



Scottish Biometrics
Commissioner
Coimiseanair
Biometrics na h-Alba



Scottish Biometrics Commissioner

Business Plan 2025/26

‘Supporting and promoting 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 in Scotland’

Safeguarding our biometric future

Introduction

This Business Plan for 2025/26 sets out the priorities of the Scottish Biometrics Commissioner (SBC) for the coming year to ensure the delivery of the outcomes set out in our [Strategic Plan 2021 to 2025](#).¹ Our Business Plan is intentionally ambitious and builds on the achievements of earlier fiscal years where we have successfully delivered and consolidated the SBC function, achieving all objectives whilst operating within our allocated budget. In this our fifth financial cycle, we will seek to do so again.

Although this Business Plan replicates information from our Strategic Plan, it does so by presenting our envisaged activity over the budget year. This is necessary to assist the Parliament in properly holding me to account for the delivery of our functions against available budget as the period of my Strategic Plan and finances are still misaligned in law because of the COVID pandemic. Although my Strategic Plan runs from 01 December to 30 November each year, presenting our activity over the budget year is also intended to assist our external auditors (Audit Scotland) and our internal auditors (TIAA) as well as my Advisory Board on Audit.

In 2024/25, we completed our second round of compliance assessments to assess how well [Police Scotland](#), the [Scottish Police Authority](#) (SPA), and [Police Investigations and Review Commissioner](#) (PIRC) are complying with the general principles and ethical considerations as detailed in our Code of Practice. We concluded that all three bodies were once again compliant with the Code of Practice, and consequently we will now move these formal compliance assessments to a biennial cycle to reduce the operational burden from our scrutiny activity. Over the period, we also conducted a review in partnership with Scottish Government of the [Laws of Retention for Biometric Data taken for Criminal Justice and Policing Purposes](#). We also conducted our fourth and fifth thematic assurance reviews in relation to [DNA](#) and [Retrospective Facial Search](#) and in the case of DNA working in partnership with the Scottish Police Authority and Leverhulme Research Centre for Forensic Science at the University of Dundee. During 2024/25, we made a total of fifteen recommendations for improvement to Police Scotland arising from these three reviews. We will monitor progress with these in the year ahead.

2025/26 will be another busy year for our function as the period of our first Strategic Plan draws to a close in November 2025 and as we consult on the shape of the next Strategic Plan which we will lay in Parliament following SPCB approval in October. In October, we will also lay our first statutory review of the Code of Practice in Parliament under [Section 14\(2\)](#) of the Scottish Biometrics Commissioner Act 2020 to reflect on its operation in the three-year period since brought into legal effect. Should we determine that any amendments are necessary to the existing Code, then we will advise Parliament but subsequently consult on potential amendments over the winter and spring of 2025/26 as required by [Section 10](#) of the Act before seeking the approval of Scottish Ministers under [Section 12](#) meaning that the procedural arrangements for bringing any revised Code into effect under [Section 13](#) would likely happen early in the new Parliamentary session following elections to the Scottish Parliament in 2026.

¹ This Business Plan extends beyond the period of our 2021 to 2025 Strategic Plan which expires on 30 November 2025 into the first four months of the period of our next strategic plan. This is because of the legislative misalignment of the period of our strategic planning cycle to the budget year

In early 2025, we engaged the services of Evaluation Support Scotland to help us develop a theory of change [logic model and an outcomes framework](#) relative to our function to help us shape our next Strategic Plan. In the autumn, we will publish our fourth Annual Report and Accounts and now that our function is significantly mature, we will be able to report on some of the impact and outcomes from our activity in earlier years. In March 2026, our business year will conclude with the laying of our sixth assurance review in Parliament in relation to fingerprints as the first deliverable from our 2025/29 Strategic Plan. In doing so, we will seek to provide the necessary assurances to the Scottish Parliament and to consolidate our reputation as a trusted voice within the policing and criminal justice community within Scotland, the UK, and internationally.

For the period of this Business Plan, I have funding approval from the Parliament Corporation for my Corporate Services Manager to temporarily discharge the additional responsibilities of SBC Director following the early unexpected recall to Police Scotland of the previous postholder from temporary secondment. The Director will assume day to day leadership and line management responsibility over all operational and corporate functions in pursuit of our Strategic Plan. At the same time, I will seek to agree the terms of a fresh 2-year temporary secondment of a subject matter expert from the Scottish Police Authority Forensic Services. This has been approved by the SPCB and will be funded from contingency significantly enhancing our resilience, capacity and capability allowing me to focus on the executive duties associated with being both Officeholder and Accountable Officer including anything which may emerge from the SPCB Supported Bodies Landscape Review Committee report.

