



**Data Protection – Protection of Biometric  
Information of Children Policy**

Document Control Information					
Document Title	Data Protection – Data Protection of Biometric Information of Children Policy				
Organisation / Site	New Bridge Multi Academy Trust				
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Revision and Approval History					
Author	Summary of changes	Issue	Date Applicable From	Approved by	Date of Next Review
R Righini	New policy	1	10 <sup>th</sup> June 2015	Trustees	10/06/2017
R Righini	Policy review and extraction of sections into separate policies	2	31 <sup>st</sup> August 2017	Trustees	31.08/2019
R Righini	Policy review re new GDPR rules	3	28 <sup>th</sup> May 2018	Trustees	28/05/2020
R Righini	Doc review no changes	4	01/09/2020	n/a	31/08/2022
R Righini	Doc review minimal changes to reflect EU exit	5	01/12/2022	n/a	30/11/2024
Equality Impact					
Statement	<p>We welcome feedback on this document and the way it operates. We are interested to know of any possible or actual adverse impact that may affect any groups in respect of any of the equalities act 2010 protected characteristics.</p> <p>The person responsible for equality impact assessment for this document is the Director of Equality and Diversity.</p>				
Screening	<p>This document has been screened by the Equality Team and the impact has been assessed as:</p> <p><input type="checkbox"/> Not applicable</p> <p><input type="checkbox"/> Low</p> <p><input type="checkbox"/> Medium</p> <p><input type="checkbox"/> High</p>				



## Equality Impact Assessment Form

### To be completed by document author / lead person

<b>Title of document</b>		Data Protection – Data Protection of Biometric Information of Children Policy			
<b>Organisation / Site</b>	New Bridge Multi Academy Trust	<b>Person completing form</b>	Rita Righini	<b>Date</b>	01/12/2022
<b>Does the process affect one group less or more favourably than another on the basis of:</b>					<b>Yes / No</b>
<b>Age</b> refers to a person belonging to a particular age					No
<b>Disability</b> A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.					No
<b>Gender reassignment</b> The process of transitioning from one gender to another.					No
<b>Marriage and civil partnership</b> Marriage and civil partnership means someone who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.					No
<b>Pregnancy and maternity</b> Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding					No
<b>Race</b> Race can mean your colour, or your nationality (including your citizenship). It can also mean your ethnic or national origins, which may not be the same as your current nationality. For example, you may have Chinese national origins and be living in Britain with a British passport. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.					No
<b>Religion and belief</b> Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.					No
<b>Sex</b> A man or a woman.					No
<b>Sexual orientation</b> Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.					No
If you have identified potential discrimination, please explain how the exception is valid, legal and/or justified? enter					

### To be completed by EIA Lead

If potential discrimination has been identified, are the exceptions valid, legal and/or justified?		N/A
Does this policy / service / procedure need adjusting to remove any disadvantage identified or to better promote equality?		No
Impact Assessment Result (See tool below)	Low impact	
Date assessed.	01/12/2022	
<b>High Impact</b> The policy or process has a major impact on equality	<b>Medium Impact</b> The policy or process has an impact on equality	<b>Low Impact</b> The policy or process might have an impact on equality
There is significant potential for, or evidence of adverse impact.	There is some evidence to suggest potential for, or evidence of adverse impact.	There is little evidence to suggest that the policy could result in adverse impact
The policy has consequences for or affects significant numbers of people	The policy has consequences for or affects some people	The policy has consequences for or affects few people



## 1. Purpose

- 1.1. New Bridge Multi Academy Trust 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.

## 2. Scope of Policy

- 2.1. This policy covers all aspects of handling personal data, regardless of age, format, systems and processes purchased, developed and managed by/or on behalf of us and any person directly employed or otherwise by us.

## 3. Reason for Review

- 3.1. This policy was reviewed in line with new GDPR regulations following EU exit.

## 4. Aim(s)

- 4.1. This policy outlines the procedure that each school within the trust follows when collecting and processing biometric data.

