

Alyn Smith MSP  
Convenor  
Scottish Parliament Criminal Justice Committee  
cc Clerk to Criminal Justice Committee  
by e-mail

Dear Alyn,

24 June 2026

## Scottish Biometrics Commissioner: Outcomes Report

My purpose in writing to you is fourfold but firstly and most importantly to congratulate on your re-election to the Parliament and on your appointment as Chair of the Criminal Justice Committee which I welcome.

Secondly, to highlight an [Outcomes Report](#) which I have just laid in Parliament before the summer recess, and which takes the form of a retrospective analysis of the outcomes from my first 4-year [Strategic Plan](#) which concluded on 30 November 2025 during the sixth session of Parliament. As highlighted in the report, my function achieved everything that it set out to do back in 2021, including operating within allocated budget each year as validated through external audit of my Annual Reports and Accounts over the period by Audit Scotland.

Since 2021, our operational outputs have included my statutory [Code of Practice](#) being approved by the Parliament in November 2022 and two rounds of formal compliance assessments. Over the period my office has conducted five assurance reviews in relation to biometric data including on the specific themes of [Vulnerable Adults](#), [Children and Young People](#), [Images and Photographs](#), [DNA](#) and [Retrospective Facial Search](#). The final deliverable of my last Strategic Plan was the first [Statutory Review of the Code of Practice](#) which was laid in Parliament last October. Throughout, Police Scotland, the SPA, and the PIRC have engaged positively with my office and have remained fully compliant with the 2020 Act and the Scottish Code.

My second and current [Strategic Plan](#) is my last before I demit office in less than three years' time. In March of this year, I also laid a further assurance review before the Parliament this time in relation to [Fingerprints](#). In so doing, I was able to provide independent assurance to the Parliament that all pertinent recommendations from the Scottish Fingerprint Inquiry in 2011 had been successfully discharged.

My approach since inception has been to work extensively in partnership internally though shared services with the Scottish Public Sector Ombudsman (SPSO) and externally in the delivery of our reviews and associated work. Our external partners over the period have included The Scottish Police Authority, Police Scotland, HM Chief Inspector of Constabulary in Scotland, The Children and Young People's Centre for Justice, the Leverhulme Research

Centre for Forensic Science, and Scottish Government with whom we jointly reviewed the [laws of retention of biometric data in Scotland](#). Taken as a whole, our work over the period has confirmed to Parliament the lawful, effective, and ethical use of biometric data for policing and criminal justice purposes in Scotland with no significant controversies arising and no breaches of the Code of Practice. I have however made thirty-one recommendations to improve effectiveness from the various reviews, of which some have already been satisfactorily discharged.

Thirdly, and as you will know, Scottish Government officials are currently conducting the first statutory review of my functions and powers as required by the 2020 Act and will report their conclusions by late November, including any recommendations on future expansion of powers or remit. Since 2021, I have consistently advised Minister's and the former Committee that biometric data is shared extensively throughout the entire criminal justice ecosystem in Scotland including through the Digital Evidence Sharing Capability (DESC) and is not the sole preserve of the three policing bodies to whom my functions are currently restricted.

For example, such data (fingerprints, images, and recordings) are also acquired under devolved legislation in Scottish prisons before being shared extensively with criminal justice partners. I have also highlighted the trajectory of AI-enabled surveillance and the potential opportunity for low-cost expansion of remit to make provision for independent oversight of public safety cameras in Scotland and to develop a public safety camera Code of Practice for Scotland. The Chief Constable, SPA Chair and the Biometrics and Surveillance Camera Commissioner for England and Wales amongst others have advised in similar terms.

Fourthly, I wanted to let the Committee know that I am currently consulting on minor but important amendments to the Code of Practice with a view to seeking Ministerial consent to bring a revised Code into effect through Regulations either late in 2026 or early 2027. I will include the Criminal Justice Committee in such [consultation](#).

In closing, I wish the new Criminal Justice Committee every success and look forward to engaging on the topics highlighted after the summer recess and during the seventh session of Parliament.

Yours sincerely,

*Brian Plastow*

**Dr Brian Plastow**  
**Scottish Biometrics Commissioner**