Protection of biometric information of children at Stalbridge Primary School

Overview of the legislation framework

The Data Protection Act 2018 and the UK GDPR has updated data protection laws for the digital age, in which an ever-increasing amount of personal data is being held and processed.

The Data Protection Act 2018[2], UK GDPR[3], and the Protection of Freedoms Act 2012[4] set out how pupils' and students' data (including biometric data) should be processed. Biometric data is special category data[5] and must be processed lawfully, fairly and in a transparent way. Schools and colleges should ensure that biometric information is kept safe.

Data controllers determine the purpose or outcome of the processing of the personal data. For the purpose of this guidance, schools and colleges are considered to be Data controllers. Data controllers must comply with and demonstrate compliance with all the data protection principles as well as the other UK GDPR requirements. They are also responsible for the compliance of their processor(s).

Data processors act on behalf of and follow the instructions from the controller regarding the processing of personal data.

UK GDPR requires all data controllers and processors[6] to be open and transparent about how and why personal data is used. Data should be processed in line with the following seven UK GDPR principles:

- **lawfulness, fairness and transparency** - Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject
- **purpose limitation** - Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- **data minimisation** - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- **accuracy** - Personal data shall be accurate and, where necessary, kept up to date
- **storage limitation** - Personal data shall be 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

[2] Data Protection Act 2018 (legislation.gov.uk)
[3] The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations

2019 (legislation.gov.uk)
[4] Protection of Freedoms Act 2012 (legislation.gov.uk)[5] What is special category data? | ICO [5] What is special category data? | ICO
[6] Controllers and processors | ICO

- **integrity and confidentiality** - Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures
- **accountability** - The controller shall be responsible for and be able to demonstrate compliance with the UK GDPR

This guidance sets out the main points schools and colleges should consider before introducing and when using automated biometric technology. Schools and colleges should ensure that they store and process all personal data within the parameters set out in law, and if using automated biometric technology, meet the requirements set out in:

- **Article 6** of the UK GDPR which sets out the six lawful bases for processing data
- **Article 9** of the UK GDPR which sets out the list of special categories of data and

  conditions for processing

  Biometric data is special category data (Article 9(1) UK GDPR) and can only be processed when the data processor has identified both the lawful basis under Article 6 UK GDPR and a separate condition for processing under Article 9 UK GDPR. There are also further conditions that may have to be satisfied under Schedule 1 of the Data Protection Act 2018.

  If you are uncertain about any aspect of data protection law or the use of automated biometric technology, you should seek independent advice to make sure that you comply with all necessary legislation.

  The Information Commissioner's Office (ICO) https://ico.org.uk/ can also provide advice and support on these issues.

  The Protection of Freedoms Act 2012 imposes a requirement on schools and colleges to obtain consent from parents of children under 18 years of age before processing the child's biometric information (see further information on page 10).

Biometric Data at Stalbridge

What is Biometric Data?

Biometric data means personal information resulting from specific technical processing relating to the individual's physical, psychological or behavioural characteristics which allow or confirm the unique identification of that person, such as facial images, voice recognition or fingerprints.

At present the only devices capable of using and storing biometric data are our iPads. This facility is currently turned off on these devices so we are not storing any biometric data.

This statement will be reviewed if technologies change or we see advantages in using this technology.

S.Elledge

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