Our 2025/26 Business Plan objectives align with the four strategic priorities of our current Strategic Plan. For reasons of accountability, each objective has clearly assigned ownership demonstrating a recognisable 'golden thread' linking individual roles and responsibilities to operational delivery. This is our last business plan using the output based KPI's from our formative years and all future Strategic and Business Plans will align with our new theory of change logic model and outcomes framework.



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Our purpose

The [Scottish Biometrics Commissioner Act 2020](#) established the office of Scottish Biometrics Commissioner (SBC) and provides for its functions. The Commissioner is independent of Scottish Government and is appointed by the Monarch 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 by Police Scotland, the Scottish Police Authority (SPA) and the Police Investigations and Review Commissioner (PIRC).² The Commissioner must lay an annual report on activities each year before the Scottish Parliament and must publish annual audited accounts. The Commissioner may also publish other reports and research, as necessary.

[Section 7](#) of the Act provides that in furtherance of the Commissioner's general function, the Commissioner must prepare, and may from time-to-time revise, a Code of Practice on the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes. The [Code of Practice](#) prepared by the Commissioner was approved by the Parliament and Scottish Ministers and took legal effect on 16 November 2022. The Commissioner must keep the approved Code of Practice under review, prepare and publish a report on the Commissioner's findings, and lay a copy of the report before the Scottish Parliament. The first such report must be laid before the Parliament no later than 3 years after the date on which the first Code of Practice comes into effect.

[Section 15](#) of the Act requires that the Commissioner must provide a procedure by which an individual, or someone acting on an individual's behalf, may make a complaint to the Commissioner that a person who is required by [Section 9\(1\)](#) to comply with the Code of Practice has not done or is not doing so in relation to the individual's biometric data. The [complaints procedure](#) relating to the Code of Practice can be viewed on the Commissioner's website.

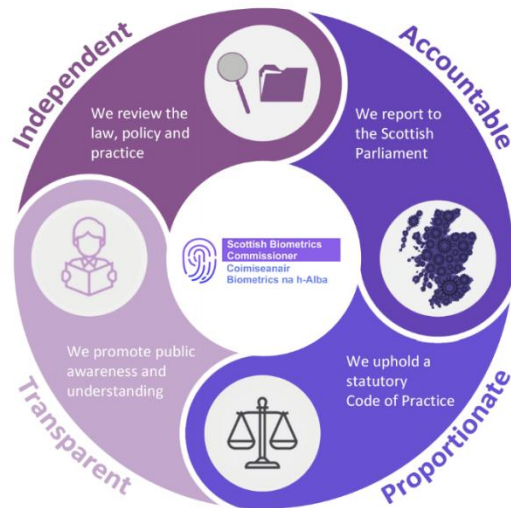
[Section 20](#) of the Act provides that if the Commissioner determines that a person who is required by [Section 9\(1\)](#) to comply with the Code of Practice has not done so or is not doing so, the Commissioner must prepare and publish a report about that failure unless the Commissioner considers that it is sufficiently minor not to merit it. Such reports must be laid before the Scottish Parliament. [Section 23\(1\)](#) of the Act provides that where the Commissioner considers that Police Scotland, the SPA or PIRC has not complied or is not complying with the Code of Practice then the Commissioner may issue a compliance notice. A 'compliance notice' is a notice requiring the person to whom it is issued to take the steps set out in the notice to address the person's failure to comply with the Code of Practice. Further detail on compliance notices can be found in Sections 23 to 26 of the Act.

[Section 27](#) of the Act provides that where a person to whom a compliance notice has been issued refuses or fails, without reasonable excuse, to comply with the notice, the Commissioner may report the matter to the Court of Session.

² See [Section 34](#) of Scottish Biometrics Commissioner Act 2020 for full definition of 'biometric data'

Our values

As a values-led organisation, we will conduct our activities in a way that is Independent, Transparent, Proportionate and Accountable:



Independent

We will always act independently and publish impartial and objective review reports. Our professional advice will be informed and unbiased. The Scottish Biometrics Commissioner is a juristic person, appointed by the Monarch on the nomination of the Scottish Parliament and is independent of Scottish Government.

