

ACC Steve Johnson
Major Crime, Public Protection and Local Crime
Police Scotland

By e-mail

23 July 2024

Dear ACC Johnson,

Discharge of Recommendations from 2023 Joint Assurance Reviews

In March 2023, I laid two Assurance Review reports before the Scottish Parliament that had been conducted in partnership with the Scottish Police Authority. The first related to the acquisition of biometric data from [vulnerable adults](#) requiring the support of an Appropriate Adult following arrest. The second related to the acquisition of biometric data from [children](#) following arrest. The partnership review relating to children was also supported by the Children's and Young People's Centre for Justice (CYCJ).

Both reports contained three identical recommendations. The first related to ensuring the information rights of data subjects as to the reasons for the capture of their biometric data following arrest and the purposes for which the data might then be used. The second related to advising such persons of the applicability of the Scottish Biometrics Commissioner's Code of Practice to such data, whilst the third related to Police Scotland improving the collection of management information to better inform strategic decision-making. The children's report also contained a fourth recommendation for Police Scotland to develop, consult on, and then publish operational policies, practices, and procedures in relation to the acquisition of biometric data from children consistent with the Justice Vision for Scotland and relevant standards for working with children in conflict with the law.

As you will know, in late March 2024, Police Scotland introduced new operational policy in relation to the acquisition of biometric data from children following arrest meaning that such data will be collected in relation to violent or sexual offending or otherwise by exception. The new policy is due to be published in the revised Police Scotland Biometrics Standard Operating Procedure (SOP). This will discharge recommendation No 4 from the Children's review.

In June 2024, Police Scotland distributed a new Biometric Data custody leaflet to all custody centres in Scotland. The leaflet provides essential information to data subjects on why their biometric data is taken following arrest and the purposes for which it will be used. The leaflet includes information on the role of the UK Information Commissioner (ICO) and on the Scottish Biometrics Commissioner (SBC) and the statutory Code of Practice approved by the Scottish Parliament. This discharges recommendations No 1 and No 2 from both reports referenced above.

At my Advisory Group meeting on 16 July 2024, the Head of Biometrics for Police Scotland gave a presentation on improved biometrics management information that Police Scotland

will report publicly on a quarterly basis. Once published, this will successfully discharge recommendation No 3 from both reports.

I wish to express my gratitude to Police Scotland for accepting and acting on the four important recommendations from our joint reports with the Scottish Police Authority from 2023. The various improvements uphold the information rights of data subjects and in doing so may also have a deterrence value. This is because first time offenders will now be made aware from the leaflet that conviction will result in retention of their data on national policing systems and regular searching of that data against corresponding data from unsolved crimes scenes anywhere in the UK. They also safeguard the rights of children and vulnerable people, and collectively help to sustain public confidence and trust in the police use of biometric data and technologies.

I am next scheduled to appear before the Parliament's Criminal Justice Committee around November of this year and most probably the SPA Board meeting on 28 November 2024. In both cases, I shall reiterate my appreciation to Police Scotland for successfully following our 2023 recommendations through to completion.

Yours sincerely

Brian Plastow

Dr Brian Plastow
Scottish Biometrics Commissioner