

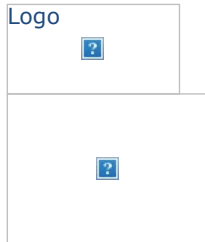
Internal Correspondence

From: [Catherine Galgut](#)
To: [Debora Biasutti](#); [Andy Thomas](#)
Cc: [DPIAConsultation](#)
Subject: Reprimand Notice of Intent
Date: 16 May 2024 10:01:56
Attachments: [CVHS - Reprimand Notice of Intent.pdf](#)
[image001.jpg](#)
[image002.png](#)

Hi both,

Attached is a copy of a notice of intent to issue a reprimand that we sent out yesterday. It relates to facial recognition processing in schools so links to the recent Serco enforcement action, recently published biometrics guidance and past actions we've taken regarding schools and biometric processing.

Thanks,



Catie Galgut

Senior Policy Officer – DPIA & Innovation Advice Team

Technology & Innovation Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1754 F. 01625 524510 ico.org.uk twitter.com/iconews

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DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

NOTICE OF INTENT TO ISSUE A REPRIMAND

TO: Chelmer Valley High School

OF: Court Road, Broomfield, Chelmsford, Essex, SM1 7ER

1.1 The Information Commissioner (the Commissioner) intends to issue a reprimand to Chelmer Valley High School in accordance with Article 58(2)(b) of the UK General Data Protection Regulation (UK GDPR) in respect of certain alleged infringements of the UK GDPR.

The proposed reprimand

1.2 The Commissioner has provisionally decided to issue a reprimand to Chelmer Valley High School in respect of the following alleged infringements of the UK GDPR:

- Article 35(1) of the UK GDPR which states a controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data, where this processing is likely to result in a high risk to the rights and freedoms of natural persons.

1.3 The reasons for the Commissioner's provisional findings are set out below.

1.4 The controller, Chelmer Valley High School, are an academy school located in Essex providing education for around 1,200 students ages 11 to 18. This reprimand concerns the processing of biometric personal data for the purposes of managing their cashless catering system.

1.5 Chelmer Valley High School introduced facial recognition technology in March 2023. Prior to this, their cashless catering was managed through fingerprint recognition technology, which had been in place since 2016. The facial recognition technology was provided to Chelmer Valley High School by CRB Cunninghams, which acts as a processor on behalf of Chelmer Valley High School.

1.6 On 29 January 2024 Chelmer Valley High School's Data Protection Officer (DPO) 'IGS' contacted the Commissioner and provided a DPIA that had been completed in November 2023. IGS considered the processing to be high risk, and submitted the DPIA for review. IGS confirmed that no DPIA had been completed for the introduction of facial recognition technology prior to the processing commencing in March 2023.

1.7 Through further correspondence with IGS it was established that from March to November 2023 the controller had been relying on assumed consent for facial recognition, except where parents or carers had opted children out of the processing. Article 4(11) of the UK GDPR is clear that consent requires an affirmative action, and as such consent on an opt-out basis would not have been valid or lawful. Further to this, the majority of students would have been considered sufficiently competent to provide their own consent. The parental opt-out deprived students of the ability to exercise their rights and freedoms in relation to the processing between March and November 2023.

1.8 The controller also failed to seek advice from their DPO in relation to the introduction of the facial recognition technology, nor did they consult with parents or students before commencing with the processing. The Commissioner believes that had Chelmer Valley High School sought advice from their DPO, many of the compliance issues would have been identified prior to the processing commencing.

1.9 Under Article 35(4), the Commissioner has published a list of processing activities that require a DPIA to be completed prior to the processing. The Commissioner's published list states that the processing of biometric data requires a DPIA where this is combined with any of the criteria from the European guidelines¹. These guidelines include the processing of data concerning vulnerable data subjects (such as children), and the use of new technological solutions.

2.0 Chelmer Valley High School has therefore failed to complete a DPIA where they were legally required to do so. This failing meant that no prior assessment was made of the risks to data subjects, no consideration was given to lawfully managing consent, and students at the school were then left unable to properly exercise their rights and freedoms.

¹ [JUSTICE AND CONSUMERS ARTICLE 29 - Guidelines on Data Protection Impact Assessment \(DPIA\) \(wp248rev.01\) \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016r0248rev01&from=doctrines)

Remedial steps taken by Chelmer Valley High School

2.1 The Commissioner has considered and welcomes some of the remedial steps taken by Chelmer Valley High School. In particular, the completion of a DPIA in November 2023 and refreshing of consents by obtaining explicit opt-in consent from students.

Provisional decision to issue a reprimand

2.2 Taking into account all the circumstances of this case, including the remedial steps, the Commissioner has provisionally decided to issue a reprimand to Chelmer Valley High School in relation to the alleged infringements of Article 35(1) of the UK GDPR set out above.

2.3 While several areas of non-compliance are apparent, the Commissioner has decided to focus on the controller's actions prior to the processing. The completion of a comprehensive DPIA before the processing commenced would have provided Chelmer Valley High School with the opportunity to assess the risks of the processing, and avoid the subsequent compliance failures.

Further Action Recommended

2.4 The Commissioner has set out below certain recommendations which may assist Chelmer Valley High School in rectifying the infringements outlined in this reprimand and ensuring Chelmer Valley High School future compliance with the UK GDPR. Please note that these recommendations do not form part of the reprimand and are not legally binding directions. As such, any decision by Chelmer Valley High School to follow these recommendations is voluntary for Chelmer Valley High School. For the avoidance of doubt, Chelmer Valley High School is of course required to comply with its obligations under the law.

2.5 If in the future the ICO has grounds to suspect that Chelmer Valley High School is not complying with data protection law, any failure by Chelmer Valley High School to rectify the infringements set out in this reprimand (which could be done by following the Commissioner's recommendations or taking alternative appropriate steps) may be taken into account as an aggravating factor in deciding whether to take enforcement action - see page 11 of the Regulatory Action Policy [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk) and Article 83(2)(i) of the UK GDPR.

2.6 The Commissioner recommends that Chelmer Valley High School should consider taking certain steps to improve its compliance with UK GDPR. With particular reference to article 35 of the UK GDPR, the following steps are recommended:

1. Prior to new processing operations, or upon changes to the nature, scope, context or purposes of processing for activities that pose a high risk to the rights and freedoms of data subjects, complete a DPIA and integrate outcomes back into the project plans. [Types of processing](#) that require a DPIA to be completed can be found in our website guidance.
2. Amend the DPIA to give thorough consideration to the necessity and proportionality of cashless catering, and to mitigating specific, additional risks such as bias and discrimination.
3. Review and follow all ICO guidance for schools considering whether to use facial recognition for cashless catering. A [case study on North Ayrshire Council schools](#) and their use of facial recognition technology can be found on our website.
4. Amend privacy information given to students so that it provides for their information rights under the UK GDPR in an appropriate way.
5. Engage more closely and in a timely fashion with their DPO when considering new projects or operations processing personal data, and document their advice and any changes to the processing that are made as a result.

From: [Catherine Galgut](#)
To: [Debora Biasutti](#); [Andy Thomas](#)
Cc: [DPIAConsultation](#)
Subject: RE: Reprimand Notice of Intent
Date: 06 June 2024 17:13:30
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.gif](#)

Hi both,

Hope you're well!

Just to update you, representations were due on this reprimand yesterday and the controller hasn't provided any comments, so we'll begin working towards the final reprimand over the next few days.

If you feel it is appropriate for wider publicity, we'd be keen to feed into the content of this – it's not usual process for the DPIA team to investigate and issue a reprimand, so we'd be grateful to be able to highlight the key reasons we decided to take this action.

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

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From: Debora Biasutti <Debora.Biasutti@ico.org.uk>
Sent: Thursday, May 16, 2024 10:08 AM
To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
Cc: [DPIAConsultation](#) <DPIAConsultation@ico.org.uk>
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Hi Catie

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Logo



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From: [Andy Thomas](#)
To: [Catherine Galgut](#); [Debora Biasutti](#); [Helen Booth](#)
Cc: [DPIAConsultation](#); [Lucinda Truett](#)
Subject: RE: Reprimand Notice of Intent
Date: 21 June 2024 16:32:24
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.gif](#)

Thanks Catie, that's great.

