Scottish Biometrics Commissioner
Coimiseanair Biometrics na h-Alba

Scottish Biometrics Commissioner

Code of Practice

How police and policing organisations get, keep, use and destroy biometric data in Scotland

Easy Read

Easy Read made by Disability Equality Scotland

made with photosymbols®

What is biometric data?

A **Code of Practice** is a set of rules that explain how people should behave when they are at work.

Biometric data means information that can be used to find who someone is.

Biometric data can include:

- fingerprints

- **DNA** – the code that makes up **genes**

Genes hold information that control how a body grows and works.

DNA information is found in samples taken from any part of a person's body – for example, blood or **saliva** – this means your spit

- a photograph of a person

This video: https://www.biometricscommissioner.scot/news/what-is-biometrics/ explains:

- what biometrics are
- what the Biometrics Commissioner does

The Commissioner

The Scottish Biometrics Commissioner is Dr Brian Plastow.

The Commissioner makes the Code of Practice and helps the Scottish Parliament to make sure that policing organisations use biometric data in ways that:

- follow the law and the Code of Practice
- work well
- are **ethical** - follow the rules about what is right and wrong
- follow data protection rules that keep your personal information private and protected
- keep people safe and protect their **human rights** including their privacy and freedoms

Human rights are freedoms and **entitlements** that are protected in law.

Entitlements mean we have the right to something.

Human rights make sure we are treated fairly and with dignity.

The 12 principles

The Code of Practice has 12 principles that must be followed by:

- Police Scotland
- the Scottish Police Authority
- the Police Complaints and Review Commissioner

Principles are work standards – what an organisation believes in and how they want to work.

The Code was approved by the Scottish Parliament and became law in November 2022.

More information about the Code is online at: https://www.biometricscommissioner.scot/media/5y0dmsq3/biometrics-code-of-practice.pdf

Principle 1. Lawful Authority

Lawful authority means the policing bodies must act within the law.

Principle 2. Necessity – what is needed

Policing organisations must need the data.

There must not be another way to get the data that affects people less.

Principle 3. Proportionality

This means working in a way that respects a person's human rights as much as possible, to do what is needed.

When biometric data is **deleted** it must be deleted:

- from the main database it is stored on
- from any other databases it has been copied to

Deleted means to get rid of it.

Principle 4. Enhance public safety and public good

This means that biometric data must be got, kept, used and destroyed in ways that:

- is open and honest
- keeps people safe and protected
- are what the public and society need

Principle 5. Ethical behaviour

Police and policing organisations must get, keep, use and get rid of biometric data in ways:

- that are ethical
- that follow the law

Staff that work with biometric data must work:

- in ways that treat people equally and fairly
- with systems that are checked regularly to make sure they do not make mistakes

Principle 6. Respect for the human rights of individuals and groups

This means that everyone in the justice system should be treated with dignity and respect including protection of their right to privacy.

Dignity means being treated in a way that is as thoughtful as possible.

Biometric data must be used in ways that:

- do not **discriminate** – treat people unfairly
- do not unfairly target **protected characteristic** groups who are protected in law

You can find out more about **protected characteristics** in this Easy Read document.

Principle 7. Justice and accountability

This means the Code promotes:

- openness and honesty
- the right to ask for a closer look at a decision

- **independent oversight** – people who do not work for policing organisations check that the Code works well
- **accountability** – there are people and organisations who are responsible for making things happen, for example being able to deal with complaints

- ways to make sure that no one uses the process for the wrong reasons

There is a complaint process for cases when Police Scotland, SPA or PIRC have not followed the Code of Practice.

Principle 8. Encourage scientific and technological advancement

This means the use of biometric data should help new science and technologies happen.

This will make sure:

- people who have done nothing wrong are cleared quickly
- it helps the way that police and courts work
- **victims** are protected and get answers from police and courts that they are happy with

A **victim** is a person who has been harmed because of a crime.

The use of any biometric technologies should:

- follow the law
- be useful and helpful to policing organisations
- treat everyone fairly

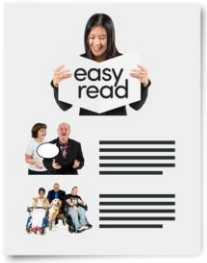
Principle 9. Protection of children, young people and vulnerable adults

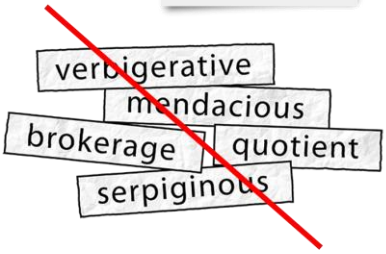
This means that police and policing organisations have policies and procedures that protect:

- children
- young people
- adults at risk of harm

This should include the **reasonable adjustments** for disabled people.

Reasonable adjustments are changes organisations must make to make sure disabled people can take part.





The information a controller must supply about how personal data is used must be:

- short and easy to understand
- easy to get
- free
- written in clear and plain language and in different formats

Principle 10. Getting more privacy and better technology

Technology means machines, equipment and information that use scientific knowledge.

Biometric data should follow UK GDPR rules and the Data Protection Act 2018 to keep personal information safe.

This means only agreed people can see the data and it is kept private.

The best kinds of technology should be used.

Complaints about data protection should go to the UK Information Commissioner's Office.

Principle 11. Aim for more equality

Law enforcement organisations must follow UK equality laws and Scotland's rules.

Equality and Human Rights Impact Assessments make sure this happens.

Equality and Human Rights Impact Assessments are ways to make sure the way people work, and work policies treat everyone fairly and equally.

Principle 12. Retention authorised by law

This means how the law says what data can be kept and for how long.

A **review** is when something is looked at to see if it is working well and what needs to change.

Reviews will make sure that the data held is:

- used fairly
- only what is needed
- kept safe
- correct
- not kept for longer than is needed

Checking and reporting on the Code of Practice

The Scottish Biometrics Commissioner must:

- keep checking the agreed Code of Practice
- get information from Police Scotland, the SPA, or PIRC about how they are following the Code of Practice
- make a report on the Code for the Scottish Parliament

If the police hold your biometric data, you can use our complaints procedure to complain to us if you think they are not following the Code of Practice.

An Easy Read version of the complaints procedure is available at: https://www.biometricscommissioner.scot

For more information about us visit our website: www.biometricscommissioner.scot

Easy Read made by Disability Equality Scotland

made with photosymbols®