## 5. Policy

### 5.1. Definitions

- 5.1.1. **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.
- 5.1.2. **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.
- 5.1.3. **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:
  - 5.1.3.1. Recording pupils' biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner.
  - 5.1.3.2. Storing pupils' biometric information on a database.
  - 5.1.3.3. 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.
- 5.1.4. **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.

### 5.2. Roles and responsibilities

- 5.2.1. New Bridge Multi Academy Trustees are responsible for:
- 5.2.2. reviewing this policy within a two year cycle.
- 5.2.3. The Headteacher at each school within the trust is responsible for:



- 5.2.3.1. Ensuring the provisions in this policy are implemented consistently.
- 5.2.4. The Data Protection Officer (DPO) is responsible for:
  - 5.2.4.1. Monitoring the school's compliance with data protection legislation in relation to the use of biometric data.
  - 5.2.4.2. Advising on when it is necessary to undertake a data protection impact assessment (DPIA) in relation to each school's biometric system(s).
  - 5.2.4.3. Being the first point of contact for the Information Commissioner's Office and for individuals whose data is processed by each school and connected third parties.
- 5.3. Data protection principles
  - 5.3.1. The Trust processes all personal data, including biometric data, in accordance with the key principles set out in the GDPR. As the data controller, the school is responsible for being able to demonstrate its compliance with the provisions outlined below:
  - 5.3.2. The school ensures biometric data is:
    - 5.3.2.1. Processed lawfully, fairly and in a transparent manner.
    - 5.3.2.2. Only collected for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes.
    - 5.3.2.3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
    - 5.3.2.4. Accurate and, where necessary, kept up-to-date, and that reasonable steps are taken to ensure inaccurate information is rectified or erased.
    - 5.3.2.5. 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.
    - 5.3.2.6. 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.
- 5.4. Data Protection Impact Assessments (DPIAs)
  - 5.4.1. Prior to processing biometric data or implementing a system that involves processing biometric data, a DPIA will be carried out.
  - 5.4.2. The Headteacher will be responsible for the completion of the DPIA.
  - 5.4.3. The Data Protection Officer (DPO) will oversee and monitor the process of carrying out the DPIA.
  - 5.4.4. **The DPIA will:**
    - 5.4.4.1. Describe the nature, scope, context and purposes of the processing.
    - 5.4.4.2. Assess necessity, proportionality and compliance measures.



- 5.4.4.3. Identify and assess risks to individuals. Identify any additional measures to mitigate those risks.
- 5.4.5. When assessing levels of risk, the likelihood and the severity of any impact on individuals will be considered.
- 5.4.6. If a high risk is identified that cannot be mitigated, the Headteacher will consult with the DPO who will seek guidance from the Information Commissioner's Office before the processing of the biometric data begins.
- 5.4.7. The Information Commissioner's Office 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 Information Commissioner's Office may advise the school to not carry out the processing.
- 5.4.8. The Trust will adhere to any advice from the Information Commissioner's Office.
- 5.5. Notification and consent
  - 5.5.1. 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.
  - 5.5.2. Where the school uses pupils' biometric data as part of an automated biometric recognition system (for example, 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.
  - 5.5.3. Prior to any biometric recognition system being put in place or processing a pupil's biometric data, each school will send the pupil's parents a Parental Notification and Consent Form for the use of Biometric Data.
  - 5.5.4. Written consent will be sought from at least one parent of the pupil before the school collect or use a pupil's biometric data.
  - 5.5.5. The name and contact details of the pupil's parents will be taken from the school's admission registers.
  - 5.5.6. Where the name of only one parent is included on the admissions register, the Headteacher will consider whether any reasonable steps can or should be taken to ascertain the details of the other parent.
  - 5.5.7. The school does not need to notify a particular parent or seek their consent if it is satisfied that:
    - 5.5.7.1. The parent cannot be found, for example, their whereabouts or identity is not known.
    - 5.5.7.2. The parent lacks the mental capacity to object or consent.
    - 5.5.7.3. The welfare of the pupil requires that a particular parent is not contacted, for example, where a pupil has been separated from



