



Biometrics in Schools

The extent of Biometrics in English secondary schools and academies

A Big Brother Watch report

January 2014

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Please Note

Due to the sensitive nature of the data many schools asked us not to release their individual details. We are happy to respect this concern and disclose information responsibly. **Accordingly, we have decided to not make a full list of every school and whether they are using biometric technology available**

As a result, we are unable to assist with request for information relating to individual schools. **We ask that you do not contact Big Brother Watch requesting this information**, and instead contact local authorities or schools directly if you wish to enquire whether they use biometric technology.

For media enquiries relating to this report including outside office hours, please call Big Brother Watch on +44 (0) 7505 448925 (24hrs) You can also email press@bigbrotherwatch.org.uk for written enquiries

Executive Summary

Until very recently there has even been very little awareness about the level of biometric technology being used in schools. The Department for Education keeps no record of the number of schools using biometric technologies nor does it collate whether parents have provided their consent.¹ The Information Commissioner's Office (ICO) stated that "such an enterprise should only be introduced when explicitly authorised by the Government and should be subject to public debate and appropriate legislation".

Legislation was introduced, with the Protection of Freedoms Act 2012 creating an explicit legal framework for the use of biometric technologies in schools for the first time. Parents and pupils were given a legal guarantee that no finger prints would be taken without explicit consent being obtained first and that an alternative must be made available if they did not wish to use a biometric system.

This research, undertaken for pupils in the 2012-13 academic year, is the first effort to measure how many schools are using the technology and how many pupils have been fingerprinted without parental consent first being obtained – or even sought. Our research has found how one third of schools did not seek any parental consent when they first introduced biometric fingerprint technology, prior to the introduction of the Protection of Freedoms Act.

Based on our research, undertaken with Freedom of Information Act Requests to more than 2,500 schools, we discovered that in the academic year 2012-13, more than 866,000 children had their fingerprints taken. As we are now one term into the 2013-14 academic year, and expect the number of schools using the technology to have increased over the summer, and the secondary school population now above 3.2million, if the number of secondary schools

¹ Knight, J. *Parliamentary Written Answer 110750*, Hansard, January 29 2007, <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070129/text/70129w0013.htm>

using biometric technology increased from 25% to 30%, more than one million children would be fingerprinted.

We continue to be concerned that the use of biometric technologies threatens the development of a sense of privacy as young people develop, while also creating greater opportunities to track an individual pupil's activity across multiple areas, from the library books they take out to the food they eat. Given the rise of schools making this information available to parents online, the biometric technology used in this way comes close to constituting not just an ID card but a way of monitoring all their behaviour.

This report offers an insight into the growth of the use of biometric technology across the country and highlights the continuing concerns that schools are potentially failing to use the technology without seeking parental consent.

Key Findings

The figures within the key findings are extrapolated from the responses received from 1,255 secondary schools (a 38% response rate). For original data broken down by region see page 6.

- An estimated **40% of schools** in England are using biometric technology.
- An estimated **69% of schools consulted parents** before enrolling children into a biometric system

If 40% of the secondary school population were fingerprinted, this would equate to 1.28m pupils being fingerprinted. (Based upon a secondary school population of 3.2m, as per the DfE's official statistics.)

While it is impossible to weight the figures to reflect school size, we know that from the schools that responded to our FOI stating they were using biometric data, the 499 schools had fingerprinted 536, 062 pupils.

Regional breakdown²

These are the figures based on the responses we received and as such percentage figures reflect the proportion of schools who responded.

East Midlands	
Number of replies to FOI	121
Number of schools using biometric technology	65
% of schools using biometric technology	54%
% of schools with parental permission to use the technology	75%
Number of pupils enrolled in schools using biometric technology	64,224
East of England	
Number of replies to FOI	124
Number of schools using biometric technology	57
% of schools using biometric technology	46%
% of schools with parental permission to use the technology	60%
Number of pupils enrolled in schools using biometric technology	62,177
London	
Number of replies to FOI	154
Number of schools using biometric technology	54
% of schools using biometric technology	35%
% of schools with parental permission to use the technology	61%
Number of pupils enrolled in schools using biometric technology	62,169
North East	
Number of replies to FOI	57
Number of schools using biometric technology	17
% of schools using biometric technology	30%
% of schools with parental permission to use the technology	47%
Number of pupils enrolled in schools using biometric technology	18,328
North West	
Number of replies to FOI	139
Number of schools using biometric technology	67
% of schools using biometric technology	48%
% of schools with parental permission to use the technology	52%
Number of pupils enrolled in schools using biometric technology	71,113

² All information in the regional tables is from the raw data received from the Freedom of Information responses. No extrapolation has occurred.

