

*At Weaver Trust, we work to ensure that all in our community believe, belong, and thrive. This policy is informed by our Trust's vision of inspiring all to believe in their own ability to achieve their full potential, both academically and socially. By living by our values of being innovative, responsible and caring, we create powerful learning communities - positively impacting all.*

## 1. Compliance

- 1.1 This policy has been prepared to ensure that Weaver Trust complies with and has due regard to the following
  - 1.1.1. General Data Protection Regulation;
  - 1.1.2. Data Protection Act 2018;
  - 1.1.3. Protection of Freedoms Act 2012;
  - 1.1.4. Department for Education's non-statutory advice, "Protection of biometric information of children in schools and colleges" March 2018; and
  - 1.1.5. Guidance published on processing special categories of data by the Information Commissioner's Office.

## 2. About this Policy

- 2.1 This policy sets out what biometric information is and when we may collect and use it for our pupils.
- 2.2 When we process biometric data we are required to have the consent of parents (those with parental responsibility) and to notify pupils.
- 2.3 The applicable law is set out above. The relevant provision of the Protection of Freedoms Act 2012 apply to children and not those who have reached the age of 18.
- 2.4 Regardless of age, data protection law applies if our processing of information amounts to personal data. Biometric data that identifies a living individual is personal data.
- 2.5 We will ensure that we comply with the data protection principles when processing biometric data, including principle one which requires our processing to be lawful, fair and transparent.

## 3. Biometric Data

- 3.1 Biometric data is defined as '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'
- 3.2 Generally, we do not use biometric data in the operation of Weaver Trust.

## 4. Protection of Freedoms Act 2012

- 4.1 When using the biometric data of children through an automated biometric recognition system ('Recognition System') the law requires that we take specific steps to be able to proceed with processing this information.
- 4.2 We will notify both parents when we propose to use their child's biometric data and how it is that we will use it and why we wish to use it. Notification will be sent to the address we hold for each parent (if living separately) as held on our school information management files. It is therefore important to ensure that we are informed of any changes to your address so that records are accurate.

4.3. There are occasions when we can proceed to process biometric data when we have been unable to notify a particular parent of our proposed use of their child’s biometric data. These are as follows:

- 4.3.1. the parent cannot be found, for example, his or her whereabouts or identity is not known;
- 4.3.2. the parent lacks the mental capacity to object or to consent;
- 4.3.3. the welfare of the pupil 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
- 4.3.4. where it is otherwise not reasonably practicable for a particular parent to be notified or for his or her consent to be obtained.

4.4. In the event that consent cannot be obtained from either parent, the Protection of Freedoms Act 2012 prescribes who should be notified and who can provide the consent needed. We will notify and seek consent from the prescribed alternative.

4.5. We require the written consent of one of the pupil’s parents in order to proceed. For the avoidance of doubt, we do not need written consent from both parents.

4.6. In the event that one of the parents objects in writing to the use of the pupil’s biometric data following notification of its proposed use or at any time thereafter, we will cease to use the information. To be clear, we cannot accept a verbal objection from a parent. The law requires that it is to be put in writing. Written objections must be sent to Phil Atkinson, via email to [phil.atkinson@weavertrust.org](mailto:phil.atkinson@weavertrust.org) or via post to;

Barnton Community Nursery and Primary School

Townfield Lane

Barnton

Northwich

Cheshire

CW8 4QL

4.7. The pupil may object to the use of their biometric data despite their parent(s) providing written consent for its use. If that is the case, and we determine that the pupil is competent to understand the matter, we will not use the biometric data. A pupil’s objection does not need to be in writing and can be made verbally. However, in order to ensure the pupil’s objection is properly considered and processed, it must be made to their class teacher or the Headteacher.

## **5. Data Protection**

5.1. Biometric data is a special category of personal data. In addition to the requirements set out in the Protection of Freedoms Act 2012, Weaver Trust must demonstrate compliance with the data protection principles in order to process the biometric data of children and young people.

5.2. Our lawful condition for processing biometric data is consent. We will ensure that we have obtained this consent from the pupil before we obtain and process their biometric data. Consent can be withdrawn at any time by contacting [it would be best to have a member of staff (or class of staff like a class teacher or form tutor) who deals with pastoral matters rather than naming the DPO].

- 5.3. Weaver Trust’s privacy notice for pupils explains when we will use biometric data and the pupil’s rights over their data generally.
- 5.4. We take our data protection obligations seriously and will ensure that the biometric data is kept secure and only used for the purpose that it was collected. When we engage a third party to process biometric data we will ensure that we incorporate into our contract the compulsory terms required to ensure we have control over the information stored and processed

**6. Alternative Methods**

- 6.1. Should Weaver Trust not be able to use a pupil’s biometric data due to an objection or refusal to provide consent we will identify an alternative method.
- 6.2. We consider possible alternatives on a case by case basis to find a reasonable solution. The Headteacher will work with the pupil and parent to identify a way forward.

**7. Reviewing this Policy**

- 7.1. This policy shall be reviewed and approved by the trustees.
- 7.2. A review of this policy shall be undertaken annually.

**Approved by:**

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**Chair of Trust**

**CEO**

**Date:**

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