Transparent

We will be open about what we do and give reasons for our decisions. We will publish our reports and findings and will not restrict information unless deemed necessary to protect the identity of data subjects, or due to wider public interest considerations.

Proportionate

We will ensure that our activity is proportionate and does not exceed what is necessary to achieve our statutory purpose. We will minimise the burden of any review activity on Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner. We will ensure that the way that we do what we do is proportionate, necessary, effective, and efficient.

Accountable

We will be accountable for what we do to the Scottish Parliament and will submit ourselves to whatever scrutiny is appropriate to our function. We will promote equality, diversity, and human rights in everything that we do.

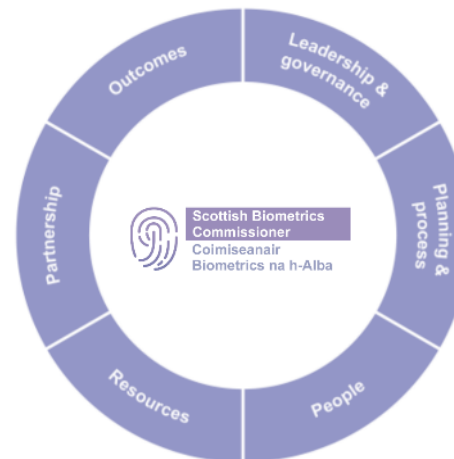
Our National Assessment Framework for biometric data outcomes

In 2021/22 the SBC developed and published a National Assessment Framework of forty-two quality indicators for biometric data outcomes. This assessment framework is based on the Public Sector Improvement Framework in Scotland (PSIF) and has been independently validated by the Improvement Service in Scotland.³ The framework also serves as a self-assessment tool for Police Scotland, SPA Forensic Services and the Police Investigations and Review Commissioner.

Our statutory Code of Practice together with our National Assessment Framework for biometric data outcomes will provide a substructure through which to assess compliance with the guiding principles contained within our Code of Practice and more generally in the evaluation of overall direction, execution, and results. This will help improve independent oversight, governance, and scrutiny.

Our assessment framework mirrors the 6 PSIF framework domains most applicable to criminal justice and policing. These framework domains have been used by HM Chief Inspector of Constabulary in Scotland (HMICS) and are illustrated as follows:

- Leadership and governance
- Planning and process
- People
- Resources
- Partnerships
- Outcomes



³ improvementservice.org.uk

PSIF allows people to understand and manage the relationship between what their organisation does and the outcomes it achieves. This framework shall guide our work and together with our Code of Practice can also serve as a self-evaluation model for policing and criminal justice agencies when considering their approach to biometric data and technologies.

PSIF is a recognised management framework endorsed by Scottish Government which allows organisations to achieve success and to understand gaps and viable solutions, empowering them to progress.

To ensure synergy within the wider policing family in Scotland, the Scottish Biometrics Commissioner has adopted the six framework themes from PSIF already used by HMICS and Police Scotland that are of most relevance to the policing and criminal justice context in Scotland. Those themes are:

Outcomes

We will focus on the overall performance of the organisation in relation to biometric data and technologies and seek to examine success in delivering demonstrable, high quality and improved outcomes in support of statutory functions and national outcomes.

Leadership and governance

We will examine strategic leadership and governance, scrutiny and accountability arrangements for biometric data and technologies to assess whether the organisation is delivering its overall vision in support of statutory functions and national outcomes.

Partnerships

We will assess how well partners work together to support the delivery of criminal justice, community safety and policing outcomes in relation to biometric data and technologies. This will include an assessment of partnership working in Scotland, and where appropriate to the functions of the organisation, wider UK, and international partnerships in connection with biometric data sharing and the operation of shared biometric databases and technologies.

Planning and process

We will examine the effectiveness of strategy and planning processes in relation to the acquisition, retention, use and destruction of biometric data. We will consider whether processes comply with the Code of Practice developed by the Scottish Biometrics Commissioner and consider safeguards and special arrangements when collecting biometric data from children, young people, and vulnerable persons.

People

We will assess whether staff working with biometric data and technologies have the skills and competencies required to deliver on agreed outcomes and priorities. This will include an assessment of familiarity with the concept of unconscious bias, and how well staff understand the reliability and validity of technologies and how human interaction with such technologies can impact on equalities, human-rights, ethical and privacy considerations. We will look for evidence of respect for human-rights through all themes of our assessment framework.

Resources

A key element of resourcing is the consideration of best value. We will assess whether organisations collecting biometric data for criminal justice and policing purposes in Scotland have the resources to manage and control Scottish biometric data in accordance with Scottish legislation, operational policies, and any Codes of Practice in terms of its use.

