

# The Spire Church of England Learning Trust

## Biometric Data Policy 2024 - 2027

This policy is reviewed and updated by Paula Adams, the Trust Governance and Compliance Officer. It is approved on a triennial basis by the Trust Board and implemented by all schools within the Trust.

**This policy will be subject to ongoing review. It may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.**

This policy is written in conjunction with SchoolPro TLC Limited.

Reviewed: April 2024

Ratified: May 2024

Next Review Date: April 2027

In collaboration with



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## Introduction

### What is Biometric Data?

Biometric data means personal information about an individual's physical or behavioural characteristics that can be used to identify that person; this can include their fingerprints, facial shape, retina and iris patterns, and hand measurements. At The Spire Church of England Learning Trust, an example of this area of identification is the collection of fingerprints for the payment of school lunches that can be used at some of our schools.

Schools and academies that use pupils' biometric data must treat the data collected with appropriate care and must comply with the data protection principles as set out in the UK General Data Protection Regulation.

The Information Commissioner considers all biometric information to be personal data as defined by the UK General Data Protection Regulation; this means that it must be obtained, used and stored in accordance with the Regulation.

Personal data used as part of an automated biometric recognition system must also comply with the additional requirements in sections 26 to 28 of the Protection of Freedoms Act 2012.

The Protection of Freedoms Act 2012 includes provisions which relate to the use of biometric data in schools, academies and colleges when used as part of an automated biometric recognition system.

Schools and academies must ensure that the parent/carer of each pupil is informed of the intention to use the pupil's biometric data as part of an automated biometric recognition system. Parents/carers must be advised that alternative methods to biometric scanning are available for processing identity if required. Some schools within The Spire Trust offers the use of a card or manual identification being carried out through the electronic till facility.

The written consent of the parent/carer or the pupil, where the pupil is deemed to have the capacity to consent (i.e. is over the age of 18 and with the capacity to understand their data rights), must be obtained before the data is taken from the pupil and processed within the biometric recognition system. In no circumstances can a pupil's biometric data be processed without written consent.

Schools and academies must not process the biometric data of a pupil where:

- a) the pupil (whether verbally or non-verbally) objects or refuses to participate in the processing of their biometric data;
- b) a parent or pupil has not consented in writing to the processing; or
- c) a parent or pupil has objected in writing to such processing, even if another parent has given written consent.

Schools and academies must provide reasonable alternative means of accessing the services to those pupils who will not be using an automated biometric recognition system. The Spire Trust offers the use of a card or manual identification being carried out through the electronic till facility in some of our schools.

Please also see the DfE's '[Protection of biometric data of children in schools and colleges - July 2022](#)' for further guidance.

## **Biometric Data and Processing**

### **2.1 What Is an Automated Biometric Recognition System?**

An automated biometric recognition system uses technology which measures an individual's physical or behavioural characteristics by using equipment that operates 'automatically' (i.e. electronically). Biometric recognition systems can use many kinds of physical or behavioural characteristics such as those listed above.

### **2.2 What Does Processing Data Mean?**

'Processing' of biometric information includes obtaining, recording or holding the data or carrying out any operation or set of operations on the data including (but not limited to) disclosing it, deleting it, organising it or altering it.

An automated biometric recognition system processes data when:

- a) recording pupils' biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner;
- b) storing pupils' biometric information on a database system; or
- c) using that data as part of an electronic process, for example, by comparing it with biometric information stored on a database in order to identify or recognise pupils.

### **2.3 Who Is Able to Give Consent?**

The Data Protection Act gives pupils rights over their own data when they are considered to have adequate capacity to understand. Most pupils will reach this level of understanding at around age 13.

However, the Protection of Freedoms Act 2012, which governs the use of biometric data in schools in the UK, has different requirements. Under this Act, **the consent of at least one parent is required to process the biometric data of a child under 18**. If the child or any parent objects, the school cannot process the child's biometric data.

We must notify each parent of a pupil or student under the age of 18 if they wish to take and subsequently use the child's biometric data as part of an automated biometric recognition system.

As long as the child or a parent does not object, the written consent of only one parent will be required for a school or college to process the child's biometric information. A child does not have to object in writing but a parent's objection must be written.

### **2.4 Alternative to Biometric**

The school or academy will provide an alternative to biometric scanning for any parent/pupil objecting to the processing of biometric data. Some schools within The Spire Trust offer the use of a card or manual identification being carried out through the electronic till facility.

### **2.5 Length of Consent**

The original written consent is valid until such time as it is withdrawn. However, it can be overridden, at any time either parent/carer or the pupil themselves objects to the processing (subject to the parent's/carer's objection being in writing).

When the student leaves the school or academy, their biometric data will be securely removed from the academy's biometric recognition system.

## **Monitoring and Review of This Policy**

The Trustees shall be responsible for reviewing this policy on a regular basis to ensure that it meets legal requirements and reflects best practice.