[REDACTED] So can you please send the final reprimand through to our colleagues in the press team – Helen Booth and Lucie Truett (cc'd) once ready, as they will be progressing the press release.

Due to the pre-election period we are working our way through a backlog of comms that's built up. We currently have this pencilled in for publishing w/c 22 July, but Helen and Lucie will confirm the exact date closer to the time.

Many thanks,
Andy



Andy Thomas
Senior Communications Officer

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Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi Andy,

No problem, thank you for the update!

That's great, we'd be happy to provide some content for use in the comms.

We've drafted the final reprimand and [REDACTED] and there only needs to be three days following this for any redactions to be requested.

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From: Andy Thomas <Andy.Thomas@ico.org.uk>
Sent: Thursday, June 20, 2024 9:04 AM
To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
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Hi Catie,

Apologies, I drafted an update to you last week but didn't hit send.

I caught up with our press and social managers and we agreed that this reprimand gives us a good opportunity to share the lessons learned through comms, especially as it relates to biometrics and children's privacy.

Do you have an ETA on the final reprimand to help us look at timings for publishing?

Many thanks,
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To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
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To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
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From: [Helen Booth](#)
To: [Lynne Currie](#); [Catherine Galgut](#); [Andrew White](#)
Cc: [Lucinda Truett](#); [DPIAConsultation](#); [Andy Thomas](#)
Subject: FW: Reprimand Notice of Intent - comms
Date: 01 July 2024 10:46:27
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.gif](#)

Hi all,

Further to Andy's email below, we are planning to publicise this reprimand on Tuesday 23 July.

It's worth pointing out that this will fall during school holidays so coverage **may** be seen less by teachers in education trade press. However, there is also an argument that teachers will have more time to read it rather than wait until the busy back to school September time.

Please can you confirm you're happy to go ahead with Tuesday 23 July and we will work on a comms plan and press release for you to review.

Thanks

Helen

Please note I work Tuesdays, Wednesdays and Monday and Thursday mornings

Helen Booth
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
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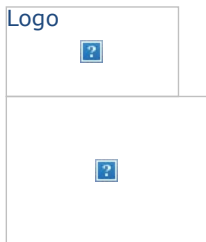
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Cc: [DPIAConsultation](#); [Andy Thomas](#); [Helen Booth](#)
Subject: RE: Reprimand Notice of Intent - comms
Date: 08 July 2024 16:44:03
Attachments: [CVHS - Reprimand.Final.pdf](#)
[image001.jpg](#)
[image002.png](#)
[image003.gif](#)

Hi all,

The final reprimand is attached.

I'm not able to access the link sent by Lucinda to review the press release, is anyone able to provide me with access to this in her absence?

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1754 F. 01625 524510 [ico.org.uk](#) [twitter.com/iconews](#)
Please consider the environment before printing this email
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From: Lucinda Truett <Lucinda.Truett@ico.org.uk>
Sent: Friday, July 5, 2024 11:57 AM
To: Lynne Currie <Lynne.Currie@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andrew White <Andrew.White@ico.org.uk>
Cc: [DPIAConsultation](#) <DPIAConsultation@ico.org.uk>; [Andy Thomas](#) <Andy.Thomas@ico.org.uk>; [Helen Booth](#) <Helen.Booth@ico.org.uk>
Subject: RE: Reprimand Notice of Intent - comms

Hello all,

Please find the link to the draft Chelmer Valley press release: [DRAFT - Chelmer Valley High School - Press Release.docx \(sharepoint.com\)](#)

If you wouldn't mind looking at this, that would be great. There are two questions from Alice that I didn't quite know the answer so if someone can take a look at these, then that would also be fab.

[@Lynne](#) – when you return from leave, please could you let me know if this is all okay with you?

As Helen mentioned below, we plan on issuing this on 23 July.

Thanks,

Lucie



Lucinda Truett

Lead Communications Officer
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
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From: Helen Booth <Helen.Booth@ico.org.uk>
Sent: Monday, July 1, 2024 10:46 AM
To: Lynne Currie <Lynne.Currie@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andrew White <Andrew.White@ico.org.uk>
Cc: Lucinda Truett <Lucinda.Truett@ico.org.uk>; [DPIAConsultation](#) <DPIAConsultation@ico.org.uk>; [Andy Thomas](#) <Andy.Thomas@ico.org.uk>
Subject: FW: Reprimand Notice of Intent - comms

Hi all,

Further to Andy's email below, we are planning to publicise this reprimand on Tuesday 23 July.

It's worth pointing out that this will fall during school holidays so coverage **may** be seen less by teachers in education trade press. However, there is also an argument that teachers will have more time to read it rather than wait until the busy back to school September time.

Please can you confirm you're happy to go ahead with Tuesday 23 July and we will work on a comms plan and press release for you to review.

Thanks

Helen

Please note I work Tuesdays, Wednesdays and Monday and Thursday mornings

Helen Booth
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Press office 0303 123 9070 ico.org.uk twitter.com/iconews
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From: Andy Thomas <Andy.Thomas@ico.org.uk>
Sent: Friday, June 21, 2024 4:32 PM
To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Debora Biasutti <Debora.Biasutti@ico.org.uk>; Helen Booth <Helen.Booth@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>; Lucinda Truett <Lucinda.Truett@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Thanks Catie, that's great.

[REDACTED] So can you please send the final reprimand through to our colleagues in the press team – Helen Booth and Lucie Truett (cc'd) once ready, as they will be progressing the press release.

Due to the pre-election period we are working our way through a backlog of comms that's built up. We currently have this pencilled in for publishing w/c 22 July, but Helen and Lucie will confirm the exact date closer to the time.

Many thanks,
Andy



Andy Thomas
Senior Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6044 F. 01625 524510 ico.org.uk twitter.com/iconews
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From: Catherine Galgut <Catherine.Galgut@ico.org.uk>
Sent: Thursday, June 20, 2024 4:57 PM
To: Andy Thomas <Andy.Thomas@ico.org.uk>; Debora Biasutti <Debora.Biasutti@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi Andy,

No problem, thank you for the update!

That's great, we'd be happy to provide some content for use in the comms.

We've drafted the final reprimand and [REDACTED] and there only needs to be three days following this for any redactions to be requested.

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

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From: Andy Thomas <Andy.Thomas@ico.org.uk>
Sent: Thursday, June 20, 2024 9:04 AM
To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi Catie,

Apologies, I drafted an update to you last week but didn't hit send.

I caught up with our press and social managers and we agreed that this reprimand gives us a good opportunity to share the lessons learned through comms, especially as it relates to biometrics and children's privacy.

Do you have an ETA on the final reprimand to help us look at timings for publishing?

Many thanks,
Andy



Andy Thomas
Senior Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
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From: Debora Biasutti <Debora.Biasutti@ico.org.uk>
Sent: Monday, June 10, 2024 2:41 PM
To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi Catie

Thanks for letting us know. We're meeting with our press manager and social media manager tomorrow to discuss this reprimand and others. We'll get back to you on the comms approach. As we're in the pre-election period, we will not be able to publish or publicise this reprimand until after the General Election.

Thanks



Debora Biasutti (she/her)
Communications Business Partner

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1847 Press office. 0303 123 9070 ico.org.uk twitter.com/iconews

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From: Catherine Galgut <Catherine.Galgut@ico.org.uk>
Sent: Thursday, June 6, 2024 5:13 PM
To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi both,

Hope you're well!

Just to update you, [REDACTED] so we'll begin working towards the final reprimand over the next few days.

If you feel it is appropriate for wider publicity, we'd be keen to feed into the content of this – it's not usual process for the DPIA team to investigate and issue a reprimand, so we'd be grateful to be able to highlight the key reasons we decided to take this action.

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

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From: Debora Biasutti <Debora.Biasutti@ico.org.uk>
Sent: Thursday, May 16, 2024 10:08 AM
To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi Catie

Many thanks for sending this across, it helps us with our comms forward planning. Please keep us up to date when you receive reps and are working towards a final reprimand. We'll discuss with comms colleagues on the comms approach for this reprimand and will get back to you.

