

Use of biometric recognition systems and students under age 18 in colleges

- 1 The Association of School and College Leaders (ASCL) is the professional association for leaders of secondary schools and colleges, with over 15,000 members across the UK. Thus the association is in a good position to respond to these proposals.
- 2 As set out here, they do not fit well with other stated aims of the Coalition Government. In particular this approach would impose a significant new bureaucratic burden on colleges of just the kind opposed by the coalition partners when in opposition, and by this association.
- 3 The cost of the proposals is out of all proportion to the benefit to be accrued. It is doubtful that more than a tiny proportion of parents or young people have been concerned about the use of biometric data for the innocent purposes to which colleges have put it, but the opportunity cost of reassuring them would be enormous.
- 4 Such micromanagement of colleges is not sensible, and again this is exactly what the new government has set out to avoid. This is problematical in primary legislation, which is hard to change if it proves not to operate as desired.
- 5 There is presumably a concern over privacy that means that it has been decided that parents and students should have the opportunity to refuse to have their biometric data used for college purposes. However, there is still no need for the burdensome approach proposed here. It would surely be sufficient to allow parents and young people to opt out of giving their biometric data, rather than requiring schools to obtain written permission from all parents.
- 6 Persuading parents of all under-18 pupils already in a college to sign any document is extremely difficult – many simply do not respond as a result of inertia rather than any point of principle. This would suggest that a very long lead time would be needed for obtaining this permission.
- 7 What is meant by ‘parent’ here? Many learners have estranged natural parents and step parents, and some have in loco parentis parents too. Would the signature of any of them be sufficient, or would it be required from all?
- 8 If a parent or student refuses to allow such data to be used, an alternative means of providing access would have to be found. This would typically involve the carrying of a card to identify the student. It would have to be clear that refusal to allow the use of biometric data followed by failure to carry the card would mean that the service could not be provided. Without that, these systems would fail.
- 9 ASCL agrees that the consent of the young person as well as that of the parent should be required. However, the act of presenting the finger or eye to the machine should indicate a strong presumption that that consent has been given, certainly in the case of young people between the ages of 16 and 18.

- 10 Whether consent is sought in writing or is presumed after an offer to opt out there will be occasions when failures of communication or human errors mean that the data is still collected from a young person whose parents do not want that.
- 11 In these circumstances it should be made clear that such parents can expect redress in the form of deletion of the data collected and an apology, but cannot demand financial recompense.
- 12 ASCL firmly believes that the same rules should apply to schools and colleges, so that whatever is agreed should be the best outcome for all young people up to the age of 18 in any setting, whether it be a school, college, training provider or employer who carries out training part-time.
- 13 ASCL strongly suggests that the details of the approach be in regulation rather than statute, so that unexpected and unintended consequences can be corrected; and that there be a requirement to allow parents or young people to opt out, rather than a need to collect innumerable signatures.
- 14 I hope that this is of value to your consultation. ASCL is willing to be further consulted, and to help in any way that it can.

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