Our Strategic Plan 2021/25

Our revised [Strategic Plan](#) laid before the Scottish Parliament in February 2023 sets out how I will perform my statutory functions during the 4-year period from 01 December 2021 until 30 November 2025⁴. In accordance with the requirements of [Section 28\(3\)](#) of the Scottish Biometrics Commissioner Act 2020 and [Scottish Statutory Instrument 2020/250](#), our Strategic Plan includes information on:

- Identified objectives and priorities for that period
- How I propose to achieve those objectives and priorities
- A timetable for doing so
- Estimated (or actual) costs

⁴ The commencement period of the Strategic Plan was amended during the Covid-19 Pandemic by the commencement order ([S.S.I. 2020/250](#)) from 1 April 2021 to 01 December 2021, therefore the period of this Strategic Plan no longer aligns with the provisions of [Section 29\(1\)](#) of the Scottish Biometrics Commissioner Act 2020, which requires budgetary arrangements to align with the fiscal year

Our Strategy on a page

Our Strategy, purpose and vision is illustrated on a single page as follows:

Our Strategy on a page:

Our purpose and vision: 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 in Scotland. ⁵

Our four strategic priorities	1. Keep under review and report on the law, policy and practice relating to the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes in Scotland	2. Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised, and how the exercise of these powers can be monitored or challenged ⁶	3. Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes in Scotland ⁷	4. Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability
Our outputs and intended outcomes aligned to each priority.	1(a). Develop, deliver, and publish a National Assessment Framework to help assess the effectiveness and efficiency of biometric data outcomes. Publish annual and other reports to enhance independent oversight, transparency, and public accountability.	2(a). Contribute to public awareness and understanding of how biometric data and technologies are used for criminal justice and police purposes in Scotland through various mechanisms including a website information hub, public reporting, and an established complaints procedure on our Code of Practice for biometric data subjects ⁸	3(a). Deliver a statutory substructure and compliance framework through a Code of Practice approved by the Parliament and Scottish Ministers through regulations, which balances ethical public interest considerations with democratic freedoms and the privacy and human rights of data subjects	4(a). Contribute towards the National Outcomes for Scotland, specifically: Delivering community safety, protecting equalities & human rights, avoiding discrimination, protecting children and vulnerable adults, and making a positive contribution internationally
Our values	Independent	Transparent	Proportionate	Accountable

⁵ Our strategic priorities are directly aligned to the statutory functions of the Commissioner as established in [Section 2\(3\)](#) of the Scottish Biometrics Commissioner Act 2020

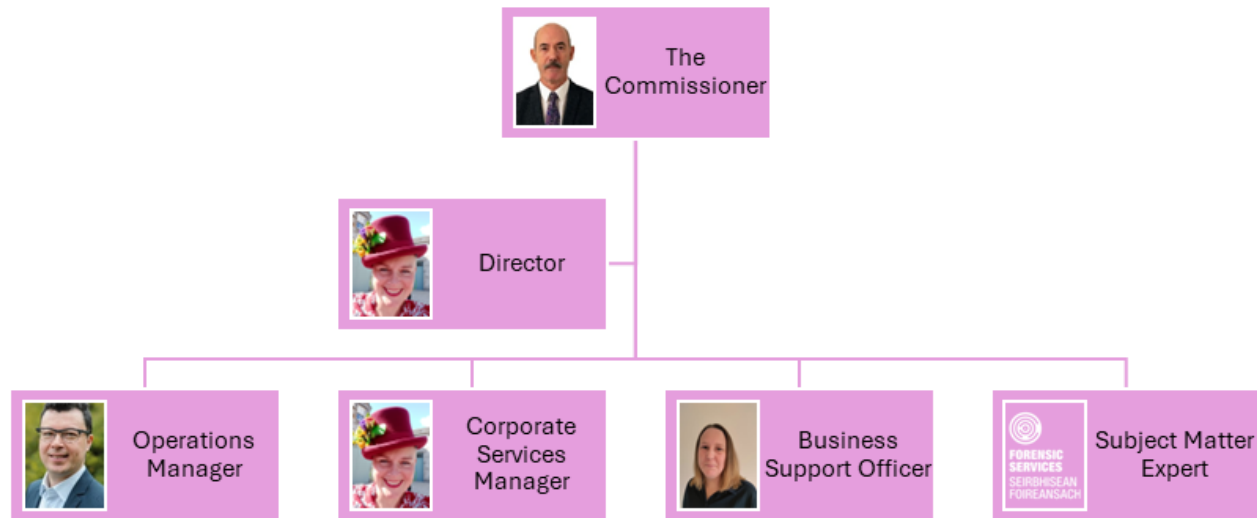
⁶ A [public attitudes survey](#) was conducted in 2021/22 and again in 2024/25 to measure and baseline public attitudes, awareness and understanding of biometrics in policing in Scotland

