

# Mark Rutherford School



## Protection of Biometric Information Policy & Parent Consent Letter

<b>Governor's Committee:</b>	Finance, Property, Health & Safety, Audit, Scrutiny and Risk
<b>Adopted by the Governing Body on:</b>	14 <sup>th</sup> October 2025
<b>Signed (Chair of Committee):</b>	<i>N Stout</i>
<b>Signed (Headteacher):</b>	<i>K Foster</i>
<b>Policy review date:</b>	October 2027

## 1. AIMS

Mark Rutherford 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 that Mark Rutherford School follows when collecting and processing biometric data.

## 2. RELATIONSHIP TO GUIDELINES, PROCEDURES, OTHER POLICIES AND LEGAL REQUIREMENTS

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 following Mark Rutherford School policies:

- Data Protection Policy
- Data Breach Policy

## 3. 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, for example, 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.

## 4. ROLES AND RESPONSIBILITIES

The Governing Body is responsible for:

- Reviewing this policy within a two year cycle.

The Headteacher at the school 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.
- Being the first point of contact for the Information Commissioner's Office and for individuals whose data is processed by the school and connected third parties.

## 5. DATA PROTECTION PRINCIPLES

The school 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:

The 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.

## 6. 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 Headteacher and Business Manager will be responsible for the completion of the DPIA.

The Data Protection Lead (DPL) 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 Headteacher will consult with the DPL and DPO who will seek guidance from the Information Commissioner's Office before the processing of the biometric data begins.

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.

The school will adhere to any advice from the Information Commissioner's Office.

## **7. 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.

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.

### **Pupils in Years 7-11**

Prior to any biometric recognition system being put in place or processing a pupil's biometric data, school will send the pupil's parents a Parental Consent Form for the use of Biometric Data. (The form is detailed as appendix 1 of this policy).

Written consent will be sought from at least one parent of the pupil before the school collect or use a pupil's biometric data.

The name and contact details of the pupil's parents will be taken from the school's admission registers.

The school does not need to notify a particular parent or seek their consent if it is satisfied that:

- The parent cannot be found, for example, 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, for example, 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.
- 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.

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'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.

### **Pupils in Year 12 and 13**

Pupils in our Sixth Form will fill in the Sixth Form Consent Form themselves – (The form is detailed as appendix 2 of this policy).

Parents 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 via a letter.

Where staff members or other adults use the 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 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. We aim to do this within 72 hours of being asked.

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.

## **8. ALTERNATIVE ARRANGEMENTS**

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

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 issued with a PIN code for the transaction instead.

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).

## **9. DATA RETENTION**

Biometric data will be managed and retained in line with the school's Data Records Management and Retention Policy. Deletion of biometric data should take place within 72 hours of a pupil or staff member leaving the school.

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.

## **10. BREACHES**

There are appropriate and robust security measures in place to protect the biometric data held by the school. These measures are detailed in the school's Data Protection Policy.

Any breach to the biometric system(s) will be dealt with in accordance with the school's Data Breach Policy.

## **11. MONITORING THE EFFECTIVENESS OF THE POLICY**

The effectiveness of this policy will be reviewed every 2 years and any recommendations for improvement will be made as required.

# Appendix 1. PARENTAL CONSENT FORM

## Use of Biometric Data Permission Slip

Please complete and return this form with your child to their relevant year group office, or finance office, indicating the preferred method of accessing the cashless catering system. In signing this form, you are authorising the school to use your child's biometric information for this purpose until he/she either leaves the school or ceases to use the system.

Please tick one of the following statements:

I confirm that I wish my child to use Biometrics for the Cashless Catering System

I confirm that I **DO NOT** wish my child to use Biometrics for the Cashless Catering System and prefer them to be issued with a PIN

<b>Child's Full Name</b>	
<b>Year &amp; Tutor Group</b>	
<b>Name of Parent/Carer</b> (delete as applicable)	
<b>Relationship to Child</b>	
<b>Signature</b>	
<b>Date</b>	

I understand that once set up withdrawal of consent or objection from a parent/carers must be in writing.

## Appendix 2. SIXTH FORM CONSENT FORM

### Use of Biometric Data Permission Slip

Please complete and return this form to the Sixth Form office, or finance office, indicating the preferred method of accessing the cashless catering system. In signing this form, you are authorising the school to use your biometric information for this purpose until you either leave the school or ceases to use the system.

Please tick one of the following statements:

I confirm that I wish to use Biometrics for the Cashless Catering System

I confirm that I **DO NOT** wish to use Biometrics for the Cashless Catering System and prefer to be issued with a PIN

<b>Full Name</b>	
<b>Year &amp; Tutor Group</b>	
<b>Signature</b>	
<b>Date</b>	

I understand that once set up withdrawal of consent or objection must be in writing.