South East	
Number of replies to FOI	236
Number of schools using biometric technology	92
% of schools using biometric technology	39%
% of schools with parental permission to use the technology	66%
Number of pupils enrolled in schools using biometric technology	105,593
South West	
Number of replies to FOI	137
Number of schools using biometric technology	31
% of schools using biometric technology	23%
% of schools with parental permission to use the technology	61%
Number of pupils enrolled in schools using biometric technology	35,363
West Midlands	
Number of replies to FOI	162
Number of schools using biometric technology	56
% of schools using biometric technology	35%
% of schools with parental permission to use the technology	68%
Number of pupils enrolled in schools using biometric technology	51,820
Yorkshire and Humberside	
Number of replies to FOI	125
Number of schools using biometric technology	60
% of schools using biometric technology	48%
% of schools with parental permission to use the technology	65%
Number of pupils enrolled in schools using biometric technology	65275

Introduction

1. What is biometric data?³

Biometric data is 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.

The Information Commissioner considers all biometric information to be personal data as defined by the Data Protection Act 1998; this means that it must be obtained, used and stored in accordance with that act (see the Data Protection Act 1998 below).

The Protection of Freedoms Act 2012 changed the way that schools are allowed to use biometric data in schools and colleges when used as part of an automated biometric recognition system. These provisions are in addition to the requirements of the Data Protection Act 1998.

2. What is an automated biometric recognition system?⁴

An automated biometric recognition system uses technology which measures an individual's physical or behavioural characteristics by using equipment that operates automatically, i.e. electronically. Information from the individual is automatically compared with biometric information stored in the system to see if there is a match in order to recognise or identify the individual.

³ Information from the Department for Education website
<http://www.education.gov.uk/aboutdfe/advice/f00218617/biometric-recognition-systems->

⁴ Ibid.

3. What does processing data mean?⁵

Processing of biometric information includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data, including (but not limited to) disclosing it, deleting it, organising it or altering it.⁶ An automated biometric recognition system processes data when:

- recording pupils' biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner;
- storing pupils' biometric information on a database system; or
- using that data as part of an electronic process, for example, by comparing it with biometric information stored on a database in order to identify or recognise pupils.

This data processing also allows for a centralised picture of the pupil's activity to be built up, with the fingerprint providing a unique identifier to track different types of behaviour with a very high degree of accuracy.

4. Notification and parental consent⁷

The Protection of Freedoms Act 2012 has legislated that schools and colleges must notify each parent of a pupil under the age of 18 if they wish to take and subsequently use the child's biometric data as part of an automated biometric recognition system. As long as the child or a parent does not object, one parent must provide written consent for a school or college to process the child's biometric information. A child does not have to object in writing but a parent's objection must be written.

Under the Act, there will never be any circumstances in which a school or college can lawfully process a child's biometric information (for the purposes

⁵ Ibid.

⁶ See section 1(1) of the Data Protection Act 1998.

⁷ This guidance became law under the Protection of Freedoms Act 2012.

<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

of using an automated biometric recognition system) without one of the persons above having given written consent.

Notification sent to parents should include information about the processing of their child's biometric information that is sufficient to ensure that parents are fully informed about what is being proposed. This should include: details about the type of biometric information to be taken; how it will be used; the parents' and the pupil's right to refuse or withdraw their consent; and the school's duty to provide reasonable alternative arrangements for those pupils whose information cannot be processed.

Under the Act, parents and pupils can withdraw their consent at a later date, even if they have initially agreed to the information being captured.

5. The pupil's right to refuse⁸

The Protection of Freedoms Act 2012 has legislated that if a pupil under 18 objects or refuses to participate (or to continue to participate) in activities that involve the processing of their biometric data, the school or college must ensure that the pupil's biometric data are not taken/used as part of a biometric recognition system. A pupil's objection or refusal overrides any parental consent to the processing. Also note:

Schools and colleges must take steps to ensure that pupils understand that they can object or refuse to allow their biometric data to be taken/used and that, if they do this, the school or college will have to provide them with an alternative method of accessing relevant services. The steps taken by schools and colleges to inform pupils should take account of their age and level of understanding. Parents should also be told of their child's right to object or refuse and be encouraged to discuss this with their child.