- an abusive parent who must not be informed of the pupil's whereabouts.
- 5.5.7.4. It is otherwise not reasonably practicable for a particular parent to be notified or for their consent to be obtained.
  - 5.5.7.5. Where neither parent of a pupil can be notified for any of the reasons above, 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.
- 5.5.8. Notification sent to parents and other appropriate individuals or agencies will include information regarding the following:
- 5.5.8.1. Details about the type of biometric information to be taken.
  - 5.5.8.2. How the data will be used.
  - 5.5.8.3. The parent's and the pupil's right to refuse or withdraw their consent.
  - 5.5.8.4. The Trust's duty to provide reasonable alternative arrangements for those pupils whose information cannot be processed.
- 5.5.9. The school will not process the biometric data of a pupil under the age of 18 in the following circumstances:
- 5.5.9.1. The pupil (verbally or non-verbally) objects or refuses to participate in the processing of their biometric data.
  - 5.5.9.2. No parent or carer has consented in writing to the processing.
  - 5.5.9.3. A parent has objected in writing to such processing, even if another parent has given written consent.
- 5.5.10. Parents and pupils can object to participation in the Trust'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.
- 5.5.11. 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).
- 5.5.12. Pupils will be informed that they can object or refuse to allow their biometric data to be collected and used via a letter.
- 5.5.13. Where staff members or other adults use the biometric system(s), consent will be obtained from them before they use the system.
- 5.5.14. Staff and other adults can object to taking part in the 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.



- 5.5.15. Alternative arrangements will be provided to any individual that does not consent to take part in the biometric system(s), in line with section 8 of this policy.
- 5.6. Alternative arrangements
  - 5.6.1. Parents, pupils, staff members and other relevant adults have the right to not take part in the biometric system(s).
  - 5.6.2. Where an individual objects to taking part in the biometric system(s), reasonable alternative arrangements will be provided that allow the individual to access the relevant service, for example, where a biometric system uses pupil's fingerprints to pay for school meals, the pupil will be able to use cash for the transaction instead.
  - 5.6.3. 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).
- 5.7. Data retention
  - 5.7.1. Biometric data will be managed and retained in line with the Trust's Data Records Management and Retention Policy.
  - 5.7.2. If an individual (or a pupil's parent, where relevant) withdraws their consent for their child's biometric data to be processed, it will be erased from the system.
- 5.8. Breaches
  - 5.8.1. There are appropriate and robust security measures in place to protect the biometric data held by the Trust. These measures are detailed in the Trust's Data Breach Policy.
  - 5.8.2. Any breach to the biometric system(s) will be dealt with in accordance with the Trust's Data Breach Policy.
- 6. Sources and references**
  - 6.1. Data Protection Act 2018,
  - 6.2. UK General Data Protection Regulation 2016 (UKGDPR).
  - 6.3. Protection of Freedoms Act 2012
  - 6.4. Education (Pupil Information) (England) Regulations 2005
  - 6.5. DfE (2018) 'Protection of biometric information of children in schools and colleges'
- 7. Other useful documents**
  - 7.1. This policy must be read alongside the following supporting policies:
    - 7.1.1. Individual Rights Policy
    - 7.1.2. Data Subject Access Policy
    - 7.1.3. DPIA Policy
    - 7.1.4. Personal Data Sharing Policy
    - 7.1.5. Special and Crime Personal Data Policy
    - 7.1.6.
- 8. Monitoring**
  - 8.1. This policy will be monitored through the MAT's accountability framework in order to provide





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- 8.1.1. Assurance
  - 8.1.2. Gap analysis of policy and practice
  - 8.1.3. Examples of best practice
  - 8.1.4. Improvement and training plans

