



Scottish Biometrics
Commissioner
Coimiseanair
Biometrics na h-Alba

SCOTTISH BIOMETRICS COMMISSIONER

ADVISORY AUDIT BOARD

TERMS OF REFERENCE

Version 1.0



Safeguarding our biometric future



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Amendments	



The role of the Scottish Biometrics Commissioner

The [Scottish Biometrics Commissioner Act 2020](#) established the office of Scottish Biometrics Commissioner and provides for its functions. The Commissioner is independent of Scottish Government and was appointed by Her Majesty the Queen on the nomination of the Scottish Parliament. The Commissioner's general function is 'to support and promote the adoption of lawful, effective, and ethical practices in relation to the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes'.

The Commissioner's functions currently extend to [Police Scotland](#), the [Scottish Police Authority](#) (SPA), and the [Police Investigations and Review Commissioner](#) (PIRC). However, discussions are ongoing between Scottish Government and Westminster with a view to extending the Commissioner's function to include other UK wide policing bodies operating in Scotland via a Section 104 Order under the Scotland Act 1998.

Meaning of Biometric Data

The meaning of "biometric data" in the Scottish legislation is contained within [Section 34\(1\)](#) of the Scottish Biometrics Commissioner Act:

"Biometric data" means information about an individual's physical, biological, physiological, or behavioural characteristics which is capable of being used, on its own or in combination with other information (whether or not biometric data), to establish the identity of an individual.

For the purposes of subsection (1), "biometric data" may include:

- (a) Physical data comprising or derived from a print or impression of or taken from an individual's body,*
- (b) A photograph or other recording of an individual's body or any part of an individual's body,*
- (c) Samples of or taken from any part of an individual's body from which information can be derived,*
and
- (d) Information derived from such samples.*

Advisory Audit Board

As part of its governance arrangements, the Scottish Parliament Corporate Body (SPCB) has established an Advisory Audit Board (AAB) to perform a function like that of an Audit Committee. The main purpose of the AAB is to provide advice to the Clerk/Chief Executive of the Parliament and where appropriate, the SPCB on the standard of corporate governance and internal control across the organisation. Parliamentary Commissioners have access to the services of the AAB. This provides a mechanism for the AAB to oversee



the management of risk and audit issues within the office of the Scottish Biometrics Commissioner and to advise the Commissioner on matters relating to good governance.

Terms of Reference

The Advisory Audit Board oversees the management of risk and audit issues and gives advice to the Commissioner. This includes monitoring the integrity of SBC financial performance, statements, and budget submissions. The AAB review the effectiveness of SBC internal financial controls, other controls and performance and risk management systems. The AAB also review the SBC arrangements for employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters ensuring that these arrangements are proportionate and independent. This includes:

Financial Reporting

Monitoring the integrity of the Biometric Commissioner's financial statements, including its annual and interim reports and any other formal announcement relating to its financial performance, reviewing significant financial reporting issues and judgements which they contain. Reviewing summary financial statements and any financial information contained in certain other documents, such as budget submissions.

Internal controls, performance, and risk management systems

Reviewing the effectiveness of the Scottish Biometrics Commissioner's internal financial controls, other internal controls, performance management, and risk management systems.

Whistleblowing

Reviewing the Scottish Biometrics Commissioner's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters. Ensuring that these arrangements allow proportionate and independent investigation of such matters and appropriate follow up action.

Internal audit

Advise the Commissioner in relation to engaging suitable external auditors; reviewing and assessing internal audit requirements and approving annual internal audit work plan; reviewing all reports from those auditors; reviewing and monitoring the senior management team's responsiveness to the findings and recommendations of the auditor.

External audit

Oversee the relationship with the external auditor; meet regularly with the external auditor, including before and after the audit; meet the external auditor at least once a year, without members of the senior



management team present, to discuss their remit and any issues arising from the audit; review and approve the annual audit plan and ensure it is consistent with the scope of the audit engagement; review the findings of the audit with the external auditor.

Frequency of Meetings

The Advisory Audit Board meet six monthly, the nature and frequency of meetings will be kept under ongoing review.

Members and Administrative Arrangements

In addition to SBC staff, the members of the AAB are Andrew Shaw and David Watt. Other attendees such as the external or internal auditor will be determined by the Chair. In between formal meetings, members will receive updates from the Commissioner on any matter pertinent to the Advisory Group.

Publishing minutes and agendas

Under the provisions of the Freedom of Information (Scotland) Act 2002 and the Scottish Information Commissioner's model publication scheme relative to freedom of information, summary minutes and agendas of the Audit Advisory Board will be published on the SBC website.

Draft minutes will be circulated by the secretariat (SBC staff) within seven working days of the meeting. They will be agreed at the next AAB meeting and adopted as a permanent record before being published on the SBC website.