

## **Scottish Biometrics Commissioner - Audit Board Minutes**

## 16 March 2022 @ Bridgeside House

Board	Andy Shaw, Chair		
	David Watt		
Attendees	External Auditor – Audit Scotland, Tommy Yule		
	Commissioner – Brian Plastow		
	Operations Manager – Diego Quiroz		
	Corporate Services Manager – Cheryl Glen		
	Business Support Officer – Joanna Milne (note taker)		
Invited	SPSO Corporate Services Manager – Fiona Paterson		
	SPCB Officeholder Services – Janice Crerar		
Apologies	Audit Scotland, Gillian McCreadie		

Item	Subject	Discussion	Actions	Lead
1	Welcome	The Chair welcomed everyone, introduced himself then asked everyone to introduce themselves		
2	Declarations of Interest	The Chair asked those who required to do so to provide an up to date list of Declaration of Interest	Declarations of Interest to be submitted to Business Support Officer	
3	Minutes of previous meeting	<ul> <li>1. Minutes of the previous meeting 6 October 2021 were approved with the following points noted</li> <li>Updated version of the draft Scheme of Governance and Control has been developed, now the Governance and Risk Management Handbook (discussed under item 6)</li> <li>January 2022 risk workshop cancelled due to impact of Covid-19 however SBC Team met and conducted risk session late February</li> </ul>		

		<ul> <li>The Commissioner confirmed that an accounts direction had now been received from Scottish Ministers</li> </ul>	
4	Commissioner's update	<ol> <li>The Commissioner thanked Janice and Fiona for their support</li> <li>Physical office at McDonald Road now up and running with 3 staff members now recruited</li> </ol>	
		3. Consent of the Scottish Ministers has been received for the draft Code of Practice via the Cabinet Secretary for Justice and Veterans to lay the draft before Parliament. Once the draft is laid, it will most likely be considered by the Criminal Justice Committee	
		4. Scotcen were commissioned to conduct a survey on our behalf to gain a better understanding of the Scottish public's awareness of biometrics. Response has been positive. Findings will be published and be included in the Annual Report	
5	Operations Manager update	<ol> <li>The Operations Manager highlighted priority work areas since joining the team in January 2022</li> <li>Stakeholder Analysis</li> <li>Developing a public information animation for the website – to help ensure children, young people and vulnerable adults have an understanding of Biometrics</li> <li>Report on public attitudes survey</li> <li>International horizon scanning which included submitting a paper to the EU Human Rights Commission raising awareness of our role</li> <li>Children, Young People and Vulnerable Adults thematic - we hope to conduct this work in partnership with the Scottish Police Authority and Children's Commissioner</li> </ol>	
6	Corporate Services Manager	<ul> <li>1. The Corporate Services Manager highlighted priority areas of work including:</li> <li>Developing internal and external or policies, working closely with Fiona and Helen from SPSO</li> </ul>	

	<ul> <li>First draft Records Management Plan has been created and liaising with NRS to progress</li> <li>Governance and Risk Handbook has been drafted , recognise that changes will be needed as the Office begins new work</li> <li>Finance monitoring will move from SPCB to SBC from beginning of 2022/23</li> <li>Finance performance and monitoring will be managed monthly and included within Assurance Report allowing monitoring of budget and KPIs</li> </ul>	
7 Governance	<ol> <li>The AAB felt encouraged with progress made by the SBC Office in such a short time period</li> <li>Business Continuity Plan</li> <li>Discussion around the risks of cyber security and reduced staff members         <ul> <li>The Commissioner highlighted that the SBC uses the Scottish Government's SCOTS network which undergoes rigorous testing; SPSO also developing a Cyber Security Incident Policy which the SBC have been invited to be part of</li> <li>The Commissioner also highlighted that reduced staff numbers will always be one of our biggest risks given such a small team. Mitigating factor is to ensure we have cross functionality across Operations Manager and Corporate Services Manager roles; also supported by having Shared Services with SPSO and the possibility of engaging with one of our stakeholders for seconded support</li> </ul> </li> <li>The AAB highlighted that the paragraph on leave should be removed</li> <li>The AAB highlighted the plan didn't show a clear enough dependency with the SPSO through the Shared Services arrangements for Bridgeside House, ICT and HR . It was suggested this could be strengthened through Service Level Agreements</li> <li>The External Auditor questioned whether it is appropriate that two members of staff were needed to activate the Incident Plan</li> </ol>	