Thanks



Debora Biasutti (she/her)
Communications Business Partner

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
T. 0330 313 1847 Press office. 0303 123 9070 ico.org.uk twitter.com/iconews

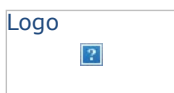
For information about what we do with personal data see our [privacy notice](#).

From: Catherine Galgut <Catherine.Galgut@ico.org.uk>
Sent: Thursday, May 16, 2024 10:02 AM
To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: Reprimand Notice of Intent

Hi both,

Attached is a copy of a notice of intent to issue a reprimand that we sent out yesterday. It relates to facial recognition processing in schools so links to the recent Serco enforcement action, recently published biometrics guidance and past actions we've taken regarding schools and biometric processing.

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service



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DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

REPRIMAND

TO: Chelmer Valley High School

OF: Court Road, Broomfield, Chelmsford, Essex, SM1 7ER

1.1 The Information Commissioner (the Commissioner) issues a reprimand to Chelmer Valley High School in accordance with Article 58(2)(b) of the UK General Data Protection Regulation (UK GDPR) in respect of certain infringements of the UK GDPR.

The reprimand

1.2 The Commissioner has decided to issue a reprimand to Chelmer Valley High School in respect of the following infringements of the UK GDPR:

- Article 35(1) of the UK GDPR which states a controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data, where this processing is likely to result in a high risk to the rights and freedoms of natural persons.

1.3 The reasons for the Commissioner's findings are set out below.

1.4 The controller, Chelmer Valley High School, are an academy school located in Essex providing education for around 1,200 students ages 11 to 18. This reprimand concerns the processing of biometric personal data for the purposes of managing their cashless catering system.

1.5 Chelmer Valley High School introduced facial recognition technology in March 2023. Prior to this, their cashless catering was managed through fingerprint recognition technology, which had been in place since 2016. The facial recognition technology was provided to Chelmer Valley High School by CRB Cunninghams, which acts as a processor on behalf of Chelmer Valley High School.

1.6 On 29 January 2024 Chelmer Valley High School's Data Protection Officer (DPO) 'IGS' contacted the Commissioner and provided a DPIA that had been completed in November 2023. IGS considered the processing to

be high risk, and submitted the DPIA for review. IGS confirmed that no DPIA had been completed for the introduction of facial recognition technology prior to the processing commencing in March 2023.

1.7 Through further correspondence with IGS it was established that from March to November 2023 the controller had been relying on assumed consent for facial recognition, except where parents or carers had opted children out of the processing. Article 4(11) of the UK GDPR is clear that consent requires an affirmative action, and as such consent on an opt-out basis would not have been valid or lawful. Further to this, the majority of students would have been considered sufficiently competent to provide their own consent. The parental opt-out deprived students of the ability to exercise their rights and freedoms in relation to the processing between March and November 2023.

1.8 The controller also failed to seek advice from their DPO in relation to the introduction of the facial recognition technology, nor did they consult with parents or students before commencing with the processing. The Commissioner believes that had Chelmer Valley High School sought advice from their DPO, many of the compliance issues would have been identified prior to the processing commencing.

1.9 Under Article 35(4), the Commissioner has published a list of processing activities that require a DPIA to be completed prior to the processing. The Commissioner's published list states that the processing of biometric data requires a DPIA where this is combined with any of the criteria from the European guidelines¹. These guidelines include the processing of data concerning vulnerable data subjects (such as children), and the use of new technological solutions.

2.0 Chelmer Valley High School has therefore failed to complete a DPIA where they were legally required to do so. This failing meant that no prior assessment was made of the risks to data subjects, no consideration was given to lawfully managing consent, and students at the school were then left unable to properly exercise their rights and freedoms.

2.1 Chelmer Valley High School were invited to provide representations. Chelmer Valley High School failed to provide any representations.

¹ [JUSTICE AND CONSUMERS ARTICLE 29 - Guidelines on Data Protection Impact Assessment \(DPIA\) \(wp248rev.01\) \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016r0248rev01&from=doctrines)

Remedial steps taken by Chelmer Valley High School

2.2 The Commissioner has considered and welcomes some of the remedial steps taken by Chelmer Valley High School. In particular, the completion of a DPIA in November 2023 and refreshing of consents by obtaining explicit opt-in consent from students.

Decision to issue a reprimand

2.3 Taking into account all the circumstances of this case, including the remedial steps, the Commissioner has decided to issue a reprimand to Chelmer Valley High School in relation to the infringements of Article 35(1) of the UK GDPR set out above.

2.4 While several areas of non-compliance are apparent, the Commissioner has decided to focus on the controller's actions prior to the processing. The completion of a comprehensive DPIA before the processing commenced would have provided Chelmer Valley High School with the opportunity to assess the risks of the processing, and avoid the subsequent compliance failures.

Further Action Recommended

2.5 The Commissioner has set out below certain recommendations which may assist Chelmer Valley High School in rectifying the infringements outlined in this reprimand and ensuring Chelmer Valley High School's future compliance with the UK GDPR. Please note that these recommendations do not form part of the reprimand and are not legally binding directions. As such, any decision by Chelmer Valley High School to follow these recommendations is voluntary for Chelmer Valley High School. For the avoidance of doubt, Chelmer Valley High School is of course required to comply with its obligations under the law.

2.6 If in the future the ICO has grounds to suspect that Chelmer Valley High School is not complying with data protection law, any failure by Chelmer Valley High School to rectify the infringements set out in this reprimand (which could be done by following the Commissioner's recommendations or taking alternative appropriate steps) may be taken into account as an aggravating factor in deciding whether to take enforcement action - see page 11 of the Regulatory Action Policy [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk) and Article 83(2)(i) of the UK GDPR.

2.7 The Commissioner recommends that Chelmer Valley High School should consider taking certain steps to improve its compliance with UK GDPR. With particular reference to Article 35 of the UK GDPR, the following steps are recommended:

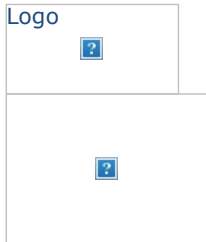
1. Prior to new processing operations, or upon changes to the nature, scope, context or purposes of processing for activities that pose a high risk to the rights and freedoms of data subjects, complete a DPIA and integrate outcomes back into the project plans. [Types of processing](#) that require a DPIA to be completed can be found in our website guidance.
2. Amend the DPIA to give thorough consideration to the necessity and proportionality of cashless catering, and to mitigating specific, additional risks such as bias and discrimination.
3. Review and follow all ICO guidance for schools considering whether to use facial recognition for cashless catering. A [case study on North Ayrshire Council schools](#) and their use of facial recognition technology can be found on our website.
4. Amend privacy information given to students so that it provides for their information rights under the UK GDPR in an appropriate way.
5. Engage more closely and in a timely fashion with their DPO when considering new projects or operations processing personal data, and document their advice and any changes to the processing that are made as a result.

From: [Catherine Galgut](#)
To: [Website Updates](#)
Cc: [Andrew White; DPIAConsultation](#)
Subject: Web update request - Chelmer Valley High School Reprimand
Date: 17 July 2024 11:36:40
Attachments: [image001.jpg](#)
[image002.png](#)
[Web update form CVHS reprimand.docx](#)
[20240702 CVHS - Reprimand Final V1.0.pdf](#)

Hello,

Please find attached a single website update form and attached document for upload for a reprimand.

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
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Website update form (single)

You will need to discuss any new pages with the Online Team for approval.

Website representatives: please review this form and forward it to [website.updates](#).

Part 1: Basic details

Today's date	17/07/24
Date needed on the website	23/07/24
Is this update embargoed?	n/a
Removal date (if required)	n/a

Part 2: Clearance and authority

Requested by (name, job title)	Catie Galgut, SPO
Submitted by (Web Representative name, job title)	Catie Galgut, SPO
Authorised by (name, job title). Note: all updates must be have relevant clearance.	Andrew White, Group manager
(Guidance updates only) Have you consulted the Guidance Governance Group ?	

Does the copy or document contain personal data?	No
If yes: personal data authorised by (name, job title). Note: updates with personal data must be authorised by, or on behalf of, the Information Asset Owner .	

