

**Downs View School, Downs View Link College
and Downs View Life Skills College**

**Protection of biometric information of children in school and colleges
2020-2021**

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People involved in writing this policy:	Senior Leadership Team, SEN Consultant, School Governors
Person responsible:	Headteacher
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About this report

This policy summarises our policy on holding and processing learners' biometric information, which is in accordance with the both the Data Protect Act 1998 and sections 26-28 of the Protection of Freedoms Act 2012. This policy has been written in line with the DfE's March 2018 advice on this subject.

Introduction

At this point in time Downs View School, Downs View Link College and Downs View Life Skills College do not store or process biometric information for automated biometric recognition systems or any other reason. We currently have no plans to install said systems. With the advances in technology, however, we felt it pertinent to set out our policy for the future.

What is biometric data?

Biometric data is personal information about an individual's physical or behavioural characteristics that can be used to identify that person. Examples include fingerprints, facial shape, retina or iris patterns and hand measurements.

What is an automated biometric recognition system?

An automated biometric recognition system uses technology which measures an individual's behavioural or physical characteristics, checks it against the biometric information stored on the system to identify that person.

Processing the data means:

- a) recording a person's data (e.g. taking fingerprint measurements via a fingerprint scanner)
- b) storing that information on a database
- c) using that data to identify a person.

What we will do if we plan to install a biometric recognition system

Each parent of a child under 18 must be notified of our intention to use biometric data as part of an automated biometric recognition system. We will also notify parents of learners over 18 as we feel it would be right to do so given the cohort of learners and their level of understanding. Written consent of one parent must be obtained before data is taken and used.

We must not process data if:

- a) a learner objects or refuses (whether verbally or non-verbally)
- b) no parent has consented in writing
- c) a parent has objected to the processing (even if the other parent has given consent)

While a learner can object or refuse verbally or non-verbally, a parent must object to in writing.

Notifying all parents

As both parents need to be notified, we must make sure that we have both parents' contact details. If we do not have details of both parents we will ask for this when writing to parents about our intention to use biometric information.

A parent does not need to be contacted if they:

- cannot be found
- lack mental capacity
- should not be contacted for the welfare of the learner

or unless it is otherwise not practicable.

- a) If neither parent can be contacted for the reasons set out above, section 27 of the Protection of Freedoms Act 2012 sets out who should, in such circumstances, be notified and who can give consent:
if the learner is looked after by the Local Authority or a voluntary organisation, the Local Authority or voluntary organisation should give consent
- b) if (a) above does not apply, notification must be sent to all those caring for the child and written consent must be gained from at least one carer.

There will never be a case where a learner's biometric information can be processed without one of the above persons giving consent.

There is a template below of the notification letter that we would use in the event of us planning to install a biometric recognition system. Our notification to parents would include:

- Details about the type of biometric information that will be taken
- How the information will be used
- Information about parents and learners' right to refuse or withdraw consent
- Our duty to provide reasonable alternative arrangements.

Learners' right to refuse

We will take steps to ensure our learners understand that they can object or refuse to provide their biometric data. In such circumstances we would provide alternative arrangements for them to access services. We would ensure they do not suffer any disadvantage or difficulty accessing services.

The Data Protection Act 1998

As a *data controller*, we must process learners' personal data (which includes biometric data), in accordance with the eight data principles Data Protection Act 1998 (DPA). This means, for example, that we are required to:

- a) Store biometric data securely to prevent any unauthorised or unlawful use.
- b) Not keep biometric data for longer than it is needed. This means that we must destroy a child's biometric data if, for whatever reason, the child no longer uses the system including when they leave our care or where a parent withdraws consent or the child objects.
- c) Ensure that biometric data is used only for the purposes for which they are obtained and that such data are not unlawfully disclosed to third parties.

Template Notification and Consent Form

The following is a template notification letter and consent form to use to notify parents of our plans to collect and use biometric data.

NOTIFICATION OF INTENTION TO PROCESS LEARNERS' BIOMETRIC INFORMATION

Dear [name of parent/carer]

The school/college 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'.

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.

What is biometric information and how will it 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 or palm. We 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 taken 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:

- a) we 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);
- b) we must ensure that the information is stored securely;
- c) we must tell you what it intends to do with the information;
- d) unless the law allows it, we cannot disclose personal information to another person/body – you should note that the only person/body that we wish 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 above, 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, we cannot 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. Their objection does not need to be in writing. We would appreciate it if you could communicate this information with your child and explain to them that they can object to this if they wish.

We will be holding an event to explain more about our proposed biometric recognition system on [date time venue]

If you do not wish your child's biometric information to be processed, or your child objects to such processing, 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 us.

Please note that when your child leaves Downs View, or if for some other reason they cease to use the biometric system, your child's biometric data will be securely deleted.

Further information and guidance can be found via the following links:

Department for Education's 'Protection of Biometric Information of Children in Schools – Advice for proprietors, governing bodies, head teachers, principals and school staff': <http://www.education.gov.uk/schools/adminandfinance/schooladmin>

ICO guide to data protection for organisations: [Guide to data protection | ICO](#)

ICO guidance on data protection for education establishments: [Education | ICO](#).

We are happy to answer any questions you or your child may have.

Yours sincerely,

Executive Headteacher, Downs View School, Link College and Life Skills College

CONSENT FORM FOR THE USE OF BIOMETRIC INFORMATION AT DOWNS VIEW

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

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

[insert address]

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

Having read guidance provided to me by Downs View, I give consent to information from the [insert biometric – e.g. fingerprint] of my child:

[insert name of child] being taken and used by Downs View for use as part of an automated biometric recognition system for [describe purpose(s) for which this data will be used, e.g. administration of school/college library/canteen].

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

Name of Parent:

Signature:

Date:

Please return this form to: [insert suitable delivery point and name of school/college].