⁷ *Ibid*, [Section 7](#), Scottish Biometrics Commissioner Act 2020

⁸ *Ibid*, [Section 15](#), Scottish Biometrics Commissioner Act 2020

Our Team

Our permanent team is small and consists of the Commissioner and three members of staff. Those are a Corporate Services Manager temporarily discharging the additional duties as Director, Operations Manager and a Business Support Officer. Further information can be found on the [Who we are](#) pages of our website.



Our budget allocation for 2025/26

Our core allocated budget for 2025/26 is £529k broken down as follows:

- Staff costs - £422k
- Running costs - £107k

This figure excludes the costs of potentially seconding in a subject matter expert which will be met from SPCB contingency. It also excludes shared-services funding which are met by the SPCB.

Business Plan priorities 2025/26

The following pages list our strategic outcomes and objectives:

Strategic Objective No 1 - Keep under review and report on the law, policy and practice relating to the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes in Scotland

2025/26	Measure/KPI/Reporting	Due by	Led by
Meet regularly with the bodies to whom our functions extend and other stakeholders	KPI No 1: Meet a minimum of four times per year with bodies to whom functions extend	Ongoing	Strategic meetings - Commissioner / Director Operational meetings - Operations Manager
Maintain Advisory Group as required by Section 33 of SBC Act 2020	KPI No 2: Advisory group to meet no less than 3 times per year	Ongoing	Commissioner
Conduct an Assurance Review in relation to the acquisition, retention, use, and destruction of fingerprints by Police Scotland and the Scottish Police Authority Forensic Services.	To help shape the design and delivery of this assurance review, the Operations Manager will prepare a strategic report on key issues pertinent to fingerprints (and potential assurance review partners) for consideration by the SBC Director	28 July 2025	Operations Manager
	Thematic Assurance Report to Scottish Parliament no later than 26 March 2026: Fieldwork to be conducted from October 2025 to early 2026 KPI No 3: To conduct one large scale thematic assurance review each year	26 March 2026	Operations Manager

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally

Strategic Objective No 2 - Promote public awareness and understanding of criminal justice and policing sector powers and duties in relation to biometric data, how these powers are exercised and how the exercise of these powers can be monitored or challenged

2025/26	Measure/KPI/Reporting	Due by	Led by
Ongoing public and stakeholder engagement and the provision of capacity building materials through the website of the Scottish Biometrics Commissioner	Publish capacity building materials on website	Ongoing	Director
	KPI No 4: Publish two newsletters each year	Ongoing	
	KPI No 5: Measure footfall to website. Target is to increase annual footfall by 5% year on year compared to year 1 (January 2023) baseline	January 2026	
Maintain complaints procedure in parallel with Code of Practice	Maintain complaints mechanism and Code of Practice	Ongoing	Operations Manager
Conduct investigations into any complaints received from data subjects	Number of investigations into complaints relating to the Code of Practice	Ongoing	Investigating officer as appointed by Director
	Publish Commissioner's determination in event of any individual breach of the Code of Practice	Ongoing	Commissioner

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally

Strategic Objective No 3 - Develop, publish, promote, and assess compliance with a statutory Code of Practice on the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes in Scotland

2025/26	Measure/KPI/Reporting	Due by	Led by
Complete first statutory review of the Code of Practice under section 14 of the SBC Act 2020.	Report laid in Parliament reviewing first 3 years of the Code of Practice	14 October 2025 ⁹	Operations Manager
	Note 1: Any need to amend or strengthen the Code may be referenced in the report to Parliament as the subject of subsequent consultation under Section 10 of the SBC Act 2020	Section 10 consultation (if required) completed by 31 March 2026	Operations Manager
	Note 2: Any proposals for the approval of a revised Code under Section 12 of the Act following consultation and the procedures under Section 13 for bringing it into legal effect would be scheduled for the next session of Parliament and the 2026/27 SBC Business Plan	Section 12 and 13 procedures (if required) will be for next Parliament and 2026/27 Business Plan	Commissioner/Director
	Keep Code under ongoing review	Ongoing	Director
	Note: Any substantial breach of the Code of Practice would result in a full report by the Commissioner to Parliament	Ongoing	Commissioner

