



Scottish Biometrics Commissioner – Advisory Group Meeting

Minute of meeting of 19 March 2024 (10.00 – 11.30 via MS Teams)

Members Present	
Brian Plastow (Chair)	Scottish Biometrics Commissioner
Mhairi Morrison	Assistant Procurator Fiscal for Major Crime – Crown Office and Procurator Fiscal Service
Eleanor Deeming-Johnstone	Legal Officer -Scottish Human Rights Commission
Gillian Jones	Head of Biometrics - Police Scotland
Genevieve Lennon	Strathclyde University
Scott Ross	Head of Change & Operational Scrutiny - Scottish Police Authority (SPA)
William Webster	Professor of Public Policy and Management at University of Stirling
Gina Wilson	Head of Strategy - Children & Young People’s Commissioner Scotland
Niamh Nic Daeid	Director Leverhulme Research Centre for Forensic Science (LRCFS)
Jenny Brotchie	Regional Manager - Information Commissioners Office
Diego Quiroz (OM)	Operations Manager - Scottish Biometrics Commissioner
Peter Fussey	Professor of Sociology at University of Essex
Joanna Milne (Minutes)	Business Support Officer - Scottish Biometrics Commissioner

Apologies	
Mark Hargreaves	Assistant Inspector - His Majesty’s Inspectorate of Constabulary in Scotland
Shannon Vallor	Baillie Gifford Chair in the Ethics of Data and Artificial Intelligence at the Edinburgh Futures Institute (EFI) at University of Edinburgh
Suzanne Chow	Acting Detective Chief Superintendent - Police Scotland
Kerry Harvey	Data Protection Officer - Police Scotland
Denis Hamill	Chief Data Officer – Police Scotland
Fiona Douglas	Director of Forensic Services - Scottish Police Authority
Phil Chapman	Director of Operations - Police Investigations and Review Commissioner (PIRC)
Cheryl Glen (CSM)	Corporate Services Manager - Scottish Biometrics Commissioner

1. Welcome, Apologies & Introductions

The Chair welcomed members to the tenth meeting of the Advisory Group for the Scottish Biometrics Commissioner (SBC).

2. Minutes of previous meeting and Action Log

Minutes of the meeting held on 23 November 2023 were approved.

Action log updates

The action log was updated and all actions closed where appropriate.

3. New Advisory Group members introductions

The new Advisory Group members were welcomed and the Chair asked everyone to introduce themselves.

The Chair thanked Ken McDonald from the ICO for his valuable contribution to the advisory group over the past 3 years and wishing him well on his retirement.

The Advisory Group were reminded that the Terms of Reference for this group were reviewed at the last meeting and are available on the website.

4. Compliance Assessments

Over the winter all compliance assessments were conducted and have now been published on our website.

The Commissioner explained to those not involved how the assessments were conducted including the green, amber, red categorisation of the responses.

The Commissioner confirmed that no breaches of the Code of Practice were identified. The responses received will be used as a base allowing the assessments to take less time later this year.

The Commissioner thanked the SPA, Police Scotland, and the PIRC for their responses to the assessments and self identifying improvements which can be made.

5. Assurance review on images

The review will be laid before the Parliament on the 25 March and will also be available on our website.

The Operations Manager outlined the main points of the report which include the use of biometrics, gaps in the law and the complex storage systems.

The report confirms that Scotland is in a better place than the rest of the UK when it comes to the storage of images but there is very little management information available. The SPA, Police Scotland and the PIRC are aware of the risks of them not knowing where all images are held.

The Operations Manager thanked the SPA, Police Scotland, and the PIRC for their contribution.

5. Centre for Research into Information, Surveillance & Privacy (CRISP)

William Webster and Peter Fussey provided the Advisory Group with an overview of CRISP. They explained that CRISP is the only research centre of its type and is a network of different academics.

CRISP is based over five universities including University of Stirling, Edinburgh University, Coventry University, University of Essex, and St Andrews University

6. Data Protection and Digital Information Bill

William Webster (WW) confirmed the bill is currently entering the committee stage in the Lords with one hundred pages of amendments.

WW confirmed the casework on National Security Determinations (NSD'S) under section 63G of PACE will be transferred to the Investigatory Powers Commissioner's Office (IPCO) regulation and the use of public space surveillance cameras will no longer benefit from independent oversight in England and Wales.

ICO confirmed that they have publicly supported the bill and that changes which have been made ensure that the ICO remains independent independence and free from political interference.

Additional note added: Data Protection and Digital Information Bill is no longer being progressed due to a change of Government.

7. Conference

The Operations Manager confirmed invites for the conference on 19 July in Edinburgh will be issued shortly. The Advisory Group were encouraged to contact the Operations Manager if they did not receive an invite.

The conference will showcase what is good about biometrics in Scotland in terms of both policy and practice. The event will also initiate a debate about more controversial biometric technologies in the hope of sparking wider public debate.

Action: Advisory Group to contact OM if they do not receive an invitation within the next couple of weeks.

7. Laws of Retention

Since the workshop in June, the SBC has been working with the Scottish Government on potential changes to the Laws of Retention.

The plan is to have all analysis completed by the end of July with the full report including short, medium, and long term goals and any recommendations for legislative change to be published by 28 October after the autumn recess.

Action: OM to bring update to the next Advisory Group meeting in July/August

8. AOCB

The Commissioner confirmed the Images review will be laid before the parliament on Monday 25 March.

The next assurance review will be on DNA and although it is in its early stages the SBC will be working with SPA and the Leverhulme Institute on the review.

Easy Read versions of the Code of Practice and the complaints procedure are now available on the website should anyone wish to include a link to them on their own website.

SBC has secured funding for a secondment from Police Scotland for a new director's position. Recruitment will commence if the opportunity is supported by Police Scotland and it is hoped to have the new member of staff in the next few months.

Work on the four recommendations outlined in our assurance reviews from last year are well underway and the Commissioner will bring an update to the next Advisory Group meeting.

Action : BSO to add recommendations update to agenda for next meeting.