There is a Shared Services Agreement in place with the SPSO covering all aspects of HR, Payroll, H&S in Bridgeside House with elements of Finance being covered by SPSO and SPCB although the latter arrangement will cease at the start of 2022/23. It was made clear that in regards to Finance, the SPSO provide an administrative function only, processing invoices while approvals and authorisations rest with the SBC		
<ul> <li>Risk Management (incl. internal audit)</li> <li>1. The SBC Team held a risk management session which resulted in a Strategic Risk register aligned to the Strategic Plan</li> <li>2. An Assurance Report is currently being developed bringing together risks, strategic objectives and budget monitoring into one report</li> <li>3. The AAB commented it's unusual to see a Public Authority describe themselves as being 'Hungry' as their Risk Appetite</li> <li>3.1 The Commissioner explained as a small organisation we need</li> </ul>	Shared Services Agreements to be disseminated to AB	CSM and BSO
<ul> <li>to be creative</li> <li>4. The AAB described an inaccuracy to Figure 1 in relation to reporting mechanisms</li> <li>5. The AAB queried the sign-off amount for expenses claims within the Scheme of Delegation and suggested the SBC consider the level</li> <li>6. The AAB highlighted the need for a Register of Interests to be published on the website</li> <li>7. The AAB enquired about our Internal Audit process, highlighting that due to having Share Services with the SPSO there should be a different internal</li> </ul>	Amendments to Governance and Risk Management Handbook	CSM
<ul> <li>auditor to SPSO would need to procure another independent auditor</li> <li><b>Risk Register</b></li> <li>1. The AAB asked for Impact and Likelihood definitions and also raised some queries which were answered as follows:</li> </ul>		

		<ul> <li>Risk 1. The Commissioner explained there is inadequate funding if the remit of the Office was to extend beyond Police Scotland, the PIRC and SPA</li> <li>Risk 7. This risk is solely about Westminster and Holyrood having different views on the lawfulness of the use of overt Live Facial Recognition (LFR) by the police in public spaces. (It currently has no legal basis in Scotland and Police Scotland have not used it)</li> <li>The AAB suggested the inclusion of a risk around GDPR issues while conducting our operational duties. The Commissioner replied in agreement highlighting mitigating factors adopted in regards to this area including no printing of sensitive material; no holding of biometric data; no use of removable hardware e.g. USB pens and the specific mention with the Act re disclosing confidential information.</li> <li>The AAB suggested the addition of a risk around people and the retention of staff due to the small numbers of staff within the Office</li> </ul>	Register of Interests to be published on SBC website	CSM and BSO
		<ul><li>4. The AAB further highlighted there was not a clear link or thread from the risk register to Strategic Plan and suggested differentiating the risk from the consequence.</li><li>5. Further suggestions around the control actions being SMART so it is clear who is responsible and by when</li></ul>	Amendments to Risk Register	CSM
Arı	ar-end rangements Accounts	<ol> <li>The External Auditor explained they will meet with the Commissioner and Janice to set the timetables for the accounts and audit</li> <li>Audited accounts will be brought back to the AAB</li> <li>Drafting of the frontend statement will be developed by the Commissioner - the model approach is standard across all Officeholders</li> <li>Annual Governance Statement is required and further discussions will take place with between the Commissioner and External Auditor to understand what is required. It was suggested that contextual information</li> </ol>		

		<ul> <li>from the Statement could be removed and used within the ARA and the tense of the document should reflect what has been achieved</li> <li>5. The Commissioner reiterated that the financial year and the strategic year are misaligned and hoped this would not cause an issue with reporting</li> </ul>		
9	Terms of Reference	The AAB highlighted the Terms of Reference doesn't need to be set out in such definite terms including no need to define dates of meetings and to remove bios	Board members to provide up to date bio's for the website	AS and DW
10	Meeting Schedule	The AAB agreed meetings are set to twice a year with the next one scheduled once accounts and meeting with the External Auditor has been scheduled	Meeting between External Auditor and the Commissioner	TY and BP
11	AOB	For Reading – SBC Assessment		