

Hazelwick School
Guidance on Consents for Hazelwick Staff

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Introduction

The UK-GDPR reflects a more dynamic idea of consent: consent as an organic, ongoing and actively managed choice, and not simply a one-off compliance box to tick and file away.

The lawful basis for processing personal data of students and staff is that it is necessary in order for Hazelwick School to discharge its legal obligations and statutory duties. The Privacy Notices are sufficient to ensure lawful processing.

Where the school takes a photograph or film of someone on school premises, events or trips and wants to use this image for educational purposes, it is unlikely that consent is required. It is unlikely to cause prejudice to any of the individuals in the picture. For publications that are not directly linked to educational requirements of the school, the student if over 16 years old, or if younger the parent/carer must still be informed that photography or filming is taking place and the context in which the image will be used, for example, photos passed to newspapers.

Examples of when consent is not required

1. A picture taken of a group of students working during a lesson and placed on the notice board.
2. A teacher video recorded her students in a drama lesson. This video is to be played back to the students to discuss their performances.

Consent will be required where there is additional processing of personal data which is not within the reasonable expectation of those involved. Examples include the use of personal data in biometric systems and photographs used outside school i.e newsletters, social media and newspapers.

Examples of when consent is required

1. A group of students attend a STEM trip at a local company. The company want to take pictures of the students to use in their new advertising campaign, on leaflets and on their website. Consent is required. The images are not being taken by Hazelwick School and used for their educational purposes.
2. A student writes an article for the newsletter, which is accompanied by a photograph. The school is really pleased with this student's article and wants to publish it in the local newspaper along with the photograph. It is unlikely that the student would expect to see their picture and article in a local newspaper so consent is required.

Who's consent?

Where the student is below the age of 16 years, consent must be given by the holder of parental responsibility over the child. If there is any doubt about who has parental responsibility, Hazelwick School will make reasonable efforts to verify.

Biometric Data

The Protection of Freedoms Act 2012 places controls on the use of biometric systems in schools, for example for cashless catering or borrowing library books.

Hazelwick School uses automated biometric recognition systems and so parents/cares (if student is under 16)/student are required to give consent.

Where we use students' biometric data as part of an automated biometric recognition system (for example, students use finger prints to receive school dinners instead of paying with cash), we will comply with the requirements of the Protection of Freedoms Act 2012.

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and students have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those students. For example, a pin number will be issued for students to use at the canteen till.

Parents/carers and students can withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a student refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the student's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

There are strict requirements for notification and consents and for these see the DfE guidance: <https://www.gov.uk/government/publications/protection-of-biometric-information-of-children-in-Schools>

Guidance on consent and withdrawal

Hazelwick School will follow these guidelines on consent and withdrawal of consent:

- demonstrate that the data subject has consented to the processing of personal data; a positive opt-in is required
- avoid suggesting that without consent the student is not able to participate in the activity
- make the consent distinguishable from the other matters, in an intelligible and easily accessible form, using clear and plain language
- if another organisation/third party is relying on the consent they will be named in the consent form
- prior to giving consent, the data subject shall be informed that consent can be withdrawn at any time and whom to contact regarding withdrawal of consent
- receipt of a withdrawal of consent will be acknowledged and acted upon within a reasonable period of time and no longer than one month from the date of receipt

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