



The Scottish Parliament  
Pàrlamaid na h-Alba

## Justice Sub-Committee on Policing

David Crichton  
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By e-mail

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22 December 2020

Dear David,

### Re: Proposed use of 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, the SPA [stated](#) that "there are no current plans to introduce the use of facial recognition software, nor any other new biometric technology and no live setting facial recognition has been trialled, tested or piloted by Police Scotland."

At the time of publication of the Sub-Committee's 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 for the retention of the proposal to introduce live facial recognition technology within Policing 2026.

I have written in similar terms to the Police Scotland.

A response by Friday, 12 February would be appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Finnie', followed by a small dash.

John Finnie MSP  
Convener, Justice Sub-Committee on Policing