

LETTER

School Biometric System

I am writing to request that you reconsider your stance on implementing fingerprinting of students at St Ambrose Barlow for the stated aim of providing Cashless Catering and Printing.

1. A request to reconsider the installation of the BioStore Fingerprinting System.

I request you to reconsider the spending of public money on this system, for reasons I will discuss below. I am by no means alone in my concerns, I am sure you are aware of fierce opposition to it in the media from parents, academics, MPs, Liberty, and indeed all individuals outside of the school or manufacturing companies who intend to install such systems. Please see:

<http://www.guardian.co.uk/uk/2011/jun/09/schools-surveillance-spying-on-pupils>

A survey done on exactly this issue of cashless catering gives 89% opposed to fingerprinting children:

<http://www.guardian.co.uk/leeds/poll/2011/feb/07/1>

A mother campaigning for years on the issue: <http://pippaking.blogspot.co.uk/>

<http://www.scotsman.com/news/trivial-use-of-electronic-id-in-schools-triggers-row-1-1315111>

<http://www.leavethemkidsalone.com/> where mainstream newspapers MPs and many citizens express extreme concern.

Quoted below from <http://www.dailymail.co.uk/news/article-486930/The-sinister-truth-childrens-fingerprints.html>:

"I believe that this is part of a Government plan to soften up children for ID cards," says Roberta, who is reading for a university degree.

"It is grooming the pupils at a very young age to accept that taking their personal biometric details and storing them on computers is normal.

"The school says it is doing nothing wrong and there is nothing to hide. But we are moving closer and closer to a Big Brother State.

"What could a child's fingerprints be used for in ten years' time?"

Her views are shared by Dr Sandra Leaton Gray, director of studies in sociology of education at Homerton College, Cambridge University. She believes the fingerprinting is dangerous.

"Children are being encouraged to become compliant and passive about giving out their biometric details," she says.

Essentially, they are being softened up for later life.

People mix up everyday ID, such as drivers' licences, with this kind of information. It is very different.

Some of the companies supplying the finger mapping systems in our schools have connections with the American intelligence services and military operating at Guantanamo Bay and should not be allowed access to our pupils."

Professor Ross Anderson, a Cambridge University professor and expert on privacy, agrees.

He told the Mail this week: *"Britain is out of line with the rest of Europe, where the fingerprinting of schoolchildren does not happen.*

"It is a slippery slope. Certainly, the pupils are being softened up and led to believe that giving their personal biometric data to the authorities is normal behaviour."

And yet your letter dated 9th February 2013 arrived with me after *no parental consultation, and indeed appears dismissive of concerns.* (Perhaps as it provides information only from the manufacturer of the devices). If there were no problem with implementing such a system, why would the Governors sidestep the parents in consultation on such a large sum of money?

I am disappointed to see that your letter sadly fails to address any problems of security breaches, transparency, data retention or privacy in any detail at all. There is no system that is totally secure, (indeed 603 requests were made to the Data Protection Commissioner regarding security breaches of data in 2010/2011

alone. http://www.ico.gov.uk%2Fnews%2F~%2Fmedia%2Fdocuments%2Ffuture_of_dp_in_europe_2012%2Fico_event_future_of_dp_in_europe_2012_Hazel_Grant_slides.ashx&h=WAQE9WEIN)

2. Points of concern for you to address

The reasons for my concern are many.

- I believe, amongst the 89% of people questioned last year by the Daily Mail, it is inappropriate to engender a culture of mistrust and compliance with technological systems as the answer we need.
- I dislike the impersonal nature of the cashless canteen system as I think that the conversation with the dinner lady is both peasant and part of skills in society our children need-not to hurry through, and to suggest that 'efficiency' is the main goal of the lunch hour at all costs.
- I believe that PIN cards/passwords work perfectly well for virtually all of our Credit card transactions for all adults, (my university printing account was topped up online without the need for collecting my biometric data), and therefore fingerprinting is overkill and superfluous to requirements.
- I am concerned that this is grooming children for greater compliance with biometric collection for other applications in future such as ID cards. It is foolhardy to ignore this as a possible agenda.
- It is **wildly disproportionate** to suggest that the catering system for the approximately 40% of students who use canteens needs biometric management to 'speed it up'. Are you able to justify this?
- It is also unsuitable to expect parents of children bringing school dinners and those who leave premises for lunch to pay for his apparent convenience.
- This is an inappropriate spending of public money and I am aware that the Head of The Governors may be prosecutable and accountable for wasting public funding.
- Technological systems and software are constantly changing. It is wholly inappropriate to suggest that data is safe and cannot be un-encrypted (even at present IF this is true);
- and as there is **no** system that is unable to be security compromised, you as the Data Controllers need to be aware there is a heavy burden on the school to uphold security/prevent identity theft, and a possible fine for breaches.