Part 3: What is needed

What would you like the Online Team to do?
<input checked="" type="checkbox"/> Content Adding <input checked="" type="checkbox"/> Add a document <input type="checkbox"/> Content changing <input type="checkbox"/> Delete a document <input type="checkbox"/> Delete content

New Reprimand to be added on enforcement under action we've taken

Name of the organisation: Chelmer Valley High School

Date: 02 July 2024

Type: Reprimands

Sector: Education and childcare

Short summary: Chelmer Valley High School have been issued a reprimand in respect of Article 35(1). The school failed to complete a Data Protection Impact Assessment (DPIA) prior to introducing facial recognition technology for the purposes of cashless catering.

If you want content amending please copy and paste the existing text here and clearly mark your amends.

Does your update require a change note?

You must include a change note to any guidance document aimed at organisations, unless it's a minor edit. [See our guidance for more information.](#)

(If yes include text to be used for change note):

Part 4: Documents

(Only complete this part if you want us to upload a document.)

Document details	
Attachment	Please attach your file directly to this email.
Metadata	Please ensure you have removed hidden metadata from the file before sending your email. Click here for a guide on removing hidden metadata.
Version number	Please insert the version numbers of the documents: v1.0

Note that all documents submitted for publishing on the website must contain a date and version number. Please ensure you have updated the date and version number on the document before you send it.

Part 5: Location

Does this request relate to a new, or an existing page?

New page	
Existing page	Existing page – action we've taken, enforcement Enforcement action ICO

Part 6: The Guidance index

(Only fill in this section if your update contains guidance for organisations)

Please indicate which section of the Guidance index it should be added to:
Choose an item.

Part 7: Additional information

Is there anywhere you would like the new content to be linked from?
Insert URLs of page link should appear:

Any further instructions

DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

REPRIMAND

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OF: Court Road, Broomfield, Chelmsford, Essex, SM1 7ER

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Remedial steps taken by Chelmer Valley High School

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From: [Helen Booth](#)
To: [Catherine Galgut](#); [Andrew White](#); [Lynne Currie](#); [Ian Deasha](#); [Comms - Communications Dept](#); [Public Affairs and ICOR](#); [Jenny Brotchie](#)
Subject: Post-announcement round-up: Essex school reprimanded after using facial recognition technology for canteen payments
Date: 23 July 2024 16:21:04

Hi all,

This morning we [published a press release](#) about our reprimand for a high school in Essex which failed to carry out a DPIA before using FRT for its cashless canteen payment system. The release highlights that we don't want this to deter other schools from embracing new technologies but this must be done correctly with data protection at the forefront to protect children's privacy and safeguard their rights.

Press

Press Association has published a piece on its newswire service to journalists, picked up by [The Independent](#). The release has also been covered by [BBC Essex](#), [School Management Plus](#) and the [Express and Star](#). All the coverage so far is straight reporting and includes our key messages and quote from Lynne Currie. We expect further media coverage over the next few days.

Social

We have published this on our [Twitter](#), LinkedIn and [Facebook](#) channels. We've had 2226 views on Twitter, which is slightly lower than we would expect, but slightly more clicks through to our guidance and on Facebook, we've had higher engagement than usual with more shares and likes.

On [LinkedIn](#) the story has generated some debate in the comments amongst DP professionals. In particular, they've questioned whether the lack of fine or "real action" means that schools will see a reprimand the cost of doing business.

Thanks

Helen

Helen Booth
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Press office 0303 123 9070 ico.org.uk twitter.com/iconews

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From: [Helen Booth](#)
To: [Catherine Galgut](#); [Andrew White](#); [Lynne Currie](#); [Ian Deasha](#); [Comms - Communications Dept](#); [Public Affairs and ICOR](#); [Jenny Brotchie](#)
Subject: Post-announcement round-up: Essex school reprimanded after using facial recognition technology for canteen payments
Date: 23 July 2024 16:21:04

Hi all,

This morning we [published a press release](#) about our reprimand for a high school in Essex which failed to carry out a DPIA before using FRT for its cashless canteen payment system. The release highlights that we don't want this to deter other schools from embracing new technologies but this must be done correctly with data protection at the forefront to protect children's privacy and safeguard their rights.

Press

Press Association has published a piece on its newswire service to journalists, picked up by [The Independent](#). The release has also been covered by [BBC Essex](#), [School Management Plus](#) and the [Express and Star](#). All the coverage so far is straight reporting and includes our key messages and quote from Lynne Currie. We expect further media coverage over the next few days.

Social

We have published this on our [Twitter](#), LinkedIn and [Facebook](#) channels. We've had 2226 views on Twitter, which is slightly lower than we would expect, but slightly more clicks through to our guidance and on Facebook, we've had higher engagement than usual with more shares and likes.

On [LinkedIn](#) the story has generated some debate in the comments amongst DP professionals. In particular, they've questioned whether the lack of fine or "real action" means that schools will see a reprimand the cost of doing business.

Thanks

Helen

Helen Booth
Lead Communications Officer

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Helen Booth
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Press office 0303 123 9070 ico.org.uk twitter.com/iconews
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From: Andrew White <Andrew.White@ico.org.uk>
Sent: Tuesday, July 23, 2024 10:07 AM
To: Helen Booth <Helen.Booth@ico.org.uk>; Lucinda Truett <Lucinda.Truett@ico.org.uk>; Lynne Currie <Lynne.Currie@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>
Subject: RE: Reprimand Notice of Intent - comms

The fact that the message in the previously issued letter was not heeded in this instance, involving similar practices within the same sector, suggests that the messaging in this space needs to be reinforced with a step up in activity to act as a warning to other potential providers for the need for appropriate planning and risk assessment before considering implementation.

Andrew White
Group Manager

DPIA & Innovation Advice
Technology, Innovation and Enterprise

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6354 ico.org.uk twitter.com/iconews

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Please consider the environment before printing this email

From: Helen Booth <Helen.Booth@ico.org.uk>
Sent: Tuesday, July 23, 2024 9:44 AM
To: Lucinda Truett <Lucinda.Truett@ico.org.uk>; Lynne Currie <Lynne.Currie@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andrew White <Andrew.White@ico.org.uk>
Subject: RE: Reprimand Notice of Intent - comms

Hi all,

We're planning to publish the reprimand press release this morning. A point was raised in our news huddle this morning as to why we issued a reprimand in this case but just issued a letter for the [North Ayrshire FRT case](#).

Is it the case that the North Ayrshire case was meant to serve as a warning to all schools and the Chelmer Valley case followed after that so we took more formal regulatory action?

It would be good to have a reactive line prepped in case any journalists/stakeholders in Scotland ask.

Thanks

Helen

Please note I work Tuesdays, Wednesdays and Monday and Thursday mornings

Helen Booth
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Press office 0303 123 9070 ico.org.uk twitter.com/iconews
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From: Lucinda Truett <Lucinda.Truett@ico.org.uk>
Sent: Wednesday, July 17, 2024 2:03 PM
To: Lynne Currie <Lynne.Currie@ico.org.uk>; Helen Booth <Helen.Booth@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andrew White <Andrew.White@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>; Alice Christie <Alice.Christie@ico.org.uk>
Subject: RE: Reprimand Notice of Intent - comms

Hi all,

Just for info, I have spoken to Lynne and made an amend to the first para of her quote.

Here is the link to the approved press release for in fo: [FINAL- Chelmer Valley High School - Press Release.docx](#)

Thanks,

Lucie



Lucinda Truett

Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 313 1945 F. 01625 524510 ico.org.uk twitter.com/iconews

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From: Lynne Currie <Lynne.Currie@ico.org.uk>

Sent: Wednesday, July 17, 2024 11:24 AM

To: Helen Booth <Helen.Booth@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>; Lucinda Truett <Lucinda.Truett@ico.org.uk>;

Andrew White <Andrew.White@ico.org.uk>

Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>

Subject: RE: Reprimand Notice of Intent - comms

Hi Helen,

Thank you for this. Could I ask for an amendment to the quote please, which I think slightly overworks the metaphor.

Could we change:

Lynne Currie, ICO Head of Privacy Innovation, said: "When you go out for dinner, you trust that the food you're about to eat has been thoroughly washed, prepped and cooked before eating it, to minimise the risk of getting ill. It's the same when organisations are deploying a new technology..."

