the child and its family, by making enquiries with the local authority or other agency).
- 6) Schools and colleges are not expected to engage the services of 'people tracer' or detective agencies in doing so but are expected to take reasonable steps to locate a parent before they are able to rely on the exemption in section 27(1)(a) (notification of a parent not required if the parent cannot be found).
- 7) There will never be any circumstances in which a school or college can process a child's biometric information (for the purpose of an automated biometric recognition system) without one of the persons above having given written consent.



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- 8) Notification sent to parents should include full information about the processing of their child's biometric information. This information should include: details about the type of biometric information to be taken; how it will be used; the parents' and the pupil's right to refuse or withdraw their consent; and the school's duty to provide alternative arrangements for those pupils whose information cannot be processed. A sample 'Notification and Consent' template is included at the end of this advice.

5 The pupil's right to refuse

What the law says:

- 1) If a pupil of any age under 18 objects or refuses to participate (or to continue to participate) in anything that involves the processing of their biometric data for the purposes of an automated biometric recognition system, the school or college **must** ensure that the pupil's data **is not** processed regardless of any consent given by their parents.

Also note

- 2) Schools and colleges should take steps to ensure that pupils understand that they can object or refuse to allow their biometric data to be used and that if they do so the school or college will have to provide them with an alternative way of accessing the relevant service. Parents should also be told of their child's right to object or refuse and encouraged to discuss this with their child.

6 Providing alternatives

What the law says:

- 1) Reasonable alternative arrangements must be provided for pupils who do not use automated biometric recognition systems either because their parents have refused consent or due to their own refusal to participate in the collection of the biometric data.

THE DATA PROTECTION ACT 1998

- 1) Schools and colleges as *data controllers* must process pupils' personal data, including biometric data, in accordance with the Data Protection Act 1998 (DPA). The provisions in the Protection of Freedoms Act 2012 are in addition to the requirements in the DPA with which schools and colleges must continue to comply.



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- 2) The DPA has eight principles with which all data controllers must comply. More details on these principles are set out in the **Associated Resources** section below.
- 3) When processing a child's personal data, including any such data used for the purpose of automated biometric recognition systems, schools and colleges must:
 - a. Hold biometric data *securely* to prevent unauthorised or unlawful use of the data.
 - b. *Store biometric data for no longer than it is needed*. A school or college should therefore destroy any data held on a biometric system once a pupil no longer uses the system. For example, the data should be destroyed if the pupil leaves the school or college, if parents withdraw consent or the child no longer wishes to have his or her biometric data processed.
 - c. Ensure that such data is used only for the purposes for which it is obtained and that it is not unlawfully disclosed to third parties.
 - d. For further practical advice see the **Associated Resources** section below.



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Frequently Asked Questions

What information should schools provide to parents/pupils to help them decide whether to object or to give their consent?

Any objection or consent by a parent should of course be an informed decision. Schools and colleges should take steps to ensure parents receive full information about the processing of their child's data including a description of the kind of system they plan to use, the nature of the sensitive data they process, the purpose of the processing and how the data will be obtained and used.

What if one parent disagrees with the other?

Schools and colleges will be required to notify all parents that they intend to take and process the child's biometric information. If one parent objects then the school or college will not be permitted to process the child's data.

How will the child's right to object work in practice – must they do so in writing?

No. The child is not required to object in writing. An older child may be more able to say that they object to the processing of their biometric data. A younger child may show reluctance to take part in the physical process of giving the data in other ways. In either case the school or college will not be permitted to collect or process the data.

Are schools required to ask/tell parents before introducing a biometric system?

The law doesn't require that parents are consulted before an automated biometric system is installed, only that parents be notified and that consent from at least one parent be gained before their child's biometric data is obtained or used for the purposes of such a system. It is up to schools to decide whether they think it is appropriate to consult parents and pupils in advance.

Do schools need to renew consent every year?

No. The original written consent is valid until such time as it is withdrawn. If a parent or the child objects at any stage to the processing, then the consent is no longer valid (subject to the parent's objection being in writing). When the pupil leaves the school, their data should be removed from the school's system.

Can consent be withdrawn by the child or parent?

Parents will be able to withdraw their consent, in writing, at any time. In addition, either parent will be able to object to the processing at any time but they must do so in writing. The child's right to refuse applies both to the giving and the ongoing processing of biometric data. If at any time the child objects to the processing of biometric data the school or college must stop doing so. The child does not have to object in writing.



