



HEARTS ACADEMY TRUST

Protection of Biometric Information of Pupils policy

Adopted:	June 2021
Reviewed:	September 2023
To be reviewed:	September 2024

HEARTS Academy Trust is committed to providing a happy, caring and safe learning environment for all within a value led context, where everyone feels valued and grows in confidence and independence.

We promote **HAPPINESS** through a creative, exciting and practical curriculum, which generates a love of, and interest in, learning.

Great value is placed on pupils' self **ESTEEM** which is developed through a well-motivated attitude to learning, a healthy lifestyle, good social skills, self-discipline and a positive self-image.

We promote the highest standards of **ACHIEVEMENT** in all areas of the curriculum and help all pupils to fulfil their potential regardless of gender, race or ability.

We foster **RESPECT and RESPONSIBILITY** for all by establishing good relations between the school and home, church and community. Pupils are taught respect for themselves, others and the environment. They are also taught to take full responsibility for their own choices and responsibility for themselves and their community.

We encourage **TRUTH** and honesty in all aspects of school life – relationships, work and the curriculum.

We develop **SPIRITUALITY and SERVICE** so that calm, quiet, reflective times which support deep thought are part of school life and beauty is appreciated. We promote a service culture that reflects our duty to support and show compassion to all members of the community and not just ourselves.



Children at the HEART

Introduction

Schools within HEARTS Academy Trust **do not** currently use biometric data for pupils and there are no plans to do so. However, the principle of permission, safe processing and storage of data would apply, if this situation were to change:

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.

Data collected will be treated with appropriate care and will comply with the data protection principles as set out in the Data Protection Act 1998 and GDPR 2018 (see separated data protection policy)

Where the data to be used is part of an automated biometric recognition system schools will also comply with the additional requirements in sections 26 to 28 of the Protection of Freedoms Act 2012 (Appendix A).

Schools will ensure that each parent of a child is notified of the school's intention to use the child's biometric data as part of an automated biometric recognition system.

The written consent of at least one parent will be obtained before the data is taken from the child and used (i.e., 'processed'). This applies to all pupils in schools and under the age of 18.

In no circumstances will a child's biometric data be processed without written consent.

Schools will not process the biometric data of a child (under 18 years of age) where:

- a) the child (whether verbally or non-verbally) objects or refuses to participate in the processing of their biometric data;
- b) no parent has consented in writing to the processing; or
- c) a parent has objected in writing to such processing, even if another parent has given written consent. Schools will provide reasonable alternative means of accessing services for those pupils who will not be using an automated biometric recognition system

Appendix A Protection of Freedoms Act 2012 and Consent

Notification and Parental Consent:

Schools must notify each parent¹ 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 to process the child's biometric information. A child does not have to object in writing but a parent's objection must be written.

Schools will not need to notify a particular parent or seek his or her consent if the school is satisfied that:

- the parent cannot be found, for example, his or her whereabouts or identity is
- not known
- the parent lacks the mental capacity² to object or to consent
- 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
- 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 authority³ 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)

We do not foresee any circumstances in which a school can lawfully process a child's biometric information (for the purposes of using an automated biometric recognition system) without one of the persons above having given written consent.

Under the Education (Pupil Registration) Regulations 2006, schools are required to keep an admission register that includes the name and address of every person known to the school to be a parent of the child, including non-resident parents. This can be used by schools that wish to notify and seek consent to process a child's biometric information at any point after the enrolment of a child.

Schools should be alert to the fact that the admission register may, for some reason, not include the details of both parents. Where the name of only one parent is included in the admission register, schools must take reasonable steps to ascertain the details of the other parent. For example, the school might ask the parent who is included in the admission register or, where the school is aware of local authority or other agency involvement with the child and its family, may make enquiries with the local authority or other agency. Schools and colleges are not expected to engage the services of 'people tracer' or detective agencies but are expected to take reasonable steps to locate a parent before they are able to rely on the exemption in section 27(1)(a) of the Protection of Freedoms Act 2012 (i.e., notification of a parent not required if the parent cannot be found).

¹ The parents of a child include not only the biological mother or father (or the adoptive parents) but any other individual with parental responsibility for the child. Part 1 of the Children Act 1989 sets out who has parental responsibility and what this means.

² Within the meaning of the Mental Capacity Act 2005.

³ For example, the child is subject to a care order in favour of the local authority or the local authority provides accommodation for the child – see section 22 of the Children Act 1989 for the definition of 'looked after' child.