


# Protection of Children's Biometric Information Policy

Ellesmere Port Catholic High School



Approved by:	Mr J Coucill, Chair of Governors 
Lead of Review:	Miss S Oscroft, Strategic Data Manager
Last reviewed on:	July 2023
Next review due by:	July 2024

# 1. Legal framework

1.1. This policy has due regard to legislation, including, but not limited to the following:

- Protection of Freedoms Act 2012
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)

1.2. This policy will also have regard to the following guidance:

- DfE (2018) 'Protection of biometric information of children in schools and colleges'

1.3. This policy will be implemented in conjunction with the following other school policies:

- Data Protection Policy
- Records Management Policy

## 2. Definitions For the purpose of this policy:

2.1. Personal data refers to information that relates to an identified or identifiable, living individual (Data Subject), including an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

2.2. Sensitive personal data is defined in the GDPR as 'special categories of personal data', which includes the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

2.3 Biometric data is defined as 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.

2.4 Automated biometric recognition system is 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.

2.5 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/staff biometric data, e.g. taking measurements from a fingerprint via a fingerprint scanner.
- Storing pupils/staff biometric information on a database.
- Using pupils/staff 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.

### **3. Principles and accountability**

- 3.1 Biometric data will only be processed in line with the requirements of all appropriate legislation.
- 3.2 Biometric data will only be processed where that processing is identified as necessary.
- 3.3 The school will implement appropriate technical and organisational measures to demonstrate that biometric data is processed in line with the principles set out in the GDPR.
- 3.4 The school will ensure the rights and freedoms of individuals are not adversely affected by the processing of any biometric data and that all appropriate rights as laid down by the GDPR are enforced.
- 3.5 The school will provide comprehensive, clear and transparent privacy notices detailing the use of biometric data.
- 3.6 The school will implement measures that meet the principles of data protection, continuously creating and improving security features.
- 3.7 The school will produce Data protection Impact Assessments where the processing of personal data is likely to result in a high risk to the rights of the individual, where a major project requires the processing of personal data or before the introduction of new technology or a significant change to the way processing is performed.
- 3.8 Any processing of biometric data will be referred to the Data Protection Officer for assessment to ensure the school fully complies with its data protection responsibilities.

### **4. Data protection officer (DPO)**

- 4.1. The school has appointed a DPO in order to:
- inform and advise the school and its employees about their obligations to comply with the GDPR and other data protection laws in relation to the use of biometric data.
  - monitor the school's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members in relation to the processing of biometric data.
- 4.2 The role of DPO will be carried out by an experienced and qualified member of staff as designated by Judicium Consulting Limited.
- 4.3 The school will make freely available the contact details for their appointed DPO:

Data Protection Officer: Judicium Consulting Limited  
Address: 72 Cannon Street, London, EC4N 6AE  
Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)  
Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)  
Telephone: 0203 326 9174  
Lead Contact: Craig Stilwell Email: [schoolDPO@cheshirewestandchester.gov.uk](mailto:schoolDPO@cheshirewestandchester.gov.uk)

### **5. Privacy by design and Data Protection Impact Assessments**

- 5.1 The school will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how the school has considered and integrated data protection into biometric processing activities.
- 5.2 Data Protection Impact Assessments (DPIAs) will be used to identify the most effective method of complying with the school's data protection obligations and meeting individuals' expectations of privacy.

- 5.3 Prior to processing biometric data or implementing a system that involves processing biometric data, a DPIA will be carried out.
- 5.4 DPIAs will allow the school to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to the school's reputation which might otherwise occur.
- 5.5 A DPIA will be used when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals.
- 5.6 A DPIA may be used for more than one project, where necessary and where the aims and conditions of the project are the same.
- 5.7 The school will ensure that all DPIAs include the following information:
- A description of the processing operations and the purposes
  - An assessment of the necessity and proportionality of the processing in relation to the purpose
  - An outline of the risks to individuals
  - The measures implemented in order to address risk
- 5.8 Where a DPIA indicates high risk data processing where an identified risk cannot be mitigated, the school will consult the ICO to seek its opinion as to whether the processing operation complies with the GDPR.

## 6. Consent for the use of Biometric Data

***Please note that 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 the GDPR. Instead, the consent requirements for biometric information is imposed by section 26 of the Protection of Freedoms Act 2012.***

- 6.1 Where the school uses pupil and/or staff biometric data as part of an automated biometric recognition system (e.g. using pupils' fingerprints to receive school dinners instead of paying with cash), the school will comply with the requirements of the Protection of Freedoms Act 2012.
- 6.2 Both parents/individuals or agencies with identified parental responsibility will be informed of the plan to process biometric data.
- 6.3 Written consent will be sought from at least one parent of the pupil before the school collects or uses a pupil's biometric data. (See Appendix 1)
- 6.4 The name and contact details of the pupil's parents will be taken from the school's admission register which the school will ensure is up to date.
- 6.5 Where the name of only one parent is included on the admissions register, the Head will ensure all reasonable steps are taken to ascertain the details of the other parent.
- 6.6 The school does not need to notify a particular parent or seek their consent if it is satisfied that:
- The parent cannot be found, e.g. their whereabouts or identity is not known.
  - The parent lacks the mental capacity to object or consent.

