

email: contact@biometricscommissioner.scot

Date: 3 March 2026

Sent by e-mail only.

Dear

Request for Information –

We acknowledge your request for the following information:

1. Any statistical information, summaries, or reports held by the Scottish Biometrics Commissioner relating to the retention of DNA profiles following non-conviction outcomes (including cases where proceedings were not taken or concluded without conviction).
2. Any information held on the use of defined retention periods for DNA taken following non-conviction outcomes, including the types or lengths of retention periods observed or reported to the Commissioner.
3. The number of complaints, representations, or concerns received by the Commissioner (or on the Commissioner's behalf) relating to:
 - a) retention of DNA following non-conviction
 - b) lack of notification to individuals about DNA retention, or
 - c) difficulties in exercising data protection rights in relation to DNA or biometric data.
4. Any information held on the use of Subject Access Requests or other data protection mechanisms by individuals seeking information about, or deletion of, DNA retained following non-conviction outcomes, insofar as this has been identified through the Commissioner's oversight, audits, or engagement with Police Scotland or the Scottish Police Authority.
5. Any recommendations, observations, or findings made by the Commissioner to Police Scotland, the Scottish Police Authority, or the Scottish Government concerning:
 - a) Retention of DNA following non-conviction,
 - b) Transparency or notification to individuals, or
 - c) Mechanisms for challenge, review, or deletion.

Your request was received on 11 February 2026 and has been handled in accordance with the Freedom of Information (Scotland) Act 2022 (FOI(S)A)

Responding to each part of your request in turn the position is as follows:

1. Any statistical information, summaries, or reports held by the Scottish Biometrics Commissioner relating to the retention of DNA profiles following non-conviction outcomes (including cases where proceedings were not taken or concluded without conviction).

SBC do not hold any statistical information or summaries relating to the retention of DNA profiles following non-conviction outcomes.

On our website we have published an Assurance Review on DNA and on page 9 are our recommendations. Recommendation 1 is for Police Scotland and the Scottish Police Authority to review their policy on retaining DNA where a person is admonished or given absolute discharge.

2. Any information held on the use of defined retention periods for DNA taken following non-conviction outcomes, including the types or lengths of retention periods observed or reported to the Commissioner.

SBC do not hold any information on the use of defined retention periods for DNA taken following non-conviction outcomes.

The Joint Review of the Laws of Retention which is published on our website and specifically recommendation 3 for Police Scotland to review its retention policies for all biometric data types including DNA so that there is no indefinite retention without periodic review.

3. The number of complaints, representations, or concerns received by the Commissioner (or on the Commissioner's behalf) relating to:

- a) retention of DNA following non-conviction
- b) lack of notification to individuals about DNA retention, or
- c) difficulties in exercising data protection rights in relation to DNA or biometric data.

Details of all six complaints received by SBC can be found on page 21 of the First Statutory 3-year review of the Scottish Biometrics Commissioners Code of Practice.

4. Any information held on the use of Subject Access Requests or other data protection mechanisms by individuals seeking information about, or deletion of, DNA retained following non-conviction outcomes, insofar as this has been identified through the Commissioner's oversight, audits, or engagement with Police Scotland or the Scottish Police Authority.

SBC do not hold any information on SAR's or other data protection mechanisms use by individuals to request information about or the deletion of DNA retained following non conviction.

5. Any recommendations, observations, or findings made by the Commissioner to Police Scotland, the Scottish Police Authority, or the Scottish Government concerning:
 - a) Retention of DNA following non-conviction,
 - b) Transparency or notification to individuals, or
 - c) Mechanisms for challenge, review, or deletion.

All recommendations, observations or findings made by the Commissioner can be found in our Assurance Reviews which are published on our website.

Recommendations regarding retention of DNA can be found in our DNA Assurance review.

Recommendations regarding transparency or notification to individuals can be found in our Joint Assurance review on the acquisition of biometrics from vulnerable persons and our Joint Assurance review on the acquisition of biometrics from children and young people.

In keeping with our FOI procedures, this information may also be posted on the Scottish Biometric Commissioner's disclosure log.

Annex A

REQUESTS MADE UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

How we handle FOI requests

Information on how we handle FOI requests is available on the Scottish Biometric Commissioners website at: [Scottish Biometrics Commissioner | Privacy Notice | Scottish Biometrics Commissioner](#)

Review

If you are dissatisfied with the way in which we have dealt with your request for information, you can ask us to review our decision and actions. You must do this in writing (or other permanent form) within 40 working days of the date of this letter, stating the reasons for your dissatisfaction, and we will respond within 20 working days of receipt. A request for a review should be made to the Commissioner:

Post: Scottish Biometrics Commissioner
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

E-mail: contact@biometricscommissioner.scot

Application to the Scottish Information Commissioner

If, on the outcome of any review, you are still dissatisfied, or if we are unable to resolve any other complaint, then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Email: www.itspublicknowledge.info/Appeal

Telephone: 01334 464610

Website: www.itspublicknowledge.info

A decision by the Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

Copyright in relation to information provided.

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright. Where relevant you should obtain permission from the copyright holder before any such use.

Feedback or comment

We would welcome feedback or comment on how we handled your request. Please contact the Business Support Officer at contact@biometricscommissioner.scot.

Data Protection

If you wish to find out more about how we use your personal data then you can access our Privacy Notice at the following link: [Scottish Biometrics Commissioner | Privacy Notice | Scottish Biometrics Commissioner](#)

How to contact us

Post: Scottish Biometrics Commissioner
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Telephone: 0131 2021043

E-mail: contact@biometricscomssioner.scot