

PROTECTION OF BIOMETRIC INFORMATION POLICY

Responsible	Chief Operating Officer
Approved by	Board of Trustees
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PROTECTION OF BIOMETRIC INFORMATION POLICY

Purpose

To confirm Better Futures Multi Academy Trust's (BFMAT) commitment to protecting the personal data of its students and staff, including biometric data.

Current position

BFMAT does not currently operate any automated biometric recognition systems and does not routinely collect or process biometric data for identification purposes.

This policy sets out the requirements that must be followed if any academy proposes to introduce or trial biometric processing in the future.

Scope

This policy applies to Better Futures Multi Academy Trust ("BFMAT") and all academies that are members of BFMAT.

Terminology for job titles may vary across BFMAT. Where this occurs, the terminology used within this policy is deemed to apply to staff/functions in equivalent roles and positions and of equivalent standing.

Definitions

Biometric data: Personal data resulting from specific technical processing relating to an individual's physical, physiological or behavioural characteristics that allows or confirms the unique identification of that person (e.g. fingerprints, facial recognition, iris/retina patterns, hand measurements).

Automated biometric recognition system: A system that measures an individual's physical or behavioural characteristics using equipment that operates automatically/electronically and compares the data with biometric information stored in the system to recognise or identify an individual.

Processing biometric data: Any operation performed on biometric data (including obtaining, recording, storing, using, disclosing, organising, altering or deleting it).

Special category data: Under UK GDPR, biometric data is special category data when processed for the purpose of uniquely identifying an individual.

MIS: Management Information System

Equality Statement

Equality, freedom and treating all persons with dignity and respect are fundamental human rights. As such, BFMAT is committed to making these central in all its work.

A diverse student body and workforce benefit BFMAT's role as a provider of high quality education and employment in a modern and ever-changing society. BFMAT is firmly committed to the promotion of equality and will not unlawfully discriminate, or tolerate discrimination (direct or indirect, harassment or victimisation) on grounds of age, disability,

ethnicity (including race, colour, caste and nationality), gender identity, marriage or civil partnership, pregnancy or maternity, religion or belief, sex and sexual orientation; this includes discrimination by association or due to perception. This policy will operate in furtherance of this.

The Policy

1. Introduction and legal framework

- BFMAT processes personal data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.
- Where biometric data is used to uniquely identify an individual, it is treated as special category data and requires additional safeguards.
- The Protection of Freedoms Act 2012 sets additional requirements for schools and colleges in relation to the processing of children's biometric information, including consent requirements.
- As the data controller, the Trust is responsible for demonstrating compliance with applicable data protection law.

2. Governance: no trial or use without approval

- No academy may procure, pilot, trial, activate or use an automated biometric recognition system without Trust approval.
- Prior to any trial or use, the academy must ensure (as a minimum):
 - a Data Protection Impact Assessment (DPIA) has been completed and approved;
 - supplier due diligence and appropriate contractual terms are in place (including UK GDPR processor clauses where relevant);
 - written communication materials are prepared (privacy information, consent materials, and alternative arrangements);
 - reasonable alternative arrangements are ready to be used from day one.

3. Specific consent (children under 18)

- Educational establishments have a clear obligation to obtain consent to collect and process the biometric information of anyone under the age of 18 in line with the Protection of Freedoms Act 2012.
- Written consent will be sought from at least one parent/guardian of the student before any member academy collects or uses a student's biometric data.
- A student's own objection overrides consent: no biometric data will be collected or processed if the student objects or refuses to participate (verbally or non-verbally).
- If a parent/guardian objects in writing, biometric processing must not take place, even if another parent/guardian has provided written consent.
- Names and contact details of students' parents will be obtained from the relevant academy's MIS.
- The academy does not need to notify a particular parent or seek their consent if it is satisfied that:
 - the parent cannot be found (e.g. their whereabouts or identity is not known);
 - the parent lacks the mental capacity to object or consent;

- the welfare of the pupil requires that a particular parent is not contacted (e.g. where a pupil has been separated from an abusive parent who must not be informed of the pupil's whereabouts);
 - it is otherwise not reasonably practicable for a particular parent to be notified or for their consent to be obtained.
- Where neither parent can be notified for any of the reasons above, consent will be sought from the following individuals or agencies as appropriate:
 - if a pupil is “looked after” by the local authority (LA) or is accommodated or maintained by a voluntary organisation, consent will be sought from that organisation;
 - if the above does not apply, notification will be sent to all those caring for the pupil and written consent will be obtained from at least one carer.
- Any request for consent will include:
 - the type of biometric information to be collected;
 - what it will be used for;
 - the right of both the student and the parent/guardian to refuse or to withdraw consent;
 - the Trust/academy's duty to provide reasonable alternative arrangements.

4. Consent (staff and students aged 18+)

- Any staff member, or student aged 18+, will be contacted directly about consent before any biometric data is collected or processed.
- Any staff member or student aged 18+, and any parent/guardian (for under-18s), may withdraw consent at any time.
- Where consent is withdrawn or an objection is received, any biometric data already collected will be deleted in line with the retention section below.

5. Alternative arrangements

- Parents/guardians, students and staff have the right not to take part in any biometric system.
- Where an individual does not take part, reasonable alternative arrangements will be provided that enable access to the relevant service without disadvantage.
- Example: if a biometric system is used for library access, an alternative such as a card/PIN must be available.

6. Data retention and deletion

- If biometric processing is introduced, biometric data will be retained only for as long as it is necessary for the purpose for which it was collected.
- For students, biometric data will not be retained beyond the period the student attends the relevant academy.
- For staff, biometric data will not be retained beyond the period the staff member is employed by the Trust.
- Biometric data will be deleted where consent is withdrawn or an objection is received.
- Where a biometric system is decommissioned or replaced, biometric data must be securely deleted from live systems and, where reasonably practicable, from backups in accordance with supplier/IT processes.

7. Review and change control

- This policy is reviewed at least every three years.
- This policy must also be reviewed immediately if any academy proposes introducing biometric processing, or if there are material changes to relevant law or guidance.

8. Further information

- Department for Education guidance: <https://www.gov.uk/government/publications/protection-of-biometric-information-of-children-in-schools>
- Information Commissioner's Office (ICO): <https://ico.org.uk>