- The welfare of the pupil requires that a particular parent is not contacted, e.g. where a pupil has been separated from an abusive parent who must not be informed of the pupil's whereabouts.
- It is otherwise not reasonably practicable for a particular parent to be notified or for their consent to be obtained.

6.7 Where neither parent of a pupil can be notified for any of the reasons set out in 7.6, consent will be sought from the following individuals or agencies as appropriate:

- If a pupil is being 'looked after' by the 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 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 and the pupil's right to refuse or withdraw their consent
- The school duty to provide reasonable alternative arrangements for those pupils whose information cannot be processed

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 non-verbally) 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 has objected in writing to such processing, even if another parent has given written consent

6.10 Parents and pupils can object to participation in the school 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 If a pupil objects or refuses to participate, or to continue to participate, in activities that involve the processing of their biometric data, the school will ensure that the pupil's biometric data is not taken or used as part of a biometric recognition system, irrespective of any consent given by the pupil's parent(s).

6.12 Where staff members or other adults use the school's biometric system(s), consent will be obtained from them before they use the system.

6.13 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.

6.14 Alternative arrangements will be provided to any individual that does not consent to take part in the trust's biometric system(s).

## **7. Alternative Arrangements**

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

7.12 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 an individually assigned PIN number for the transaction instead.

7.13 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, where relevant).

## **8. Data retention**

8.1. Data will not be kept for longer than is necessary in line with the schools Record Management/Retention Policy.

8.2. If an individual (or a pupil's parent, where relevant) withdraws their consent for their or their child's biometric data to be processed, it will be erased from the school's system.

8.3 When a pupil or member of staff leaves the school or ceases to use the biometric system, their biometric information will be securely erased in line with the school's Records Management Policy.

## **9. Policy review**

9.1. This policy is reviewed annually.

**9.2. The next scheduled review date for this policy is July 2024**

## Appendix - Template Notification and Consent Form

Ellesmere Port Catholic High School

### NOTIFICATION OF INTENTION TO PROCESS PUPILS' BIOMETRIC INFORMATION



Dear Parents/Guardians,

Ellesmere Port Catholic High School wishes to use information about your child as part of an automated (i.e. electronically-operated) recognition system. This is for the purposes of using the cashless catering system. 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.

#### 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. The school would like to take and use information from your child's fingerprint and use this information for the purpose of providing your child with an individual cashless catering account.

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 when using personal information, such as biometric information, about pupils for the purposes of an automated biometric recognition system.

For example:

- a) the school **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) the school **must** ensure that the information is stored securely;
- c) the school **must** tell you what it intends to do with the information;
- d) unless the law allows it, the school **cannot** disclose personal information to another person/body – you should note that the only person/body that the school wishes to share the information with is Vericool. This is necessary for the collection and system processing for the cashless catering system.

As part of our assessment into the suitability for employing a biometric recognition system we have conducted a Data Protection Impact Assessment and have consulted with the School's Data Protection Officer.

The school is also happy to answer any questions you or your child may have and any concerns can be referred to the school Data Protection Officer at [schoolDPO@cheshirewestandchester.gov.uk](mailto:schoolDPO@cheshirewestandchester.gov.uk)

## **Providing your consent/objecting**

As stated above, 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, the school cannot collect or use their biometric information for inclusion on the automated recognition system regardless of your wishes.

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 discuss this with your child and explain to them that they can object to this if they wish.

If you do not wish your child's biometric information to be processed by the school, 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 cashless catering.

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. If you do not return the form we will assume you **do not consent**.

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

Further information about the use of biometric data by the school and any 3<sup>rd</sup> party system provider can be found in the school privacy notice on our school website.





# Ellesmere Port Catholic High School

## CONSENT FORM FOR THE USE OF BIOMETRIC INFORMATION

Please complete this form if you consent to Ellesmere Port Catholic High School taking and using information from your child’s fingerprint by Ellesmere Port Catholic High School as part of an automated biometric recognition system. This biometric information will be used by Ellesmere Port Catholic High School for the purpose of cashless catering.

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

Ellesmere Port Catholic High School  
Capenhurst Lane  
Ellesmere Port  
CH65 7AQ

Once your child ceases to use the biometric recognition system, their biometric information will be securely deleted by the school.

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Having read guidance provided to me by Ellesmere Port Catholic High School I give consent to information from the fingerprint of my child:

Name: \_\_\_\_\_ Form: \_\_\_\_\_

being taken and used by Ellesmere Port Catholic High School for use as part of an automated biometric recognition system for cashless catering.

- I understand that I can withdraw this consent at any time in writing.
- I understand that the school only needs the consent of one parent to allow my child’s biometric to be used consent given by one parent will be overridden if the other parent objects in writing to the use of their child’s biometric information.
- I also understand that if my child personally objects, the school cannot collect or use their biometric information for inclusion on the automated recognition system regardless of my wishes.

Name of Parent: .....

Signature: ..... Date: .....

**Please return this form to you form tutor**