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## Consultation Document

Protection of learners' biometric information in schools  
and further education institutions

Date of issue: **15 May 2012**

Action required: Responses by **7 August 2012**

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# Protection of learners' biometric information in schools and further education institutions

- Overview** This consultation seeks views on draft guidance about the protection of biometric information of learners in schools and further education institutions. The guidance is intended for school governing bodies, headteachers, school staff, and the heads and staff of further education institutions, to explain the legal duties schools and colleges have if they use automated biometric-recognition systems.
- How to respond** Response forms should be e-mailed/posted to the address below by **7 August 2012** at the latest (please insert 'Biometric consultation' in the subject matter box).
- Further information and related documents** Large print, Braille and alternate language versions of this document are available on request.  
The consultation documents can be accessed from the Welsh Government's website at [www.wales.gov.uk/consultations](http://www.wales.gov.uk/consultations)
- Contact details** For further information:  
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## **Data protection**

### **How the views and information you give us will be used**

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

## Introduction

The Protection of Freedoms Act 2012 makes provision to regulate the use of learners' biometric information by placing a duty on schools and further education institutions (FEIs) to obtain written parental consent before any biometric information can be obtained from a learner under 18 years of age.

Given the responsibility on governing bodies of schools and FEIs, as data controllers, to ensure that biometric information is properly managed and legal requirements met, we are seeking your views on the draft guidance to ensure that it captures and appropriately addresses relevant issues on the protection of biometric information of learners in schools, FEIs and colleges prior to publication.

This draft non-statutory guidance is issued by the Welsh Ministers under section 10 of the Education Act 1996 and section 71 of the Government of Wales Act 2006. The guidance will replace *Becta guidance on biometric technologies in schools* (Becta, 2007).

It is understood that the Department for Education proposes to carry out a similar consultation in relation to its guidance document for England.

### Where are we now?

At present a number of schools within the UK use biometric systems. These are a means of capturing and recording unique physiological and behavioural characteristics of individuals. Systems are able to identify individuals through fingerprints, iris and retina scanning, facial recognition and hand geometry.

Schools use biometric data as a way of uniquely identifying a learner. This technology is used to underpin a range of systems, including automated attendance registers, cashless catering and school library automation.

While we understand that the majority of schools currently seek parental consent before obtaining important personal information from a learner such as a learner's fingerprint, we need to be certain all schools do so. We also wish to capture FEIs that use automated biometric-recognition systems.

### What are we proposing?

The Protection of Freedoms Act 2012 places the consent requirement on a statutory footing to ensure that consent is obtained.

While schools and FEIs can continue with any plans to introduce biometric systems as before, they will under this legislation need to seek parental consent before obtaining or using the biometric information of a learner.

Where schools, FEIs and colleges are currently using such systems and have not yet sought written parental consent they will now be required to do so.

This legislation will apply to any learner and not just learners at the school or learners at the FEI. While the majority of learners affected will be registered at the school, schools may wish to extend services and facilities to learners at other schools or FEIs.