

Scottish Biometrics Commissioner – Advisory Group Meeting

Minute of meeting of 4 April 2025 (9.30 – 11.00 via MS Teams)

Members Present	
Genevieve Lennon (Chair)	Strathclyde University
Brian Plastow	Scottish Biometrics Commissioner
Mhairi Morrison	Assistant Procurator Fiscal for Major Crime – Crown Office and Procurator Fiscal Service
Shannon Vallor	Baillie Gifford Chair in the Ethics of Data and Artificial Intelligence at the Edinburgh Futures Institute (EFI) at University of Edinburgh
Gillian Jones	Head of Biometrics - Police Scotland
Scott Ross	Head of Change & Operational Scrutiny - Scottish Police Authority (SPA)
Brian McNulty	HMICS – Acting Assistant Inspector of Constabulary
Carly Mitchell	Chief Data Officer – Police Scotland
Gordon McCreadie	DCS – Head of Local Crime and Specialist Crime Support
Phil Chapman	Director of Operations - Police Investigations and Review Commissioner (PIRC)
Gina Wilson	Head of Strategy - Children & Young People's Commissioner Scotland
Jenny Brothie	Regional Manager - Information Commissioners Office
Peter Fussey	Head of Sociology, Social Policy and Criminology - University of Southampton
Fiona Douglas	Director of Forensic Services - Scottish Police Authority
William Webster	Professor of Public Policy and Management at University of Stirling
Ross McDonald	Director – Scottish Biometrics Commissioner
Cheryl Glen	Corporate Service Manager – Scottish Biometrics Commissioner
Joanna Milne (Minutes)	Business Support Officer - Scottish Biometrics Commissioner

Apologies	
Denis Hamill	Chief Data Officer – Police Scotland
Mark Hargreaves	Assistant Inspector of Constabulary - HMICS
Eleanor Deeming-Johnstone	Legal Officer -Scottish Human Rights Commission
Professor Niamh Nic Daeid	Director Leverhulme Research Centre for Forensic Science (LRCFS)
Diego Quiroz	Operations Manager - Scottish Biometrics Commissioner

1. Welcome, Apologies & Introductions

The Chair welcomed members to the first Scottish Biometrics Commissioner (SBC) Advisory Group meeting of 2025.

2. Minutes of previous meeting and Action Log

Minutes of the meeting held on 4 December 2024 were approved with no amendments.

Action log updates

There were no outstanding actions on the log.

3. Code compliance assessment

Corporate Services Manager gave the advisory group an overview of the process for annual compliance assessments noting that Police Scotland, the SPA and the PIRC were all assessed as being compliant with the Code of Practice in January 2025. The Commissioner confirmed that in future years formal compliance assessments would move to a biennial cycle and would be done through a process of exception reporting.

4. DNA assurance review

The Terms of Reference were brought to this group in July and the fieldwork was conducted between October and December.

The assurance review was conducted in partnership with the SPA and the Leverhulme Research Centre for Forensic Science. The Commissioner thanked Niamh Nic Daeid (Director Leverhulme Research Centre for Forensic Science), Gillian Jones (Head of Biometrics - Police Scotland), Gordon McCreadie (Head of Local Crime and Specialist Crime Support) and Fiona Douglas (Director of Forensic Services – SPA) for their input.

The report was laid before Parliament on 26 February 2025 and will be presented by the Commissioner and Corporate Services Manager at the SPA Forensic Services Committee on 8 May.

Police Scotland have accepted the seven recommendations made in the report.

Jenny from the ICO advised the group that whilst data protection law did not apply to source biological material, once such material has been profiled (for example a DNA profile from an unsolved crime) then data protection law was applicable. The Commissioner thanked Jenny for clarifying the nuances of DPA so that this may be noted in any updates to the SBC Guide to Biometrics and in the next review of the Code of Practice.

5. Retrospective facial search assurance review

The report was laid before Parliament on 25 March 2025.

The Director thanked Gavin Phillp and Craig Naylor from HMICS for their support and publication of the report.

