

Richard Lochhead MSP
Minister for Small Business, Trade & Innovation

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Dear Minister,

Call for urgent four nations summit on Artificial Intelligence (AI)

I refer to your recent call for an urgent four nations summit on AI and agree that Government has a key role in creating the enabling environment for businesses to thrive and to balance that with the need for people to be protected. I also agree that Scotland can be a world leader in the development and use of AI, and in a way that is trustworthy, ethical, and inclusive.

Although AI transcends all sectors, its deployment can sometimes present acute ethical challenges which do not always have clear answers. Without legislation, regulation, and effective independent oversight, businesses, consumers, and the public sector may be nervous about adopting it. Equally, the absence of legislation, regulation, and effective independent oversight can lead to unethical experimentation. Therefore, building public confidence and trust is essential if we are to capitalise on the many benefits that AI has to offer.

One such example of how public confidence and trust can be quickly lost can be seen in unregulated police experimentation with biometric enabled mass public space surveillance technologies (Live Facial Recognition) deployed in jurisdictions outside of Scotland. This has witnessed the deployment of technologies that in some cases are not fit for purpose, including some with algorithms proven to discriminate against people with black or brown skin. At the same time, the UK government is in the process of abolishing the Biometrics and Surveillance Camera Commissioner for England and Wales as part of its de-regulation agenda. I have recently written a [letter](#) to Carol Monaghan MP highlighting my concerns on this issue, including devolution consequences for Scotland.

In a European Context, this erosion of trust has witnessed the EU move towards a full [ban](#) on remote AI-aided biometric identification. This is unfortunate, as an outright ban also precludes police use in situations where an acute threat to public safety cannot be mitigated by conventional policing techniques alone.

In a policing context in Scotland, you will be aware that the Parliament approved my statutory [Code of Practice](#) on the use of biometric data and technologies for policing and criminal justice purposes in Scotland on 16 November 2022. Principal 8 of the Scottish Code seeks to encourage scientific and technological advancement, and mandates that any AI-enabled algorithms for biometric matching must be free from bias, and be non-discriminatory on the grounds of race, gender, or any protected characteristic.

The success of the Scottish model revolves around those three fundamentals of legislation, regulation, and independent oversight, and our work in this area is known to colleagues in the Scottish AI Alliance leadership group.

Accordingly, I support your call for more joined-up and coherent UK thinking in this space.

Yours sincerely

Brian Plastow

Dr Brian Plastow
Scottish Biometrics Commissioner