

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 1: Regulation of biometric data

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

Section 27: Exceptions and further provision about consent

143. *Subsection (1)* sets out certain exceptions to the requirement that consent be obtained from a parent including circumstances where a parent cannot be found, a parent lacks the mental capacity to consent and where the child's welfare requires that a parent is not contacted.
144. *Subsection (2)* provides that a notification from the school or college to parents about the processing of biometric information must be made in writing and that any objections from parents must also be in writing. Where consent is given verbally, the school cannot process the child's biometric information; any withdrawal of consent must also be in writing.
145. *Subsection (3)* provides that consent given by a parent to a school or college to process their child's biometric data can be withdrawn at any time. *Subsection (4)* provides that consent must be given, and (if withdrawn), withdrawn, in writing. Once consent is withdrawn, the proprietors of the school or college must stop processing the child's biometric data. The Data Protection Act 1998 will, in such circumstances, require that any personal data held by the school or college for the purposes of a biometric identification system must be destroyed; the school or college should do so as soon as practicable.