As the UK has no Privacy Assessment, you may or may not be aware that Ireland's data protection commissioner issued the following points on biometric data

:<http://www.dataprotection.ie/viewdoc.asp?DocID=409&ad=1>; I consider it best practice for you all for to operate as Head of St Ambrose within these guidelines. In particular I would like to draw your attention to the following sections:

- 4 Transparency
- 6 Security
- 7 Retention
- 8 Privacy Impact Assessment

I would also like you to address the points in this section <http://www.leavethemkidsalone.com/vital.htm> with you for answer, either in writing or in person.

Please advise me which is preferable to you, there are many detailed points for you to answer.

3. Request for revised letter to be sent out to parents covering the issues in appropriate detail and call for meeting for concerned parties

I am sure that the School is wishing to act in accordance with law and government guidelines but I am concerned there is a lack of attention to the detail of the law. I quote from this link in my discussion below: <http://media.education.gov.uk/assets/files/pdf/p/biometrics%20advice%20revised%2012%2012%202012.pdf>

"...in order to be able to use your child's biometric information, the written consent of at least one parent is required. However, consent given by one parent will be overridden if the other parent objects in writing to the use of their child's biometric information. Similarly, if your child objects to this, the school [college] cannot collect or use his/her biometric information for inclusion on the automated recognition system."

As you can see from my research, I am concerned that the School is acting outside of the law by failing to give the stated requirement of fully 'informed consent'.

Firstly, It neglects to inform students of their right to consent. Your letter is addressed to parents and nowhere states the right of the child to not comply AT ANY STAGE. **This is their legal right to refuse to be fingerprinted at any stage-even if their parents consent.** This is a serious oversight of their human rights, and if one seriously researches and appraises the current and future situation of biometric data collection-you will see it is them who are at risk and not the parents. As the Data Subjects in law this is the child's right; anyone over 12 is considered capable of understanding this within law. I have sought

clarification of this from the Information Commissioner and can clarify this in writing if you wish. Also, do you have any plans to inform students who may not be Gillick Competent?

Please see http://www.nspcc.org.uk/inform/research/questions/gillick_wda61289.html and from the link

<http://media.education.gov.uk/assets/files/pdf/p/biometrics%20advice%20revised%2012%2012%202012.pdf> see The pupil's right to refuse What the law says:

1) 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:

2) Schools and colleges **should 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.**

3) In addition to the required actions for notification and obtaining consent, schools may wish to include information in their privacy notices and explain how biometric data are to be processed and stored by the school. Further advice and suggested templates for privacy notices for schools can be found on the Department for Education website:

<http://www.education.gov.uk/researchandstatistics/datatdatam/a0064374/suggested-text-and-guidance-for-issuing-privacy-notice>

Your letter is required by law to be sent to BOTH parents, however has only been received by myself from my daughter's bag. As a family where my daughter's father is non resident he has only been informed as I chose to contact him. It is your legal duty to address this consent form to BOTH parents as EITHER parent OR CHILD may refuse to consent and if one parent only has been informed you are in breach of your duty as Data Controllers to obtain this information.

Section 4 The Protection of Freedoms Act Notification and Parental Consent

What the law says:

1) 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.

2) As long as the child or a parent does not object, the written consent of only one parent will be required 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.

