



Biometrics Institute, 2020

Increasing public trust in biometrics

How police use the blood and urine samples, DNA, fingerprints, photos and video footage they collect is in good hands in Scotland

BY DR BRIAN PLASTOW
SCOTTISH BIOMETRICS COMMISSIONER

Scotland is leading the way in its use of biometrics thanks to a strategic approach which ensures the lawful, effective and ethical use of biometric data for policing and criminal justice purposes.

Underpinning that approach are three laws which encourage the responsible and ethical use of biometric data and technologies by ensuring that policy and process always comes first, and technology always comes last.

By following the “Three Laws of Biometrics” published by the global Biometrics Institute in 2020, it means no new biometric enabled technology is

introduced unless it discharges strategic policy objectives and operational process in a way that is proportionate and necessary, with basic human rights, ethics, and privacy at its heart.

This approach means Scotland is increasing public trust in the use of biometrics at a time when it is being eroded in England and Wales.

When the Scottish Parliament introduced the Scottish Biometrics Commissioners Act 2020 it called for the appointment of a Scottish Biometrics Commissioner, the post I took up in 2021.

I was required to develop, consult on and publish a statutory code of practice and a complaint mechanism for data subjects.

In November 2021, the Scottish Parliament approved the

Scottish Biometrics Commissioner’s first four-year strategic plan. A year later, it approved the Commissioner’s statutory code of practice.

It was at this point that Scotland became the first country in the world to introduce a legally binding code of practice on how biometrics may be used in policing, backed by legal powers to ensure compliance, and an associated public complaint mechanism.

My office has been busy since then making sure Scotland lives up to those expectations.

In the past 12 months, we have conducted three separate assurance reviews resulting in reports to the Scottish Parliament. Those reports resulted in four recommendations to Police Scotland in areas such as ensuring the information rights of data subjects, having distinct policies for children, and improving management information to understand the effectiveness of biometrics better.



Dr. Brian Plastow's office promotes the adoption of lawful, effective and ethical practices

In March 2024, my office published an assurance review on how images and photographs are managed by Police Scotland, the Scottish Police Authority, and the Police Investigations and Review Commissioner.

We also published three reports confirming that all three organisations are currently compliant with the Scottish Code of Practice.

Because our policy framework follows the Three Laws of Biometrics, Scotland has not been exposed to the sorts of unregulated police “experimentation” that have undermined public confidence and trust in the police’s use of biometrics elsewhere.

Examples of poorly implemented policy in some forces in England and Wales include the deployment of mass public space surveillance in the form of live facial recognition and polygraph (lie detector tests) which have no independently validated or accredited scientific basis.

How Police Scotland has used the Three Laws can be seen in its the introduction of body worn video (BWV) for use in firearms operations. An independent public survey of almost 9,000 people conducted for Police Scotland in 2021, showed 90 per cent of respondents would support the introduction of BWV in those situations. The technology was only introduced after Police Scotland had identified a strategic policing need and confirmed public support.

The Scottish approach appears to be winning support. In 2022, a public attitudes survey independently conducted by ScotGen on behalf of the Biometrics Commissioner found high levels of public confidence in the use of biometric data by Police Scotland.

On 19 June 2024, a symposium will highlight the Scottish approach to biometric policy and practice. Hosted by the chair of the Scottish Police Authority, the Chief Constable and my office, it will form part of an ongoing national conversation to support and promote the adoption of lawful, effective, and ethical practices in Scotland. ●

More information on the Scottish Biometrics Commissioner at www.biometricscommissioner.scot