



## Scottish Biometrics Commissioner – Advisory Group Meeting

### Minute of meeting of 23 November 2023 (1400 - 1530 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
Fiona Douglas	Director of Forensic Services - Scottish Police Authority
Eleanor Deeming-Johnstone	Legal Officer - Scottish Human Rights Commission
Gillian Jones	Data Governance Manager - Police Scotland
Genevieve Lennon	Strathclyde University
Scott Ross	Head of Change & Operational Scrutiny - Scottish Police Authority (SPA)
Mark Hargreaves	Assistant Inspector - His Majesty's Inspectorate of Constabulary in Scotland
Richard Casey	Senior Investigator - Police Investigations & Review Commissioner (PIRC)
Denis Hamill	Chief Data Officer – Police Scotland
Cheryl Glen (CSM)	Corporate Services Manager - Scottish Biometrics Commissioner
Diego Quiroz (OM)	Operations Manager - Scottish Biometrics Commissioner
Joanna Milne (Minutes)	Business Support Officer - Scottish Biometrics Commissioner

Apologies	
Professor Derek Penman	Independent Member
Ken McDonald	Head of Regions - Information Commissioners Office
Professor 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
Gina Wilson	Head of Strategy - Children & Young People's Commissioner Scotland
Professor Fraser Sampson	Professor in Governance and National Security – Sheffield Hallam University
Phil Chapman	Director of Operations - Police Investigations and Review Commissioner (PIRC)
Professor Niamh Nic Daeid	Director Leverhulme Research Centre for Forensic Science (LRCFS)

## **1. Welcome, Apologies & Introductions**

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

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

The Chair confirmed Derek Penman the current independent chair will be stepping down and the new independent chair will be Fraser Sampson. Fraser stepped down from his role as Biometrics and Surveillance Camera Commissioner and has taken a new role as Professor of Governance and National Security at Sheffield Hallam University.

## **2. Minutes of previous meeting and Action Log**

Minutes of the meeting held on 18 July 2023 were approved.

### **Action log updates**

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

## **3. New Advisory Group members introductions**

Niamh Nic Daeid Director of the Leverhulme Research Centre was introduced by the Chair as she was unable to attend.

Eleanor Deeming-Johnstone from the Scottish Human Rights Commission provided an update including her involvement in reports including a response to deaths in custody and justice for survivors of historical child abuse.

## **4. Section 31 and 32 reports**

The OM highlighted the main points of the Section 32 report (Operational Report) including the overview of the biometrics landscape in Scotland; details of volumes of biometric data held by Police Scotland; performance and future challenges. The OM also thanked the Advisory Group for their input and support.

The CSM provided an update on the Section 31 report (Annual Report and Accounts) confirming we operated within budget, received no SAR requests and all FOI answered within timescale and responses published on our website.

Both confirmed the reports were picked up positively by the media.

The Commissioner reiterated his thanks to the Advisory Group for their support and assistance.

## 5. Conference/Symposium

The SPA and SBC have been working together to plan a conference/symposium for April/May. The plan is to hold it in Edinburgh. OM confirmed he will let the Advisory Group know as soon as they have a venue and date.

The main objectives of the symposium are to:

- Facilitate discussion about biometrics
- Foster collaboration and show good practice
- Platform for experts to share experiences
- Increase the public understanding of biometrics in Scotland
- Understand legal and ethical implications
- Showcase biometrics in Scotland

The Commissioner thanked the SPA for their help in setting this up.

**Action: OM to advise Advisory Group know once a date for the conference/symposium has been agreed**

## 6. Laws of Retention

Following the recommendations from the 2018 IAG, a review into the laws of retention was discussed at a joint workshop (SBC working with the Scottish Government) was held on 12 June to determine whether this is still required. It was agreed at the workshop that a review of the laws is required.

The Cabinet Secretary for Justice was briefed on the outcome of the review and agreed that a Scottish Government led review should take place. The extent and scope of the review is still to be agreed. However, a strategic parameter has been included that states any recommendations to be achieved can only be through secondary legislation e.g. the Code of Practice due to capacity.

The Commissioner confirmed there is still the outstanding question of funding for any academic research required. SiPR are looking at retention schemes elsewhere for a comparison to Scotland's approach.

Genevieve Lennon commented that the review merits proper legislation scrutiny and that delegated legislation is not the best way to approach.

SBC have agreed to support the review and the Commissioner thanked everyone from the Advisory Group who were able to attend the meeting.

**Action: OM to contact Advisory Group to see how they can help with the Law of Retention review.**

## 7. Advisory Group – Terms of Reference

The Advisory Group has been in place for over two years and as part of the SBC yearly review of documents the Commissioner wanted to confirm the TOR for the Advisory Group is still fit for purpose. The Commissioner confirmed with the Advisory Group the meeting should continue three times a year and online with the possibility of hybrid meetings in the future.

It was suggested that the SPA Forensics Services could be asked to provide more detail and content around a program emerging technologies and topics to help shape the agenda and provide more structured items.

**Action: OM to ask the SPA Forensics Services to provide more detail and content re their area of work.**

## **8. AOCB**

The Commissioner confirmed the self-assessments questionnaires were issued to Police Scotland, the SPA and the PIRC. They should be returned to us shortly.

OM confirmed that the images review is underway, and it will cover the types of images held, where they are held and how well the organisations understand the volume and where they are stored.

The Director of Forensic Services confirmed that the E&W Forensic Science Regulator's Code of Practice was published in October and asked if it would be worth asking them to attend our next Advisory Group meeting.

**Action: OM to invite the Forensic Science Regulator to our next Advisory Group.**