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Will consent given on entry to primary or secondary school be valid until the child leaves that school?

Yes. Consent will be valid until the child leaves the school. If at any point the parents or the child decide that the data should not be processed they will have the right to have it removed from the school's system.

Can the school notify parents and accept consent via email?

Yes – as long as the school is satisfied that the email contact details are accurate and the consent received is genuine.

Will parents be asked for retrospective consent?

No. Any processing that has taken place prior to the provisions in the Act coming into force will not be affected. However, any school or college wishing to continue to process the data of existing users using automated biometric recognition systems after the provisions come into force in September 2013 must ensure that they have sent the necessary notifications to all parents and obtained the written consent from at least one parent before continuing or starting to use, such systems.

Does the legislation cover other technologies such a palm and iris scanning?

The legislation covers all systems that record or use physical or behavioural characteristics for the purpose of identification. This will include systems which use palm, iris or face recognition amongst others, as well as fingerprints.

Is parental notification and consent required for the use of photographs and CCTV in schools?

No. Schools and colleges must adhere to the requirements in the Data Protection Act 1998 when using CCTV on their premises for general security purposes or when using photographs of pupils as part of a manual ID system or as part of an automated system that uses a barcode to provide a child with access to services. The Government believes this is sufficient to regulate the use of CCTV and photographs for such purposes.

Photo ID card systems where a child's photo is scanned automatically to provide him or her with services would come within the duties of the Act as such systems are automated biometric recognition systems.

Is parental notification or consent required where a child uses or accesses standard commercial sites or software which use face recognition technology?

The provisions in the Act only cover the processing of biometric data by or on behalf of the school or college. If a school or college wishes to use such software for school work then the requirement to notify parents and to obtain parental consent will apply. However, if a pupil is using this software for their own personal purposes then the provisions do not apply, even if the software is accessed using school or college equipment.



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Associated Resources

DfE guidelines for schools on communicating with parents and obtaining consent:
<http://www.education.gov.uk/schools/pupilsupport/parents/a0014568/parental-responsibility>

ICO guidance on biometrics in schools 2008:
http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/fingerprinting_final_view_v1.11.pdf

ICO guide to data protection:
http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx

British Standards Institute guide to biometrics:
<http://shop.bsigroup.com/en/Browse-by-Subject/Biometrics/?t=r>



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Template Notification and Consent Form

Dear Parent/Carer,

Cashless Catering and Parentpay

At Christ the King High School we use a biometric registration system for the cashless catering and library systems. Pupils are registered on these systems and access their accounts using biometric technology based on fingerprint recognition. Measurements are taken that adequately capture the uniqueness of the fingerprint but do not capture a complete image. This is then turned into a string of numbers from which the original image cannot be recreated. Information registered on the system **will not be** passed to any third parties and is held securely in the IMPACT & ECLIPSE systems.

All data is destroyed when the pupil leaves the school.

Pupils can top up their accounts at one of two revaluation units; one situated in the junior dining room and the other in the senior block.

Cash is not accepted at the tills in the school dining rooms.

Parents can also pay online at Parentpay - a unique web based service that enables parents to make secure online payments by credit and debit card. Parentpay integrates with the catering system, enabling parents/guardians to top up their children's accounts and view balances and meal choice information online.

Parentpay holds an electronic record of your payments to view at a later date. Once you have activated your account you can make online payments immediately. Your card details are never stored in the system. Parentpay is also used to pay for trips, music lessons and other school events.

Username and passwords for Parentpay will be provided in the next few days.

In order to comply with the provisions of the Protection of Freedoms Act 2012, which came into force in September 2013, we require written permission from a parent/carer in order for students to use the biometric system.

Please complete the attached permission slip and return to school by return.

Yours faithfully

J Lancaster
Headteacher



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CONSENT FORM FOR THE USE OF BIOMETRIC INFORMATION IN SCHOOL

Please complete this form if you consent to your child using the biometric systems at Christ the King Catholic High School for current or future use of the cashless catering, library management, printing, door access, lockers, and e-registration systems until he/she leaves the school.

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

I give consent to the school for the biometrics of my child:

(Name).....

to be used by Christ the King Catholic High School and 6th Form college, for use as part of a recognition system as described above.

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

Name of Parent:

Signature:

Date:

**Please return this form to Mrs Pauline Coughlan – Finance Office,
Christ the King Catholic High School**