



Protection of Biometric Information Policy

Status	Current Policy
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Published	December 2021
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Review Cycle	Every two years
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Next Review	December 2023
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Lead Staff	School Business Manager
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Chair of Governing Body	Diarmuid Molloy
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Headteacher	Paula Miller
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Mission Statement

We accept all students **as they are** and believe that every one of them is **entitled** to the very **best education**, delivered in an **environment** that is **supportive, caring** and **safe**.

Our goal is to develop our students to become:

- **Successful** Learners.
- As **independent** as possible.
- **Confident** individuals and self-advocates.
- **Effective** communicators and **contributors**.
- **Responsible** citizens.

We will do this by working to **ensure we get every aspect of their provision just right**, helping them to achieve academically, personally, socially and morally.

Rights Respecting Schools

The Unicef UK Rights Respecting School Award (RRSA) is based on principles of equality, dignity, respect, non-discrimination and participation. The RRSA seeks to put the UN Convention on the Rights of the Child at the heart of a school's ethos and culture to improve well-being and develop every child's talents and abilities to their full potential. A Rights Respecting School is a community where children's rights are learned, taught, practised, respected, protected and promoted.

Stone Bay has achieved THE Bronze Award and is a Rights Committed school.

This policy is written with reference to;

Article 16 (right to privacy) Every child has the right to privacy. The law should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.

Statement of intent

This policy has been created in line with the DfE's 'Protection of biometric information of children in schools and colleges' guidance, alongside other relevant legislation.

Stone Bay School is committed to protecting the personal data of all its pupils 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 school will follow when collecting and processing biometric data.

Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Protection of Freedoms Act 2012
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- DfE (2018) 'Protection of biometric information of children in schools and colleges'
- 1.2 This policy operates in conjunction with the following School policies:
- Data Protection and Information Policy
- Online Safety & Acceptable use of Technology

Definitions

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.

Automated biometric recognition system: 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.

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

Special category data: Personal data which the GDPR says is more sensitive, and so needs more protection – where biometric data is used for identification purposes, it is considered special category data.

Roles and responsibilities

The Governing Board is responsible for reviewing this policy on an annual basis.

The Headteacher is responsible for ensuring the provisions in this policy are implemented consistently.

The Data Protection Officer (DPO) is responsible for:

- Monitoring the School's compliance with data protection legislation in relation to the use of biometric data.
- Advising on when it is necessary to undertake a data protection impact assessment (DPIA) in relation to the school's biometric system(s).
- Being the first point of contact for the ICO and for individuals whose data is processed by the school and connected third parties.

Data protection principles

Stone Bay School process all personal data, including biometric data, in accordance with the key principles set out in the GDPR.

Stone Bay School 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 in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date, and that reasonable steps are taken to ensure inaccurate information is rectified or erased.
- Kept in a form which 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 against accidental loss, destruction or damage, using appropriate technical or organisational measures.

As the data controller, Stone Bay School is responsible for being able to demonstrate its compliance with the provisions outlined in the Data Protection Principles

Data protection impact assessments (DPIAs)

Prior to processing biometric data or implementing a system that involves processing biometric data, a DPIA will be carried out.

The DPO will oversee and monitor the process of carrying out the DPIA.

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.

When assessing levels of risk, the likelihood and the severity of any impact on individuals will be considered.

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 school with a written response (within eight weeks or 14 weeks in complex cases) advising whether the risks are acceptable, or whether the school needs to take further action. In some cases, the ICO may advise the school to not carry out the processing.

Stone Bay School will adhere to any advice from the ICO.

Notification and consent

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.

Prior to any biometric recognition system being put in place or processing a pupil's biometric data, the school will send the pupil's parents/carers a Parental Notification and a link for them to consent to the use of Biometric Data.

Consent will be sought from parents/carers of the pupil before the school collects or uses a pupil's biometric data.

Notification sent to parents/carers 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/carer's and the pupil's right to refuse or withdraw their consent
- The school's duty to provide reasonable alternative arrangements for those pupils whose information cannot be processed

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

Parents/carers and pupils can object to participation in the school's 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.

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).

Pupils will be informed that they can object or refuse to allow their biometric data to be collected and used.

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

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.

Alternative arrangements

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

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/carers, where relevant).

Data retention

Biometric data will be managed and retained in line with the School's Data Protection and Information Policy.

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

Breaches

There are appropriate and robust security measures in place to protect the biometric data held by the School. Any breach to the school's biometric system(s) will be dealt with by the school and DPO.

Monitoring and review

The Protection of Biometric information Policy will be reviewed by the Business Manager on an annual basis.

Any changes made to this policy will be communicated to all staff, parents/carers and pupils.