



BRIGSHAW
LEARNING PARTNERSHIP

Protection of Biometric Data Policy

Monitoring and Review of this Document:

The Trust shall be responsible for reviewing this document from time to time to ensure that it meets legal requirements and reflects best practice.



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Providing a cradle to career education that allows our children to enjoy lives of **choice** and **opportunity**



Document Controls

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1. 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.

Schools that use pupil and staff biometric data must treat the data collected with appropriate care and must comply with the data protection principles as set out in the General Data Protection Regulation 2018.

The Information Commissioner considers all biometric information to be personal data as defined by the General Data Protection Regulation 2018; 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 2012.¹

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

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. Staff must also be informed of the intention to use biometric recognition systems within the workplace and provide their consent.

The written consent of the parent/carer or the pupil, where the pupil is deemed to have the capacity to consent 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 must not process the biometric data of a pupil or member of staff where:

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

Schools must provide reasonable alternative means of accessing the services to those pupils and staff who will not be using an automated biometric recognition system.

¹ *Protection of Freedoms Act 2012*

Section 26 Requirement to notify and obtain consent before processing biometric information

Section 27 Exceptions and further provision about consent and notification

Section 28 Protection of Biometric Information of Children in Education Interpretation



2. *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 personal biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner;
- (b) storing personal 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 individuals the right over their own personal data when they are considered to have adequate capacity to understand. Most pupils will reach this level of understanding at around age 13.

For this reason, for most pupils in a secondary school, it will normally be up to the individual pupil to decide whether or not they wish to provide biometric data. Where the school considers that the pupil does not have the capacity or they are under the age of 13, parents/carers will be asked to provide written consent.

2.4 *Alternative to Biometric*

The school will provide an alternative to biometric scanning for any parent/pupil or member of staff objecting to the processing of biometric data.

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 when either a member of staff, parent/carer or the pupil themselves objects to the processing (subject to the parent's/carer's objection being in writing).

When a pupil or member of staff leaves the school, their biometric data will be securely removed from the school's biometric recognition system.