

THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REFUSAL NOTICE

Request Number: FOI/010

Date: 3 March 2026

This refusal notice is provided in accordance with section 16 of the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

You have requested certain information which we are not providing to you as it is otherwise accessible. The accompanying letter describes where the information you seek is available.

Section 16 of FOI(S)A requires us to complete a refusal notice when we are not providing information which is otherwise accessible. The details we are required to include in this refusal notice are set out below.

Information which is the subject of the request	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
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	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.
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Information which is otherwise accessible	- Any 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). Joint Assurance Review of the acquisition, retention, use and destruction of DNA for criminal justice and police purposes in Scotland - 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. report-on-retention-period-review.pdf - The number of complaints, representations, or concerns received by the Commissioner (or on the Commissioner's behalf) relating to: - retention of DNA following non-conviction - lack of notification to individuals about DNA retention, or - difficulties in exercising data protection rights in relation to DNA or biometric data. First Statutory 3-Year Review of the Scottish Biometrics Commissioner Code of Practice - Any recommendations, observations, or findings made by the Commissioner to Police Scotland, the Scottish Police Authority, or the Scottish Government concerning:
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	a) Retention of DNA following non-conviction, b) Transparency or notification to individuals, or c) Mechanisms for challenge, review, or deletion. DNA Review Joint Assurance Review of the acquisition, retention, use and destruction of DNA for criminal justice and police purposes in Scotland Vulnerable Persons Review Joint Assurance Review on the acquisition of biometric data from vulnerable persons Children and Young People's Review Joint Assurance Review of the acquisition of biometric data from children arrested in Scotland
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Exemption(s)	Section 25 - Information otherwise accessible
Why exemption(s) applies	Section 25 applies as information on recommendations, complaints, reports are publicly available on the Operations page on the Scottish Biometrics Commissioner's website and can be access at the following link: Operations Scottish Biometrics Commissioner
Public interest (where relevant)	As section 25 is an absolute exemption it is not subject to the public interest test