6 Providing alternatives⁹

⁸ Department for Education

Reasonable alternative arrangements must be provided for pupils who do not use automated biometric recognition systems, either because their parents have refused consent (or a parent has objected in writing) or due to the pupil's own refusal to participate in the collection of their biometric data.

The alternative arrangements should ensure that pupils do not suffer any disadvantage or difficulty in accessing services/premises and so on, as a result of their not participating in an automated biometric recognition system. Likewise, such arrangements should not place any additional burden on parents whose children are not participating in such a system.

6. The Data Protection Act 1998¹⁰

As data controllers, schools and colleges must process pupils' personal data (which includes biometric data), in accordance with the Data Protection Act 1998 (DPA). The provisions in the Protection of Freedoms Act 2012 are in addition to the requirements under the DPA with which schools and colleges must continue to comply.

The DPA has eight data protection principles with which all data controllers must comply.

When processing a pupil's personal data, including biometric data for the purposes of an automated biometric recognition system, schools and colleges must comply with these principles. This means, for example, that they are required to;

- Store biometric data securely to prevent any unauthorised or unlawful use.
- Not keep biometric data for longer than it is needed meaning that a school or college must destroy a child's biometric data if, for whatever reason, the child no longer uses the system

⁹ Ibid.

¹⁰ Ibid.

including when he or she leaves the school or college or where a parent withdraws consent or the child objects.

- Ensure that biometric data are used only for the purposes for which they are obtained and that such data are not unlawfully disclosed to third parties.

Appendix 1: Methodology

Starting on the 14th May 2012, a Freedom of Information request was sent to 3,218 secondary schools and academies (in Great Britain). In this request we asked for information relating to the use of biometric technology within the school.¹¹ Specifically, we asked if biometric technology was in use within the school and, if so, what kind, and if parents had been consulted about the use of biometric technology within the school. We received responses from 1,255 schools.

For the purposes of this report we included all responses received up to and including 3rd September 2012.

Due to the sensitive nature of the data many schools asked us not to release their individual details. We are happy to respect this concern and disclose information responsibly. Accordingly, we have decided to not make the following information available:

- A full list of every school and whether they are using biometric technology.

As a result, we are unable to assist with request for information relating to individual schools. We ask that you do not contact Big Brother Watch requesting this information, and instead contact local authorities or schools directly if you wish to enquire whether they use biometric technology.

¹¹ The Freedom of Information request was sent as part of a request for data relating to CCTV cameras. For more information about the CCTV FOI request and the results gathered see *Class of 1984*. For the purposes of this report, only the questions relating to biometrics are included in appendix 2.

Appendix 2: Freedom of Information Request¹²

Specifically, I am writing under the terms of the Act to request information relating to the use of CCTV and biometric identification systems in your school. I am especially interested in the number of cameras your school may operate, the location of these cameras and the use of biometric identity technology by your school.

If you are able to provide answers to the following questions, it would be appreciated.

- 1.) Details of whether your school employs any biometric identity technology, including but not limited to finger scanners and iris scanners, as of 1st March 2012;
- 2.) Whether parents of pupils enrolled in the school were consulted about the installation of biometric technology, and a copy of any document relating to this
- 3.) A copy of any internal guidance document relating to the use of the above technologies
- 4.) The total number of pupils in your schools, as of the 1st March 2012

Under the terms of the Act, you have an obligation to provide any information that you hold within twenty working days. I would be grateful if you could confirm receipt of this request as soon as possible. My preferred means of receiving information is electronically, but I am happy to accept postal copies

¹² The Freedom of Information Request was part of a larger research project investigating the use of surveillance technology and privacy issues within school in Great Britain. Questions relating to other areas have been removed for the purpose of this report. For further information into additional questions asked and the results, see <http://www.bigbrotherwatch.org.uk/home/2012/09/the-class-of-1984.html>

Appendix 3: Best Practice¹³

Best practice notifications

The Department for Education guidance is a good starting point for schools and parents to understand what is required when asking a child to use biometric systems. However, without a standardised template for schools to use, there appears to be huge inconsistencies in the information that is provided in the notification and consent process.

Here is one example of less than best practice when notifying pupils:

Dear Boys

Sorry to send another "action required" email.

As some of you are aware we are moving to a "cashless biometric" system in the [canteen]. This will be an improvement and speed up our operations for all food matters including the Grab and Go etc.

In order to do this, the school needs to take a biometric fingerprint sample for each of you (a quick and painless process!). This will take place at lunchtime on Tuesday or Wednesday next week.

