



Scottish Biometrics  
Commissioner  
Coimiseanair  
Biometrics na h-Alba

## THE SCOTTISH BIOMETRICS COMMISSIONER

Joint review by the Scottish Government and the Scottish Biometrics Commissioner of the retention periods for biometric data taken for policing purposes

### TERMS OF REFERENCE



*Safeguarding our biometric future*



## Terms of reference

### **Purpose**

To prepare a report and generate findings in respect of the retention of biometric data for policing purposes in order to inform the policies and procedures of the Scottish Government (SG), the Scottish Biometrics Commissioner (SBC) and of law enforcement authorities - and, if appropriate, to make recommendations on procedural and legislative change as considered necessary – to ensure that the approach taken to the retention of biometric data is lawful, ethical, effective and proportionate.

### **Membership**

The review will be taken forward as a collaboration between SG officials and the SBC. Police Scotland (PSoS) will be a strategic partner to the review, given its operational expertise.

### **Remit**

A scoping paper was prepared on the basis of the Independent Advisory Group's 2018 recommendation to consider a review of Sections 18 to 19C of the Criminal Procedure (Scotland) Act 1995 and the associated evidence base. The SBC and the Cabinet Secretary for Justice and Home Affairs confirmed this scope in November 2023.

As agreed in the scoping paper, there are three elements which the review will focus on :

- Legal Review of sections 18 to 19C of the Criminal Procedure (Scotland) Act, and any other legislation as agreed by the review authors
- Research relating to retention periods
- Procedural Review of guidance documents and processes undertaken by PS relevant to the retention of biometric data

Each of these elements is fully explained within the scoping paper.

The review authors will:

- determine what they wish to focus on in each particular area, in line with the agreed scope
- work with a range of stakeholders, academics and representative organisations to ensure that sufficient evidence is gathered to inform the report's findings

### **Governance and timescales**

This review will commence in November 2023 and conclude with a published report in Oct 2024 which will be co-authored by SG and SBC. The SBC, SG and PS will meet on a monthly basis to monitor progress and to agree the progression of tasks.