

JUSTICE COMMITTEE

SCOTTISH BIOMETRICS COMMISSIONER BILL

SUBMISSION FROM SCOTTISH POLICE AUTHORITY, FORENSIC SERVICES

1. What are your views on the establishment of a Scottish Biometrics Commissioner as a new body to scrutinise the police?

The Scottish Police Authority (SPA) welcomed the creation of the Independent Advisory Group (IAG) to consider the taking, use and retention of biometric data in policing. Tom Nelson, SPA Director of Forensic Services, was a member of the IAG and SPA is supportive of the group's recommendations, which informed the Bill and this role.

There is evidence of strong existing governance and practice within both Police Scotland and the SPA with regard to the use of biometrics data. The establishment of a Biometric Commissioner office is likely to strengthen this further.

The SPA therefore supports the establishment of a Scottish Biometrics Commissioner.

- Q2. What are your views on the proposed role, responsibilities and enforcement powers of the Scottish Biometrics Commissioner?

The SPA fully supports the proposed role, responsibilities and enforcement powers of the Biometrics Commissioner. Forensic Services look forward to supporting the Commissioner in this new role.

- Q3. What are your views on the provisions in the Bill for the drawing up of a Code of Practice by the Commissioner, and how compliance with the Code is monitored and reported on?

In particular, SPA is supportive of the proposal to introduce a code of practice, on the acquisition, use, retention and disposal of biometric data for justice and community safety purposes with the potential for understanding of how future biometrics can be managed.

Forensic Services looks forward to providing any assistance and expertise appropriate to the Commissioner as the Code of Practice is developed.

Clause 7 of the Bill – Effect of the Code - mentions the 'Scottish Police Authority'. Consideration should be given as to whether Forensic Services requires to be specifically mentioned at this point.

Q4. What are your views on the appointment process for the Commissioner and the funding being provided to enable them to carry out their role?

Forensic Services consider the appointment process and the funding being provided to enable the Commissioner to carry out their role to be a matter for the Scottish Parliament and therefore has no particular comment to make on this.

The establishment of the office of Biometrics Commissioner set up will have little or no financial impact on SPA.

Q5. Do you have any other comments regarding the Bill?

Forensic Services welcomes the Bill and look forward to working with the Scottish Biometrics Commissioner and Police Scotland.

In terms of the financial impact to SPA, it is too early to predict what any future financial impact might be as this will be dependent on the Code of Practice, the identification of any new practices and the timescale recommended for compliance.