To

Lynne Currie, ICO Head of Privacy Innovation, said: "When deploying a new technology in a setting like a school canteen, we expect organisations to take as much care with people's privacy as they would with the preparation and safety of the food they are serving..."

Or something similar if that doesn't quite work.

Otherwise I am happy with the draft. Let me know if you need anything more from me.

Kind regards

Lynne

Lynne Currie
Head of Privacy Innovation

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 313 1866 ico.org.uk twitter.com/iconews

Please consider the environment before printing this email

From: Helen Booth <Helen.Booth@ico.org.uk>

Sent: Tuesday, July 16, 2024 3:16 PM

To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Lucinda Truett <Lucinda.Truett@ico.org.uk>; Lynne Currie <Lynne.Currie@ico.org.uk>;

Andrew White <Andrew.White@ico.org.uk>

Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>

Subject: RE: Reprimand Notice of Intent - comms

Hi all,

I've made some further amends to the [press release](#), [@Lynne Currie](#) please can you confirm if you're now happy to give this final sign off?

[@Catherine Galgut](#) please can I also check where things are up to with the reprimand and it being sent out to the school? Are we still OK to publish the press release and reprimand next Tuesday 23 July? Has the reprimand been sent to website updates if so?

Thanks

Helen

Helen Booth
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Press office 0303 123 9070 ico.org.uk twitter.com/iconews
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From: Catherine Galgut <Catherine.Galgut@ico.org.uk>
Sent: Monday, July 8, 2024 4:44 PM
To: Lucinda Truett <Lucinda.Truett@ico.org.uk>; Lynne Currie <Lynne.Currie@ico.org.uk>; Andrew White <Andrew.White@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>; Helen Booth <Helen.Booth@ico.org.uk>
Subject: RE: Reprimand Notice of Intent - comms

Hi all,

The final reprimand is attached.

I'm not able to access the link sent by Lucinda to review the press release, is anyone able to provide me with access to this in her absence?

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1754 F. 01625 524510 ico.org.uk twitter.com/iconews
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From: Lucinda Truett <Lucinda.Truett@ico.org.uk>
Sent: Friday, July 5, 2024 11:57 AM
To: Lynne Currie <Lynne.Currie@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andrew White <Andrew.White@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>; Helen Booth <Helen.Booth@ico.org.uk>
Subject: RE: Reprimand Notice of Intent - comms

Hello all,

Please find the link to the draft Chelmer Valley press release: [DRAFT - Chelmer Valley High School - Press Release.docx \(sharepoint.com\)](#)

If you wouldn't mind looking at this, that would be great. There are two questions from Alice that I didn't quite know the answer so if someone can take a look at these, then that would also be fab.

[@Lynne](#) – when you return from leave, please could you let me know if this is all okay with you?

As Helen mentioned below, we plan on issuing this on 23 July.

Thanks,

Lucie

| Lucinda Truett



Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1945 F. 01625 524510 ico.org.uk twitter.com/iconews
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From: Helen Booth <Helen.Booth@ico.org.uk>

Sent: Monday, July 1, 2024 10:46 AM

To: Lynne Currie <Lynne.Currie@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andrew White <Andrew.White@ico.org.uk>

Cc: Lucinda Truett <Lucinda.Truett@ico.org.uk>; DPIAConsultation <DPIAConsultation@ico.org.uk>; Andy Thomas

<Andy.Thomas@ico.org.uk>

Subject: FW: Reprimand Notice of Intent - comms

Hi all,

Further to Andy's email below, we are planning to publicise this reprimand on Tuesday 23 July.

It's worth pointing out that this will fall during school holidays so coverage **may** be seen less by teachers in education trade press. However, there is also an argument that teachers will have more time to read it rather than wait until the busy back to school September time.

Please can you confirm you're happy to go ahead with Tuesday 23 July and we will work on a comms plan and press release for you to review.

Thanks

Helen

Helen Booth
Lead Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Press office 0303 123 9070 ico.org.uk twitter.com/iconews
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From: Andy Thomas <Andy.Thomas@ico.org.uk>

Sent: Friday, June 21, 2024 4:32 PM

To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Debora Biasutti <Debora.Biasutti@ico.org.uk>; Helen Booth <Helen.Booth@ico.org.uk>

Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>; Lucinda Truett <Lucinda.Truett@ico.org.uk>

Subject: RE: Reprimand Notice of Intent

Thanks Catie, that's great.

[REDACTED] So can you please send the final reprimand through to our colleagues in the press team – Helen Booth and Lucie Truett (cc'd) once ready, as they will be progressing the press release.

Due to the pre-election period we are working our way through a backlog of comms that's built up. We currently have this pencilled in for publishing w/c 22 July, but Helen and Lucie will confirm the exact date closer to the time.

Many thanks,
Andy



Andy Thomas
Senior Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6044 F. 01625 524510 ico.org.uk twitter.com/iconews
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For information about what we do with personal data see our [privacy notice](#)

From: Catherine Galgut <Catherine.Galgut@ico.org.uk>
Sent: Thursday, June 20, 2024 4:57 PM
To: Andy Thomas <Andy.Thomas@ico.org.uk>; Debora Biasutti <Debora.Biasutti@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi Andy,

No problem, thank you for the update!

That's great, we'd be happy to provide some content for use in the comms.

We've drafted the final reprimand and [REDACTED] and there only needs to be three days following this for any redactions to be requested.

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1754 F. 01625 524510 ico.org.uk twitter.com/iconews
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From: Andy Thomas <Andy.Thomas@ico.org.uk>
Sent: Thursday, June 20, 2024 9:04 AM
To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Catherine Galgut <Catherine.Galgut@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: RE: Reprimand Notice of Intent

Hi Catie,

Apologies, I drafted an update to you last week but didn't hit send.

I caught up with our press and social managers and we agreed that this reprimand gives us a good opportunity to share the lessons learned through comms, especially as it relates to biometrics and children's privacy.

Do you have an ETA on the final reprimand to help us look at timings for publishing?

Many thanks,
Andy



Andy Thomas
Senior Communications Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6044 F. 01625 524510 ico.org.uk twitter.com/iconews
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From: Debora Biasutti <Debora.Biasutti@ico.org.uk>

Sent: Monday, June 10, 2024 2:41 PM

To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>

Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>

Subject: RE: Reprimand Notice of Intent

Hi Catie

Thanks for letting us know. We're meeting with our press manager and social media manager tomorrow to discuss this reprimand and others. We'll get back to you on the comms approach. As we're in the pre-election period, we will not be able to publish or publicise this reprimand until after the General Election.

Thanks



Debora Biasutti (she/her)

Communications Business Partner

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 313 1847 Press office. 0303 123 9070 ico.org.uk twitter.com/iconews

For information about what we do with personal data see our [privacy notice](#).

From: Catherine Galgut <Catherine.Galgut@ico.org.uk>

Sent: Thursday, June 6, 2024 5:13 PM

To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>

Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>

Subject: RE: Reprimand Notice of Intent

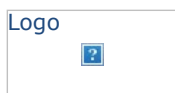
Hi both,

Hope you're well!

Just to update you, [REDACTED] we'll begin working towards the final reprimand over the next few days.

If you feel it is appropriate for wider publicity, we'd be keen to feed into the content of this – it's not usual process for the DPIA team to investigate and issue a reprimand, so we'd be grateful to be able to highlight the key reasons we decided to take this action.

Thanks,



Catie Galgut

Senior Policy Officer – DPIA & Innovation Advice Team

Technology & Innovation Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1754 F. 01625 524510 ico.org.uk twitter.com/iconews

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From: Debora Biasutti <Debora.Biasutti@ico.org.uk>

Sent: Thursday, May 16, 2024 10:08 AM

To: Catherine Galgut <Catherine.Galgut@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>

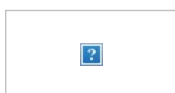
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>

Subject: RE: Reprimand Notice of Intent

Hi Catie

Many thanks for sending this across, it helps us with our comms forward planning. Please keep us up to date when you receive reps and are working towards a final reprimand. We'll discuss with comms colleagues on the comms approach for this reprimand and will get back to you.

Thanks



Debora Biasutti (she/her)

Communications Business Partner

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 313 1847 Press office. 0303 123 9070 ico.org.uk twitter.com/iconews

For information about what we do with personal data see our [privacy notice](#).

