



ACET

PROTECTION OF BIOMETRIC DATA POLICY

PHASE	SECONDARY
POLICY LEAD	PHIL WILKINSON ACTING CFO
DATE OF APPROVAL BY TRUSTEES	24TH JANUARY 2022
DATE OF RECEIPT BY LOCAL GOVERNING BODY	FEBRUARY 2022
FREQUENCY DATE	ANNUALLY
REVIEW DATE	DECEMBER 2022

Statement of intent

ACET is committed to protecting the personal data of all its learners 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 academies follow when collecting and processing biometric data.

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. Within ACET, we use software which uses fingerprints to process cashless catering within our secondary academies only. The information is used as part of an automated biometric recognition system. This system will take measurements of the biometric information specified above and convert these measurements into a template to be stored on the system. An image of your child's biometric information is not stored.

Providing your consent/objecting to the use of biometric data

Under the Protection of Freedoms Act 2012, the Trust is required to notify each parent of a child and obtain the consent of at least one parent before being able to use any learner's biometric information for an automated system.

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'

This policy operates in conjunction with the Data Protection Policy.

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. Within Aston Community Education Trust, we use fingerprints only.

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 learners' biometric data, e.g. taking measurements from a fingerprint via a fingerprint scanner.
- Storing learners' biometric information on a database.
- Using learners' biometric data as part of an electronic process, e.g. by comparing it with biometric information stored on a database to identify or recognise learners.

Special category data: Personal data which 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 Trust Board is responsible for reviewing this policy on an annual basis.

The Principal of each school is responsible for ensuring the provisions in this policy are implemented consistently.

The Trust's Data Protection Officer will monitor the schools compliance with data protection legislation in relation to the use of biometric data. The DPO will also advise on when it is necessary to undertake a data protection impact assessment (DPIA) in relation to the school's biometric system(s). They will also be the first point of contact for the ICO and for individuals whose data is processed by the academy and connected third parties.

Data protection principles

The Trust processes all personal data, including biometric data, in accordance with the key principles set out in the GDPR.

The Trust 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.

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

Notification and consent

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.

Where the academies use learners' biometric data as part of an automated biometric recognition system (e.g. using learners' fingerprints to receive school dinners instead of paying with cash or a PIN) the academy will comply with the requirements of the Protection of Freedoms Act 2012.

Prior to processing a learner's biometric data, the academy will send the parents/ carers a consent form or collect this consent via secure online systems.

Consent will be sought from at least one parent of the learner before the academy collects or uses a learner's biometric data.

Information provided to parents /carers will include information regarding the following:

- How the data will be used.
- The parent's and the child's right to refuse or withdraw their consent.
- The academy's duty to provide reasonable alternative arrangements for those learners whose information cannot be processed.

The academy will not process the biometric data of a learner under the age of 18 in the following circumstances:

- The learner (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 and learners can object to participation in the academy's biometric system(s) or withdraw their consent at any time. Where this happens, any biometric data relating to the learner that has already been captured will be deleted.

If a learner objects or refuses to participate, or to continue to participate, in activities that involve the processing of their biometric data, the academy will ensure that the learner's

biometric data is not taken or used as part of a biometric recognition system, irrespective of any consent given by the learner's parent(s).

Learners 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 academy'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 academy'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 will be provided to any individual that does not consent to take part in the academy's biometric system(s).

Alternative arrangements

Learners and staff have the right to not take part in the academy's biometric system.

Where an individual objects to taking part in the academy'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 fingerprints to pay for school meals, the person will be able to use ParentPay / Schoolcomms to top up their account which synchronises with the till system, or pay with cash at the till.

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 learner's parents, where relevant).

Data retention

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

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

Breaches

There are appropriate and robust security measures in place to protect the biometric data held by the academy. Any breach to the biometric system will be dealt with by the Trust DPO.