The report highlighted four recommendations including the quality and resolution of the images taken by Police Scotland from people in custody.

Since the report Police Scotland have confirmed they are actively trying to rectify the quality and resolution of images.

This report produced quite a bit of media interest and the Director attended radio interviews, and it appeared in several publications.

The Director clarified that this assurance review was solely about the use of retrospective facial searching tools as used within two specific databases. Those were the UK Police National Database (PND) and the UK Child Abuse Image Database (CAID). There was also some discussion about the potential read across from the findings of this review to the application of other technologies such as Live Facial Recognition, albeit such technology has never been deployed in Scotland. In turn, Scott Ross updated the Advisory Group on proposals around developing a national conversation on such matters and indicated that members would receive an invite to future webinars and a conference which was currently being arranged.

6. Strategic Plan and Code review

The Commissioner confirmed the SBC's current Strategic Plan currently expires at the end of November. The consultation on themes for the next strategic plan has commenced and the Commissioner plans to lay it before Parliament prior to November 2025. The first draft of the Strategic Plan will be brought to the Advisory Group in the summer. The revised Strategic Plan will include an assurance review on fingerprints and a backwards looking report on what the SBC have achieved in the last Strategic Plan.

The statutory consultees have been contacted asking for their views on any requested changes to the Code of Practice. Once we have their responses a revised Code of Practice will be circulated to all statutory consultees and will also be brought to the next advisory group for discussion. The revised Code of Practice will be laid in Parliament prior to 16 November 2025.

7. Landscape Review

In 2024 the Finance and Public Administration Committee met to discuss the current and future commissioners' landscape. In response to the findings of FPAC, the Parliament established an SPCB Supported Bodies Landscape Review Committee and all Officeholders were asked to submit evidence and attend the Landscape Committee meeting at the parliament. The committee's purpose is to ensure the current landscape is fit for purpose.

The Commissioner and Director attended the committee on 20 February and the full report will be published in June. The results of the report will potentially have an impact on the next Strategic Plan and Code of Practice.

8. AOCB

The SPA agreed to add seven biometric questions to their yearly policing survey on the SBC behalf to understand the public's views on biometrics. The results are net positive and similar to the responses provided in the previous survey conducted in 2022.

The SPA is running focus groups at the end of April on Live Facial Recognition with a plan to have a conference on the subject on 16 May 2025.

The Commissioner has been approached to present at the conference.

8.2 Academic Collaboration

The Chair led a discussion exploring opportunities for future academic collaborations against the context of an academic partner (and advisory group member) having withdrawn from a recent assurance review due to apparent opposing conclusions on the lawfulness of police retrospective facial search technology. The SBC Director highlighted that such technology, although not validated or accredited to any international scientific standard and being of limited effectiveness, is nevertheless lawful as it is provided to every UK police force by the Home Office, a branch of UK Government, and with the funding approval and knowledge of the Westminster Parliament as the supreme law-making body of the UK.

The Commissioner highlighted that the unilateral decision by academic partners to withdraw from the review was unfortunate but highlighted other academic partnerships working extremely well including SBC supporting the Emerging Technologies Independent Advisory Group, a recent collaboration with the Leverhulme Institute of Forensic Science on the DNA Assurance Review and work with the Scottish AI Alliance. The Commissioner's also highlighted that his Advisory Group was intentionally heavy on academic representation by design with 5 members making up the 11-person membership (45%).

The Commissioner advised the AG that he had had trouble reaching into the Scottish Institute of Policing Research (SIPR) and was aware of the new Scottish Policing Academic Centre of Excellence (SPACE) led by Edinburgh Napier University as a UKRI-funded centre focused on enhancing policing through research and knowledge exchange. Following a short discussion, The Chair said that she would assist in making more connections into academia and after the meeting the Chair and Commissioner separately had a discussion with Professor Liz Aston (SPACE) and Dr Diana Miranda from the University of Stirling was nominated by Professor Aston and subsequently agreed to become a member of the Commissioner's Advisory Group.