From: Catherine Galgut <Catherine.Galgut@ico.org.uk>
Sent: Thursday, May 16, 2024 10:02 AM
To: Debora Biasutti <Debora.Biasutti@ico.org.uk>; Andy Thomas <Andy.Thomas@ico.org.uk>
Cc: DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: Reprimand Notice of Intent

Hi both,

Attached is a copy of a notice of intent to issue a reprimand that we sent out yesterday. It relates to facial recognition processing in schools so links to the recent Serco enforcement action, recently published biometrics guidance and past actions we've taken regarding schools and biometric processing.

Thanks,



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1754 F. 01625 524510 ico.org.uk twitter.com/iconews
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External correspondence

From: [DPIAConsultation](#)
To: school@chelmer.essex.sch.uk
Cc: [IGS](#); [DPIAConsultation](#)
Subject: Chelmer Valley High School - Reprimand Notice of Intent
Date: 15 May 2024 16:26:00
Attachments: [image001.jpg](#)
[CVHS - Reprimand Notice of Intent Cover Letter.pdf](#)
[ICO Enforcement leaflet - UK GDPR and DPA 2018.pdf](#)
[CVHS - Reprimand Notice of Intent.pdf](#)

Good afternoon,

Please see the attached correspondence.

We would be grateful if you could acknowledge receipt.

Kind regards,
Catie Galgut



Data Protection Impact Assessment Team

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews

Please consider the environment before printing this email
For information about what we do with personal data see our [privacy notice](#)

By email: school@chelmer.essex.sch.uk

Reprimand Notice of Intent (NOI)

We write to inform you that the ICO has now completed its investigation into Chelmer Valley High School's processing of biometric data (faceprint templates) to provide cashless payment for school meals.

This case has been considered under the United Kingdom General Data Protection Regulation (the UK GDPR) due to the nature of the processing involved.

For more information about our powers under the data protection legislation please see the attached leaflet.

- ICO Enforcement leaflet - UK GDPR and DPA 2018

After careful consideration and based on the information obtained during the investigation, we intend to issue Chelmer Valley High School with a reprimand in accordance with Article 58(2)(b) of the UK GDPR for the reasons set out in the enclosed NOI.

We would like to highlight that several areas of non-compliance were apparent from the information we obtained. We have decided not to pursue all areas within the proposed reprimand and instead focus on the controller's actions prior to the processing commencing, and the failure to carry out a Data Protection Impact Assessment (DPIA).

Carrying out a DPIA prior to the processing would have provided the opportunity to assess the risks of the processing, and consider how consent could be managed compliantly. Chelmer Valley High School's failure to complete a DPIA has resulted in a period of processing based on invalid consent, inability of students to exercise their own rights, and failure to demonstrate compliance with the UK GDPR.

Action Required: Representations on the proposed reprimand

You now have opportunity to make representations in writing about the ICO's provisional decision to issue the proposed reprimand in this case.

Any representations you wish to make should be sent by email to DPIAConsultation@ico.org.uk by **5 June 2024**.

The ICO will carefully consider any written representations submitted by Chelmer Valley High School by this date in deciding on the final position regarding the reprimand.

If you do not provide any representations by 5 June 2024, we will assume that you do not have any objections to the provisional findings set out in the enclosed NOI or the ICO's intention to issue a reprimand.

Action required: Publication of final reprimand

The ICO actively publicises its regulatory activity and outcomes, as this helps achieve our strategic aims in upholding information rights in the public interest.

If, having considered any representations made by Chelmer Valley High School we decide to issue a final reprimand, we will publish a copy on the ICO's website.

Before doing so, we will inform you of our final decision and give Chelmer Valley High School an opportunity to make a request for redactions based on confidentiality prior to the publication of the final reprimand.

To assist with this process, please inform us by 5 June 2024 whether you consider any information set out in the proposed reprimand or in any representations you provide is confidential. In making such a request, please identify the specific information and explain why you consider it is confidential and should not be made public. The ICO will not accept blanket or unsubstantiated confidentiality claims.

We suggest that the best way to make this request is to return a copy of the reprimand NOI on which the text you wish to be redacted has been struck through or highlighted, with a cover letter or email explaining why you consider the information is confidential.

We publish information in accordance with our Communicating Regulatory and Enforcement Activity Policy, which is available online at the following link:

[Communicating our Regulatory and Enforcement Activity Policy \(ico.org.uk\)](https://ico.org.uk/communicating-regulatory-and-enforcement-activity-policy)

Further information about compliance with the data protection legislation can be found at the following link:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

Thank you for your co-operation and assistance during the course of our investigation.

We look forward to hearing from you.

Catie Galgut
Senior Policy Officer
Data Protection Impact Assessment Team
Technology and Innovation Service
Information Commissioner's Office
0330 313 1754

The Information Commissioner's powers

Data protection incidents which occurred on or after 25 May 2018 fall under the EU General Data Protection Regulation (GDPR) and/or the Data Protection Act 2018 (the DPA 2018), which we refer to as the 'data protection legislation', depending on the nature of the processing involved.

Since the United Kingdom's exit from the European Union on 1 January 2021, the legislation is now referred to as the United Kingdom General Data Protection Regulation (the UK GDPR).

There are a number of powers available to the Information Commissioner's Office (ICO) in respect of breaches of the data protection legislation.

Our powers are not mutually exclusive. We will use them in combination where justified by the circumstances.

The main options are to:

- provide practical **advice** to organisations on how they should handle data protection matters;
- conduct **consensual assessments** (audits) to assess whether an organisation's processing of personal data follows good practice;
- issue **information notices** requiring individuals, controllers or processors to provide information as part of an investigation into compliance with the data protection legislation. If the recipient of an information notice does not provide a full and timely response, the ICO may apply for a court order requiring compliance with the information notice;
- issue **assessment notices** to allow us to investigate whether a controller or processor is compliant with data protection legislation. The notice may, for example, require the controller or processor to give us access to premises and specified documentation and equipment;
- issue **warnings** where proposed action threatens non-compliance with data protection legislation;
- issue **reprimands** for infringements of relevant data protection legislation;
- issue **enforcement notices** where there has been an infringement, requiring organisations to take (or refrain from taking) specified

steps in order to ensure they comply with the data protection legislation;

- issue **penalty notices** requiring organisations to pay administrative fines of up to £17.5 million UK sterling, or in the case of an undertaking, up to 4% of the total worldwide annual turnover, depending on the nature of the infringement; and
- **prosecute** those who commit criminal offences under the data protection legislation. In Scotland, where the ICO is satisfied that there are grounds for a prosecution, it will make a report to the Procurator Fiscal to make a determination whether or not to prosecute.

The ICO are also the Competent Authority for Relevant Digital Service Providers (r-DSPs) under the Network and Information System Regulations (NIS regulations).

The NIS regulations came into force on 10 May 2018 and aim to establish a common level of security for network and information systems. These systems play a vital role in the economy and wider society, and NIS aims to address the threats posed to them from a range of areas, most notably cyber-attacks.

There are a number of powers available to the ICO in respect of breaches of the NIS regulations:

- **Information Notices:** requiring an r-DSP to provide information to enable the ICO to assess the security of its systems and the implementation of its security policies;
- **Powers of Inspection:** to assess if an r-DSP has fulfilled its requirements in identifying and taking appropriate and proportionate measures to manage the risks posed to organisations who provide an online marketplace, online search engine, or cloud computing service;
- **Enforcement Notices:** may be served if;
 - the r-DSP has failed in taking appropriate and proportionate measure to manage risk;
 - Failed to report a NIS incident;
 - Failed to comply with the notification requirements of NIS;
 - Failed to comply with an Information Notice;
 - Failed to comply with a direction given by the Commissioner.
- A **Penalty Notice** may only be served after the issue of an Enforcement Notice under NIS when;
 - The r-DSP was instructed to take steps to rectify a failure and failed to do so;

- Or the Commissioner is not satisfied by the representations made by the r-DSP in regards to their response to an Enforcement Notice;
- There are three tiers of penalty notice ranging from £1million to £17 million.

