Protection of children's biometric information

Approved by:	Resources Committee	**Date:**	22.01.2020
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Next review due by:	January 2023 unless there is an update on GDPR guidance		

Contents

1. Aims

Kings International College aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

This policy applies to biometric information.

2. Legislation and guidance

This policy follows the DfE guidance document; Protection of biometric information of children in schools and colleges (March 2018), which reflects the duties on schools in The Protection of Freedoms Act 2012 and The Data Protection Act 1998

The Information Commissioner considers all biometric information to be personal data as defined by the Data Protection Act 1998; this means that it must be obtained, used and stored in accordance with that Act.

The Protection of Freedoms Act includes provisions which relate to the use of biometric data in schools and colleges when used as part of an automated biometric recognition system. These provisions are in addition to the requirements of the Data Protection Act 1998.

3. Definitions

Term	Definition
Biometric Data	Biometric data means personal information about an individual's physical or behavioural characteristics that can be used to identify that person. Kings International College only processes Biometric Data relating to finger prints.
Special categories of personal data	Personal data which is more sensitive and so needs more protection.
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Automatic biometric recognition system	An automated biometric recognition system uses technology which measures an individual's physical or behavioural characteristics3 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.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The data controller

Kings International College processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

Kings International College is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our school, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Governing board

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Lisa Bowman and is contactable via l.bowman@kings-international.co.uk

5.3 Headteacher

The headteacher acts as the representative of the data controller on a day-to-day basis.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Contacting the DPO in the following circumstances:
    - With any questions about the operation of this policy
    - If they have any concerns that this policy is not being followed
    - If there has been a data breach

6. Notification and Parental Consent

Kings International College uses Biometric data for the cashless catering system.

Parents (including biological parents and any other individual with parental responsibility for the child) are notified of the schools wish to take and subsequently use the child's biometric data. If consent is received this will be collected during the admissions process.

Kings International College do not need to notify a particular parent or seek his or her consent if the school or college is satisfied that:

a. the parent cannot be found, for example, his or her whereabouts or identity is not known;
b. the parent lacks the mental capacity (within the meaning of the Mental Capacity Act 2005) to object or to consent;

c. the welfare of the child requires that a particular parent is not contacted, for example where a child has been separated from an abusive parent who is not to be informed of the child's whereabouts; or
d. where it is otherwise not reasonably practicable for a particular parent to be notified or for his or her consent to be obtained.

Where neither of the parents of a child can be notified for one of the reasons set out above (which would mean consent cannot be obtained from either of them), section 27 of the Protection of Freedoms Act 2012 sets out who should, in such circumstances, be notified and who can give consent:

(a) if the child is being 'looked after' by a local authority or is accommodated or maintained by a voluntary organisation (i.e. a not-for-profit organisation), the local authority, or as the case may be, the voluntary organisation must be notified and their written consent obtained.

(b) if paragraph (a) above does not apply, then notification must be sent to all those caring for the child and written consent must be gained from at least one carer before the child's biometric data can be processed (subject to the child and none of the carers objecting in writing).

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

7. The child's right to refuse

A child's objection or refusal to participate (or continue to participate) in activities that involve the processing of their biometric data overrides any parental consent for processing.

8. Providing alternatives

Where a child does not participate alternative arrangements will be for them to access the services.

9. Withdrawing consent

Parents/carers and pupils can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

10. Data security and storage of records

Kings International College will

a. Store biometric data securely to prevent any unauthorised or unlawful use.
b. Not keep biometric data for longer than it is needed meaning that a school or college must destroy a child's biometric data if, for whatever reason, the child no longer uses the system including when he or she leaves the school or college or where a parent withdraws consent or the child objects.
c. Ensure that biometric data is used only for the purposes for which they are obtained and that such data are not unlawfully disclosed to third parties

11. Personal data breaches

Kings International College will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1 of our Data Protection Policy.

12. Training

All those who have access to biometric data, whether they are employed by the school directly or work in the school through a contracted provider shall receive training on requirements of this policy.

13. Monitoring arrangements

Approval of this policy has been delegated by the Governing Body to the Resources Committee

This policy will be reviewed and updated if necessary on an annual basis.

14. Links with other policies

This data protection policy is linked to our:

- Data Protection Policy