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10 February 2021

Our Ref: 127.20

John Finnie MSP  
Justice Sub-  
Committee Clerks  
Room T2.60  
The Scottish  
Parliament  
Edinburgh,  
EH99 1SP



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Dear Mr Finnie,

### **Facial Recognition Technology**

Thank you for your letter dated 22 December 2020. I welcome the opportunity to provide Police Scotland's current position on the considerations of Facial Recognition technology, as previously discussed with the Justice Sub Committee in January 2020 and contained within the Sub Committee report in February 2020.

As highlighted in your letter, 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 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.

I can confirm that Police Scotland are keeping abreast of legal cases in the UK via national bodies. I can confirm that we are not currently using, trialling or testing any live time facial recognition software.

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In terms of the retention of the proposal to introduce live facial recognition technology within Policing 2026, the Policing 2026 Strategy, states, "This strategy was jointly and collaboratively developed by the Scottish Police Authority and Police Scotland".

Police Scotland recognise that it is essential that we continue to work with the Scottish Police Authority in this regard and remain alive to opportunities to improve our capabilities in line with public expectations and subject to suitable scrutiny and consultation, as outlined in the role of the to be appointed Biometrics Commissioner for Scotland.

Police Scotland has recently established a Biometrics Oversight Board under the direction of Deputy Chief Constable Malcolm Graham and assisted by myself.

The purpose of the Biometrics Oversight Board is to provide strategic oversight and direction to the coordination of all Police Scotland policies which pertain to biometric data and future developments. This group will enable liaison and engagement between Police Scotland and the Scottish Biometrics Commissioner. In the meantime I will liaise and update government officials about our approach. We await the appointment of the Scottish Biometrics Commissioner and look forward to collaborative working alongside the Commissioner.

I trust the foregoing is of assistance and provides reassurance to you and members of the Justice Sub-Committee on Policing.

Yours sincerely,



Judi Heaton  
Assistant Chief Constable  
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