



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Sub-Committee on Policing

Assistant Chief Constable Judi Heaton
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22 December 2020

Dear ACC Heaton

Re: Facial recognition technology

Following the publication of the Sub-Committee's [report](#) on the use of facial recognition technology by policing in Scotland in February 2020, Police Scotland [stated](#) that it “does not currently use live facial recognition technology, nor do we have any plans to do so at this time.”

At the time of publication of the report, there was an ongoing appeal against a judgement of the High Court in Cardiff in the case of [R \(on the application of Bridges\) v Chief Constable of South Wales Police](#), which centred on the use of Automated Facial Recognition technology by South Wales Police.

In its judgement in that case, the High Court stated that it did not consider that the legal framework for the police use of facial technology was “at present out of kilter; yet this will inevitably have to be a matter that is subject to periodic review in the future”.

However, in August 2020, the Court of Appeal of England and Wales overturned the High Court's ruling, finding that South Wales Police's use was unlawful and violated human rights.

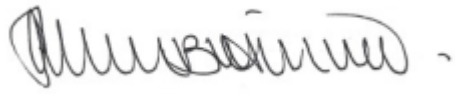
The Sub-Committee notes that the introduction of the use of facial recognition technology in Scotland remains an aspiration in the Policing 2026 strategy.

In light of the Court of Appeal ruling, the Sub-Committee would appreciate your view on the implications of the appeal decision on the retention of the proposal to introduce live facial recognition technology within Policing 2026.

I have written in similar terms to the Scottish Police Authority.

A response by Friday, 12 February would be appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Finnie". The signature is written in a cursive style with a small flourish at the end.

John Finnie MSP
Convener, Justice Sub-Committee on Policing