

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

BACKGROUND

Part 1: Regulation of biometric data

Chapter 2 of Part 1: Protection of biometric information of children in schools etc.

26. The Programme for Government (section 3: civil liberties) states that the Government “*will outlaw the finger-printing of children at school without parental permission*”.
27. A number of schools in England and Wales currently use automated fingerprint recognition systems for a variety of purposes including controlling access to school buildings, monitoring attendance, recording the borrowing of library books and cashless catering. Iris, face and palm vein recognition systems are also in use or have been trialled. The processing of biometric information is subject to the provisions of the Data Protection Act 1998 (“DPA”), but whilst the DPA requires the data subject to be notified about the processing of his or her personal data and in most cases, to consent to such processing, there is no requirement, in the case of a person aged under 18 years, for consent also to be obtained from the data subject’s parents. In August 2008 the Information Commissioner issued a statement on the use of biometric technologies in schools¹. Guidance has also been issued, in July 2007, by the British Educational Communications and Technology Agency².

¹ http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/fingerprinting_final_view_v1.11.pdf

² [ARCHIVED CONTENT] Becta Schools - Leadership and management - Introduction - Guidance on the use of biometric systems in schools