The Commissioner is also responsible for ensuring organisations comply with the Privacy and Electronic Communications (EC Directive) Regulations 2003 as amended. These regulations establish rules by which organisations that engage in electronic marketing to individuals must comply.

To ensure this the Commissioner has the power to

- Provide practical advice and guidance;
- To issue third party information notices in order to identify organisations that are sending unsolicited marketing communications;
- Issue information notices compelling organisations to answer questions regarding their processes;
- Issue both enforcement notices to ensure future compliance and monetary penalties up to a maximum of £500,000 in response to previous non-compliance with the Regulations.

The Regulations also place an onus on communications service providers to notify the Commissioner of any security breach with 24 hours of the breach being detected. Failure to comply with the reporting timescales can result in a fixed fine of £1000 being issued.

DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

NOTICE OF INTENT TO ISSUE A REPRIMAND

TO: Chelmer Valley High School

OF: Court Road, Broomfield, Chelmsford, Essex, SM1 7ER

1.1 The Information Commissioner (the Commissioner) intends to issue a reprimand to Chelmer Valley High School in accordance with Article 58(2)(b) of the UK General Data Protection Regulation (UK GDPR) in respect of certain alleged infringements of the UK GDPR.

The proposed reprimand

1.2 The Commissioner has provisionally decided to issue a reprimand to Chelmer Valley High School in respect of the following alleged infringements of the UK GDPR:

- Article 35(1) of the UK GDPR which states a controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data, where this processing is likely to result in a high risk to the rights and freedoms of natural persons.

1.3 The reasons for the Commissioner's provisional findings are set out below.

1.4 The controller, Chelmer Valley High School, are an academy school located in Essex providing education for around 1,200 students ages 11 to 18. This reprimand concerns the processing of biometric personal data for the purposes of managing their cashless catering system.

1.5 Chelmer Valley High School introduced facial recognition technology in March 2023. Prior to this, their cashless catering was managed through fingerprint recognition technology, which had been in place since 2016. The facial recognition technology was provided to Chelmer Valley High School by CRB Cunninghams, which acts as a processor on behalf of Chelmer Valley High School.

1.6 On 29 January 2024 Chelmer Valley High School's Data Protection Officer (DPO) 'IGS' contacted the Commissioner and provided a DPIA that had been completed in November 2023. IGS considered the processing to be high risk, and submitted the DPIA for review. IGS confirmed that no DPIA had been completed for the introduction of facial recognition technology prior to the processing commencing in March 2023.

1.7 Through further correspondence with IGS it was established that from March to November 2023 the controller had been relying on assumed consent for facial recognition, except where parents or carers had opted children out of the processing. Article 4(11) of the UK GDPR is clear that consent requires an affirmative action, and as such consent on an opt-out basis would not have been valid or lawful. Further to this, the majority of students would have been considered sufficiently competent to provide their own consent. The parental opt-out deprived students of the ability to exercise their rights and freedoms in relation to the processing between March and November 2023.

1.8 The controller also failed to seek advice from their DPO in relation to the introduction of the facial recognition technology, nor did they consult with parents or students before commencing with the processing. The Commissioner believes that had Chelmer Valley High School sought advice from their DPO, many of the compliance issues would have been identified prior to the processing commencing.

1.9 Under Article 35(4), the Commissioner has published a list of processing activities that require a DPIA to be completed prior to the processing. The Commissioner's published list states that the processing of biometric data requires a DPIA where this is combined with any of the criteria from the European guidelines¹. These guidelines include the processing of data concerning vulnerable data subjects (such as children), and the use of new technological solutions.

2.0 Chelmer Valley High School has therefore failed to complete a DPIA where they were legally required to do so. This failing meant that no prior assessment was made of the risks to data subjects, no consideration was given to lawfully managing consent, and students at the school were then left unable to properly exercise their rights and freedoms.

¹ [JUSTICE AND CONSUMERS ARTICLE 29 - Guidelines on Data Protection Impact Assessment \(DPIA\) \(wp248rev.01\) \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=doctrines)

Remedial steps taken by Chelmer Valley High School

2.1 The Commissioner has considered and welcomes some of the remedial steps taken by Chelmer Valley High School. In particular, the completion of a DPIA in November 2023 and refreshing of consents by obtaining explicit opt-in consent from students.

Provisional decision to issue a reprimand

2.2 Taking into account all the circumstances of this case, including the remedial steps, the Commissioner has provisionally decided to issue a reprimand to Chelmer Valley High School in relation to the alleged infringements of Article 35(1) of the UK GDPR set out above.

2.3 While several areas of non-compliance are apparent, the Commissioner has decided to focus on the controller's actions prior to the processing. The completion of a comprehensive DPIA before the processing commenced would have provided Chelmer Valley High School with the opportunity to assess the risks of the processing, and avoid the subsequent compliance failures.

Further Action Recommended

2.4 The Commissioner has set out below certain recommendations which may assist Chelmer Valley High School in rectifying the infringements outlined in this reprimand and ensuring Chelmer Valley High School future compliance with the UK GDPR. Please note that these recommendations do not form part of the reprimand and are not legally binding directions. As such, any decision by Chelmer Valley High School to follow these recommendations is voluntary for Chelmer Valley High School. For the avoidance of doubt, Chelmer Valley High School is of course required to comply with its obligations under the law.

2.5 If in the future the ICO has grounds to suspect that Chelmer Valley High School is not complying with data protection law, any failure by Chelmer Valley High School to rectify the infringements set out in this reprimand (which could be done by following the Commissioner's recommendations or taking alternative appropriate steps) may be taken into account as an aggravating factor in deciding whether to take enforcement action - see page 11 of the Regulatory Action Policy [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk/regulatory-action-policy) and Article 83(2)(i) of the UK GDPR.

2.6 The Commissioner recommends that Chelmer Valley High School should consider taking certain steps to improve its compliance with UK GDPR. With particular reference to article 35 of the UK GDPR, the following steps are recommended:

1. Prior to new processing operations, or upon changes to the nature, scope, context or purposes of processing for activities that pose a high risk to the rights and freedoms of data subjects, complete a DPIA and integrate outcomes back into the project plans. [Types of processing](#) that require a DPIA to be completed can be found in our website guidance.
2. Amend the DPIA to give thorough consideration to the necessity and proportionality of cashless catering, and to mitigating specific, additional risks such as bias and discrimination.
3. Review and follow all ICO guidance for schools considering whether to use facial recognition for cashless catering. A [case study on North Ayrshire Council schools](#) and their use of facial recognition technology can be found on our website.
4. Amend privacy information given to students so that it provides for their information rights under the UK GDPR in an appropriate way.
5. Engage more closely and in a timely fashion with their DPO when considering new projects or operations processing personal data, and document their advice and any changes to the processing that are made as a result.

From: [REDACTED]
To: [DPIAConsultation](mailto:DPIAConsultation@ico.org.uk)
Subject: FW: Chelmer Valley High School - Reprimand Notice of Intent
Date: 21 May 2024 09:20:38
Attachments: [image001.jpg](#)
[CVHS - Reprimand Notice of Intent Cover Letter.pdf](#)
[ICO Enforcement leaflet - UK GDPR and DPA 2018.pdf](#)
[CVHS - Reprimand Notice of Intent.pdf](#)

External: This email originated outside the ICO.

Good morning

Thank you for your email. Our response will be sent back to you by the deadline of 5th June 2024.

Kind regards

[REDACTED]
[REDACTED]
Chelmer Valley High School
[REDACTED]

From: school <school@chelmer.essex.sch.uk>
Sent: 16 May 2024 08:50
To: [REDACTED]
Subject: FW: Chelmer Valley High School - Reprimand Notice of Intent

From: DPIAConsultation <DPIAConsultation@ico.org.uk>
Sent: 15 May 2024 16:26
To: school <school@chelmer.essex.sch.uk>
Cc: IGS <igs@essex.gov.uk>; DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: Chelmer Valley High School - Reprimand Notice of Intent

Good afternoon,

Please see the attached correspondence.

We would be grateful if you could acknowledge receipt.