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally

⁹ This is the target date for laying in Parliament. A draft to a standard suitable for laying in Parliament should be produced by 16 September 2025

Strategic Objective No 4 - Provide reports to the Scottish Parliament on the outcomes from the use of biometric data and technologies and highlight key issues to inform public debate, thus strengthening democratic accountability

2025/26	Measure/KPI/Reporting	Due by	Led by
Prepare Annual Accounts and performance report under Section 31 and Section 32 of SBC Act to report to Parliament for fiscal year 2024/25, including the findings of the external auditor	Produce Annual Report and Accounts (Sections 31 and 32) for 2024/25 for laying in Parliament	30 October 2025	Report to be prepared by Director for approval by Advisory Audit Board, Audit Scotland, and Commissioner
Prepare new Strategic Plan covering the period from 01 December 2025 to 30 November 2029 for SPCB approval before laying in Parliament.	First internal draft to be prepared by Operations Manager for approval by SBC Director	14 July 2025	Operations Manager
	Draft to be initially consulted with Police Scotland, SPA, PIRC, and SBC Advisory Group before meeting on 23 July 2025 ¹⁰	Consultation with stakeholders to conclude by 8 August 2025	Director
	Publishers' version presented to SPCB for approval after summer recess	15 September 2025	Commissioner/Director
	New Strategic Plan laid in Parliament in October 2025	28 October 2025	Commissioner/Director
	KPI No 7: Measures our public reporting obligations. Our target is to lay two major reports each year before the Scottish Parliament. These are our annual report(s) and one thematic report	X-ref to Strategic objective No 1 and KPI No 3	Director

Link to National Outcomes for Scotland: Delivering community safety. Protecting equalities & human rights. Avoiding discrimination. Protecting children and vulnerable persons. Making a positive contribution internationally

¹⁰ And others as deemed appropriate, for example to consider children and vulnerable adults' perspectives

Our other Legal, Corporate and Governance - Key Performance Indicators (KPIs)

2025/26	Our Key Performance Indicators (KPI's)	Led by
We will operate within our budget as allocated each year by the Parliamentary Corporation ¹¹	KPI No 8: Measures our financial performance. Our target is to operate entirely within our allocated budget for each fiscal year	Director (31 March 2026)
We will respond to complaints received about us and conclude investigations as soon as reasonably practicable	KPI No 9: Measures our initial response to complaints received about us. Our target is to acknowledge 100% of complaints within three working days KPI No 10: Measures the timeliness of our investigations into complaints made about us. Our target is to communicate the outcome of our investigation within twenty working days in 95% of cases investigated	Director Director
We will respond quickly to Freedom of Information requests	KPI No 11: Measures our performance in responding to our legal duty to respond to FOI requests within twenty working days. Our target is to respond to 100% of FOI requests within twenty working days	Director
We will respond quickly to Subject Access Requests	KPI No 12: Measures our performance in responding to our legal duty to respond to Subject Access Requests within 1 month. Our target is to respond to 100% of subject access requests within twenty-eight working days	Director
We will seek to promote staff wellbeing, retention, and effective attendance management ¹²	KPI No 13: Measures staff happiness, safety, security, and wellbeing in the workplace. Our target is to conduct one staff survey every 12 months and to publish the results and any action plan arising	Commissioner (01 March 2026) Commissioner (31 March 2026)

¹¹ Subject to any future expansion of our statutory remit being funded by Scottish Government or the Parliamentary Corporation

¹² The temporary secondment of a staff member from another organisation such as the SPA or Police Scotland is not an SBC 'employee' or member of permanent staff within the meaning of the Scottish Biometrics Commissioner Act 2020

	<p>KPI No 14: Measures staff retention levels. Our target is to achieve a minimum of 85% staff retention in any fiscal year</p> <p>KPI No 15: Measures sickness and effective attendance management. Our target is for the average total number of staff working days lost to sickness or other absence each year to be lower than 6% of total available staff working days¹³</p>	<p>Commissioner (31 March 2026)</p>
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¹³ In this KPI 'attendance' does not denote physical attendance at a workplace due to hybrid working arrangements. Instead, it refers to the number of days where staff reported that they were unfit for work due to sickness or other reason