3) Schools and colleges will not need to notify a particular parent or seek his or her consent if the school or college is satisfied that:

- a. the parent cannot be found, for example, his or her whereabouts or identity is not known;
- b. the parent lacks the mental capacity to object or to consent;
- c. the welfare of the child requires that a particular parent is not contacted, for example where a child has been separated from an abusive parent who is not to be informed of the child's whereabouts; or
- d. where it is otherwise not reasonably practicable for a particular parent to be notified or for his or her consent to be obtained.

Schools should be alert to the fact that the admission register may, for some reason, not include the details of both parents. Where the name of only one parent is included in the admission register, schools should consider whether any reasonable steps can or should be taken to ascertain the details of the other parent. For example, the school might ask the parent who is included in the admission register or, where the school is aware of local authority or other agency involvement with the child and its family, may make enquiries with the local authority or other agency. Schools and colleges are not expected to engage the services of 'people tracer' or detective agencies but are expected to take reasonable steps to locate a parent before they are able to rely on the exemption in section 27(1)(a) of the Protection of Freedoms Act

I note that your information supplied in this letter comes from BioStore the manufacturers of the technology; it does not fully appraise the situation of biometric data collection either now or in the future. It is an inevitable sales pitch - and does not satisfy the criteria of independent review of the systems expected

by Ireland's data control commissioner, it glosses over concerns and dismisses problems. There is no independent supporting evidence of the need or safety of these systems, or anything to recommend it.

I am sure you can see from the points above that it is your duty to send out a revised letter regarding the issue of consent, which will be required (even retrospectively) from September 2013.

In this, it is not sufficient to merely inform students of their right to consent and the 'one parent can still object/consent rule'- **it is morally incumbent on you no matter how unpleasant a process it may initiate for you to assist in educating our children of the potential problems of such a system** which is part of the world they will be moving into. It is inadequate to suggest that the implications do not involve future 'unseen problems' that have been discussed by experts already as quite probable threats to their security and future identity.

You are not morally at liberty to screen these concerns out for convenience of swiftly implementing a system which has been assessed as suitable at the level of non consultation: IT IS AN INDIVIDUALS RIGHT TO DO THIS.

See http://www.ico.gov.uk/for_the_public/topic_specific_guides/schools/fingerprinting.aspx

'The Data Protection Act says that personal data (in this case fingerprints) must be fairly obtained. In other words, the school should ensure that pupils are fully aware of the implications of having their fingerprints taken before doing so. Depending on the level of understanding of the pupils, this may need to involve their parents.'

Such discussions could and should be held in the classroom or discussion forum, (as is stated it is your duty to inform above for INFORMED consent) in addition to with their parents. Should you wish an expert to discuss such matters in assembly I can arrange that for you.

As there has been no opportunity to discuss any concerns that this may raise *for parents*, I wonder if you would be willing to offer a consultation process between the school, Board of Governors, and parents BEFORE the system goes live? I hope your revised letter could invite parents into open dialogue on these important issues raised below. Is it possible that the school could offer itself as a venue for an evening discussion to facilitate this? I am confident that the school wishes to be transparent about all the issues concerned here and will be able to help parents discuss them.

Suitable questions for discussion include:

- What other more cost effective options have been discussed and why has this been chosen?
- Can you justify why in your opinion it is necessary to fingerprint children rather than PIN codes?
- What is the cost of the system?
- What are your systems and how / where do they store the data? Can you explain HOW they are 'safe'?
- What process ensures the deletion of data when a child leaves and what system exists to check and confirm this is so if required?
- Will the data-cleansing company certify in writing that the biometric information has been satisfactorily removed? (This requirement was confirmed by the Information Commissioner on 9 Feb 2007.)
- What happens in the event of a security breach, do you have a plan of action?
- Will the police have access to the data on request and how long can they retain that for? (they do, and it is an indefinable period), software exists to share data between agencies)
- If you choose to implement CCTV in future, will you be requesting additional permission for facial recognition software?
- What if any Privacy Impact Assessment has been carried out?

I shall be sending a separate email which requests some further information under the *Freedom of Information Act 2000* regarding the suggested implementation of the technology. It is my hope that the material you provide will be useful for parents to discuss in an open forum with the School and its Governors thereby enabling a truly 'informed consent' to be obtained.

I thank you in advance for your help with this most serious issue.

[End]