Kind regards,
Catie Galgut



Data Protection Impact Assessment Team

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews

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From: [REDACTED]
To: [DPIAConsultation](#)
Cc: [REDACTED]
Subject: FW: Chelmer Valley High School - Final Reprimand
Date: 05 July 2024 08:58:24
Attachments: [image001.jpg](#)
[image003.png](#)
[CVHS - Reprimand cover letter Final.pdf](#)
[CVHS - Reprimand Final.pdf](#)

External: This email originated outside the ICO.
Good morning

I confirm receipt of the final reprimand notice.

Kind regards

[REDACTED]
[REDACTED]
[Chelmer Valley High School](#)
[REDACTED]

From: school <school@chelmer.essex.sch.uk>
Sent: 02 July 2024 12:09
To: [REDACTED]
Subject: FW: Chelmer Valley High School - Final Reprimand

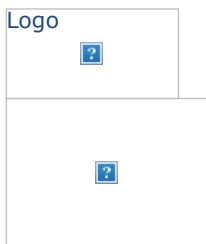
From: DPIAConsultation <DPIAConsultation@ico.org.uk>
Sent: 02 July 2024 11:36
To: school <school@chelmer.essex.sch.uk>
Cc: IGS <igs@essex.gov.uk>; DPIAConsultation <DPIAConsultation@ico.org.uk>
Subject: Chelmer Valley High School - Final Reprimand

Good morning,

Further to our notice of intent of 15 May 2024, please find attached the final reprimand.

We would be grateful if you could acknowledge receipt.

Kind regards,
Catie Galgut



Catie Galgut
Senior Policy Officer – DPIA & Innovation Advice Team
Technology & Innovation Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 313 1754 F. 01625 524510 ico.org.uk twitter.com/iconews
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Chelmer Valley High School
Court Road,
Broomfield,
Chelmsford,
Essex,
SM1 7ER

By email only to: school@chelmer.essex.sch.uk

2 July 2024

Dear Sir or Madam,

Final reprimand

Please find attached a copy of the final reprimand. The ICO intends to publish this on 23 July 2024.

If you wish to make a request for redactions based on confidentiality, please do so by 5pm on 5 July 2024. If I do not hear from you by then, I will assume that you do not have any such request.

The ICO also intends to publicise the reprimand as part of a wider communications activity. In this we'll emphasise the importance of completing a DPIA and undertaking thorough consideration of the risks of a processing activity, particularly where this involves biometric or children's data. If you would like further information about this you can contact the ICO's communications team by email at pressoffice@ico.org.uk.

If you have any questions, please contact me on the telephone number below.

Thank you for your attention to this matter.

Yours sincerely

Catie Galgut

Senior Policy Officer
Data Protection Impact Assessment Team

Technology and Innovation Service
Information Commissioner's Office
0330 313 1754

Please note that we are often asked for copies of the correspondence we exchange with third parties. We are subject to all of the laws we deal with, including the United Kingdom General Data Protection Regulation, the Data Protection Act 2018 and the Freedom of Information Act 2000. You can read about these on our website (www.ico.org.uk).

The ICO publishes basic details about the complaints, investigations and self-reported data breaches it handles. These details include the name of the organisation concerned, the dates that we opened and closed the case, and the outcome. Examples of published data sets can be found at this link (<https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/>).

We do not include personal data in the published datasets and will anonymise the names of sole traders etc prior to publication. We also do not publish cases concerning domestic CCTV complaints and may not publish certain other cases if we feel it is not appropriate to do so in the circumstances.

If you wish to raise an objection to us publishing a case in the datasets, whether or not we have published it yet, please contact us explaining your reasons for this at icoaccessinformation@ico.org.uk.

Please say whether you consider any of the information you send us is confidential. You should also say why so that we can take that into consideration. However, please note that we will only withhold information where there is good reason to do so.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice

DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

REPRIMAND

TO: Chelmer Valley High School

OF: Court Road, Broomfield, Chelmsford, Essex, SM1 7ER

1.1 The Information Commissioner (the Commissioner) issues a reprimand to Chelmer Valley High School in accordance with Article 58(2)(b) of the UK General Data Protection Regulation (UK GDPR) in respect of certain infringements of the UK GDPR.

The reprimand

1.2 The Commissioner has decided to issue a reprimand to Chelmer Valley High School in respect of the following infringements of the UK GDPR:

- Article 35(1) of the UK GDPR which states a controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data, where this processing is likely to result in a high risk to the rights and freedoms of natural persons.

1.3 The reasons for the Commissioner's findings are set out below.

1.4 The controller, Chelmer Valley High School, are an academy school located in Essex providing education for around 1,200 students ages 11 to 18. This reprimand concerns the processing of biometric personal data for the purposes of managing their cashless catering system.

1.5 Chelmer Valley High School introduced facial recognition technology in March 2023. Prior to this, their cashless catering was managed through fingerprint recognition technology, which had been in place since 2016. The facial recognition technology was provided to Chelmer Valley High School by CRB Cunninghams, which acts as a processor on behalf of Chelmer Valley High School.

1.6 On 29 January 2024 Chelmer Valley High School's Data Protection Officer (DPO) 'IGS' contacted the Commissioner and provided a DPIA that had been completed in November 2023. IGS considered the processing to

be high risk, and submitted the DPIA for review. IGS confirmed that no DPIA had been completed for the introduction of facial recognition technology prior to the processing commencing in March 2023.

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1.8 The controller also failed to seek advice from their DPO in relation to the introduction of the facial recognition technology, nor did they consult with parents or students before commencing with the processing. The Commissioner believes that had Chelmer Valley High School sought advice from their DPO, many of the compliance issues would have been identified prior to the processing commencing.

1.9 Under Article 35(4), the Commissioner has published a list of processing activities that require a DPIA to be completed prior to the processing. The Commissioner's published list states that the processing of biometric data requires a DPIA where this is combined with any of the criteria from the European guidelines¹. These guidelines include the processing of data concerning vulnerable data subjects (such as children), and the use of new technological solutions.

2.0 Chelmer Valley High School has therefore failed to complete a DPIA where they were legally required to do so. This failing meant that no prior assessment was made of the risks to data subjects, no consideration was given to lawfully managing consent, and students at the school were then left unable to properly exercise their rights and freedoms.

2.1 Chelmer Valley High School were invited to provide representations. Chelmer Valley High School failed to provide any representations.

¹ [JUSTICE AND CONSUMERS ARTICLE 29 - Guidelines on Data Protection Impact Assessment \(DPIA\) \(wp248rev.01\) \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016r0248&from=do)

Remedial steps taken by Chelmer Valley High School

2.2 The Commissioner has considered and welcomes some of the remedial steps taken by Chelmer Valley High School. In particular, the completion of a DPIA in November 2023 and refreshing of consents by obtaining explicit opt-in consent from students.

Decision to issue a reprimand

2.3 Taking into account all the circumstances of this case, including the remedial steps, the Commissioner has decided to issue a reprimand to Chelmer Valley High School in relation to the infringements of Article 35(1) of the UK GDPR set out above.

2.4 While several areas of non-compliance are apparent, the Commissioner has decided to focus on the controller's actions prior to the processing. The completion of a comprehensive DPIA before the processing commenced would have provided Chelmer Valley High School with the opportunity to assess the risks of the processing, and avoid the subsequent compliance failures.

Further Action Recommended

2.5 The Commissioner has set out below certain recommendations which may assist Chelmer Valley High School in rectifying the infringements outlined in this reprimand and ensuring Chelmer Valley High School's future compliance with the UK GDPR. Please note that these recommendations do not form part of the reprimand and are not legally binding directions. As such, any decision by Chelmer Valley High School to follow these recommendations is voluntary for Chelmer Valley High School. For the avoidance of doubt, Chelmer Valley High School is of course required to comply with its obligations under the law.

2.6 If in the future the ICO has grounds to suspect that Chelmer Valley High School is not complying with data protection law, any failure by Chelmer Valley High School to rectify the infringements set out in this reprimand (which could be done by following the Commissioner's recommendations or taking alternative appropriate steps) may be taken into account as an aggravating factor in deciding whether to take enforcement action - see page 11 of the Regulatory Action Policy [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk) and Article 83(2)(i) of the UK GDPR.

2.7 The Commissioner recommends that Chelmer Valley High School should consider taking certain steps to improve its compliance with UK GDPR. With particular reference to Article 35 of the UK GDPR, the following steps are recommended:

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