Please can you go to the Foyer area and make your thumbprint.

[A], [B] & [C] - Tuesday lunchtime

[D], [E], [F] - Wednesday lunchtime

NB - If you have a commitment that means you cannot make your own lunchtime, then please go to the other lunchtime. Please, however, do not leave your visit to the last minute. They are very quick in

¹³ <http://www.education.gov.uk/aboutdfe/advice/f00218617/biometric-recognition-systems->

registering you, but cannot cover 180 in any kind of flash. If anyone is really very stuck, please let me know.

Thanks very much for your help with this.

Here, the teacher has failed to fully explain what the cashless biometric system will entail, the fact that pupils have the right to refuse to participate, the fact that parents will be required to provide consent, and that there will be alternatives provided for those not wishing to participate.

Instead, the letter should have read:

Dear [Pupil Name]

As some of you are aware we are moving to a biometric system in the [canteen/library/registration etc.].

Below is some information about what biometric technology is and how it will be used. It is important that you read the information carefully and fully understand it. If you have any questions or concerns you should raise them with your parents or your form tutor.

To be clear, the use of this technology is voluntary, and if you do not feel comfortable using it then we will not force you to.

Your parents will also be asked to provide their consent for you to use the technology. Under Department for Education guidance, if your parents agree to the use of biometric technology, but you refuse, then you will not be forced to participate.

An alternative will be offered to those who are unable to participate in the form of [cashless cards/library cards etc.].

If both you and your parents are happy for you to participate, then the school needs to take a biometric fingerprint sample for each child. This will take place [insert time and place].

FAQ's

1. What is biometric data?

1. Biometric data means 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.
2. The information commissioner considers all biometric information to be personal data as defined by the Data Protection Act 1998; this means that it must be obtained, used and stored in accordance with that act (see the Data Protection Act 1998 below).
3. The Protection of Freedoms Act includes provisions which relate to the use of biometric data in schools and colleges when used as part of an automated biometric recognition system. These provisions are in addition to the requirements of the Data Protection Act 1998 (see the Protection of Freedoms Act 2012 below).

2. What is an automated biometric recognition system?

1. An automated biometric recognition system uses technology which measures an individual's physical or behavioural characteristics² by using equipment that operates automatically, i.e. electronically. Information from the individual is automatically compared with biometric information stored in the system to see if there is a match in order to recognise or identify the individual.

2. Biometric recognition systems can use many kinds of physical or behavioural characteristics, such as those listed in 1, 1 above.

3. What does processing data mean?

Processing of biometric information includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data, including (but not limited to) disclosing it, deleting it, organising it or altering it³. An automated biometric recognition system processes data when:

- a) recording pupils' biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner;
- b) storing pupils' biometric information on a database system; or
- c) using that data as part of an electronic process, for example, by comparing it with biometric information stored on a database in order to identify or recognise pupils.

Similarly, a letter should have also been sent to parents:

Dear [Parent Name]

Today we sent out a letter to all pupils explaining to them that we are moving to a biometric system in the [canteen/library etc.].

I am writing to ask for your consent for your child to participate in the use of biometric technology.

Below is some information about what biometric technology is and how it will be used.

To be clear, the use of this technology is voluntary, and if you do not feel comfortable with your child using it, then they will not be forced to.

Under the Department for Education guidelines, as well as requiring parental written consent, we are also required to gain aural consent from pupils. If pupils refuse to participate in the use of the biometric system, even with written parental permission, they will not be forced to participate.

An alternative will be offered to those who are unable to participate in the form of [cashless cards/library cards etc.].

If both you and your child are happy to participate, then the school needs to take a biometric fingerprint sample for each child. This will take place [insert time and place].

[Insert FAQ's as seen in the pupil letter]

About Big Brother Watch

Big Brother Watch was set up to challenge policies that threaten our privacy, our freedoms and our civil liberties, and to expose the true scale of the surveillance state.

Founded in 2009, we have produced unique research exposing the erosion of civil liberties in the UK, looking at the dramatic expansion of surveillance powers, the growth of the database state and the misuse of personal information.

We campaign to give individuals more control over their personal data, and hold to account those who fail to respect our privacy, whether private companies, government departments or local authorities.

Protecting individual privacy and defending civil liberties, Big Brother Watch is a campaign group for the digital age.

If you are a journalist and would like to contact Big Brother Watch, including outside office hours, please call +44 (0) 7505 448925 (24hrs). You can also email press@bigbrotherwatch.org.uk for written enquiries.

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