

Scottish Biometrics Commissioner – Advisory Group Minutes

5 November 2025 on MS Teams

Members	<p>Dr Genevieve Lennon (Chair) – Senior Lecturer - Swinburne University of Technology</p> <p>Dr Brian Plastow – Scottish Biometrics Commissioner</p> <p>Mhairi Morrison – Assist. Procurator Fiscal for Major Crime – COPFS</p> <p>Shannon Vallor - Baillie Gifford Chair in the Ethics of Data and Artificial Intelligence at the Edinburgh Futures Institute (EFI) - University of Edinburgh</p> <p>Gillian Jones – Head of Biometrics – Police Scotland</p> <p>Brian McNulty – Acting Assist. Inspector - HMICS</p> <p>Phil Chapman – Director of Operations - PIRC</p> <p>Diana Miranda – Senior Lecturer – University of Stirling</p> <p>William Webster – Biometrics and Surveillance Camera Commissioner</p> <p>Fiona Douglas – Director of Forensic Services – SPA FS</p> <p>Jenny Brotchie – Regional Manager - ICO</p> <p>Scott Ross – Head of Change - SPA</p> <p>Cheryl Glen – Director – Scottish Biometrics Commissioner</p> <p>Joanna Milne (minutes) – Business Support Officer – Scottish Biometrics Commissioner</p> <p>Karen McBride – Subject Matter Expert – Scottish Biometrics Commissioner</p>
In attendance	<p>Elaine Hamilton – Head of Forensics Policy – Scottish Government</p> <p>David Scott – Policy Manager – Scottish Government</p> <p>Louise Robertson – Policy Officer – Scottish Government</p>
Apologies	<p>Diego Quiroz – Operations Manager – Scottish Biometrics Commissioner</p> <p>Denis Hamill – Chief Data Officer – Police Scotland</p> <p>Gina Wilson – Head of Strategy – C&YPCS</p> <p>Eleanor Deeming-Johnstone – Legal Officer – SHRC</p> <p>Professor Niamh Nic Daied – Director – Leverhulme Research Centre for Forensic Science</p>

Item	Subject	Discussion
1	Welcome, apologies and introductions	The Chair welcomed the current and new members to the last Scottish Biometrics Commissioner Advisory Group meeting of 2025 – introductions around the group were made
2	Minutes of previous meeting and Action Log	<ul style="list-style-type: none"> ▪ Minutes of the meeting held on 23 July 2025 were approved with no amendments
3	SBC Annual Report 2024/25	<p>Following the publication of the Annual Report & Accounts for 2024/25 the Director took the group through the highlights of the report. The Director mentioned the following:</p> <ul style="list-style-type: none"> ▪ For the fourth year in a row the SBC have operated within budget ▪ The year saw the SBC second a senior police officer from Police Scotland to the Director post, although initially set for a 2-year period due to being recalled back into operational policing the secondment ended in April ▪ While there was increased capacity, the SBC were able to lay three assurance reviews. The Laws of Retention review was laid in October 2024; the joint assurance review on DNA was published in March 2025 and highlighted seven recommendations; while the joint assurance review on Retrospective Facial Search technologies was also laid in March 2025 and highlighted four recommendations ▪ The SBC was part of the Officeholder Landscape review which was conducted by the Parliament ▪ There had been no staff turnover in the twelve-month reporting period
4	Scottish Government 1 st Statutory review of SBC functions and powers	<ul style="list-style-type: none"> ▪ Colleagues from Scottish Government were invited to attend the meeting to discuss the first review of the SBC function. The ToR was circulated around the Group prior to the meeting to allow for questions or comments ▪ Review is a statutory requirement under Section 6 of the Act and must be laid within 1 year of the current Strategic Plan expiring - November 2026 ▪ The review is not about the performance of the SBC but about impact on the bodies to whom the SBC functions extend and will look at the function, powers and duties of the SBC ▪ The SG are currently conducting research liaising with specified bodies (as mentioned within the Act) gathering views. The list is not exhaustive so an offer was made to members should they wish to provide feedback ▪ Next year there will be a twelve-week consultation period but the dates are not known yet. Once the consultation has been completed the findings will be brought back to the Advisory Group ▪ The Commissioner thanked Elaine and her team for sharing the ToR and confirmed the SBC will be laying an assurance review on fingerprints and a retrospective outcomes review of the SBC's first Strategic Plan - these may help with the review

		<ul style="list-style-type: none"> ▪ The Commissioner confirmed that in his opinion the current powers of the SBC are adequate but there has been a missed opportunity re duties which do not cover the spectrum of biometrics within the CJ ecosystem - extending the duties to include prisons and public space surveillance would be welcomed ▪ The Commissioner highlighted that public engagement by the SBC is limited due to the small size of the organisation but also because most people go through life without giving their biometrics in a policing environment ▪ SG colleagues confirmed they had reached out to Scottish Prison Service and Inspectorate of Prisons for their feedback ▪ SPA concurred with the current limitations of the SBC remit and would like to see surveillance to be included; there was also mention of biometrics being used in schools and with the Covid App – perhaps something to consider for future
5	1 st Statutory review of the Code of Practice and next steps	<ul style="list-style-type: none"> ▪ Under Section 14 of the legislation the SBC laid the first Statutory review of the Code of Practice (CoP), the next review will be in 2029. This report was laid on 22 October, with 3 main chapters the report highlighted that during the 3 years of the Code being operational – 300,000 custody episodes took place; the SBC received 6 x complaints with none being upheld; compliance assessments were conducted; 5 x assurance reviews were laid; there were no breaches of the Code despite over 20 recommendations being made through our reviews to Police Scotland and a policy change resulted from our Children’s assurance review meaning less children have their biometrics taken ▪ A full consultation of the CoP will start to take place over the winter period re any anticipated changes to the Code, a revised version will be shared with Ministers Autumn 2026 ▪ In response to the ICO’s query about Appendix D of the CoP, the Commissioner explained the current CoP was written prior to Police Scotland’s Rights Based Pathway approach being adopted but meetings between the ACC and the SBC have since been put in place to discuss new technology and Police Scotland have the Head of Biometrics role in place ▪ Question was raised whether it might be worth pausing a review of the CoP especially if the findings from the SG review determine a change in the SBC functions. The Commissioner confirmed any changes made to the functions, powers or duties the SBC, under the provision of the legislation have the ability to develop and publish Codes ▪ Agreed to having the review of the CoP as an agenda item for future meetings ▪
6	Strategic Plan 2025/29	<ul style="list-style-type: none"> ▪ The Strategic Plan 2025/29 will be the final Plan to be laid under the current Commissioner ▪ The Plan includes our four strategic outcomes ▪ To describe impact of our outcomes, the SBC engaged the services of Evaluation Support Scotland who help us develop our logic theory model and outcomes framework ▪ The assurance reviews to be conducted during this Strategic Plan will be fingerprints, forensic imaging, biometric data (voice and images) and body worn cameras ▪ The Strategic Plan will be laid before Parliament on 10 November and will be available on our website on 11 November
7	Assurance Review on Fingerprints	<ul style="list-style-type: none"> ▪ The Commissioner confirmed work on the fingerprint’s assurance review has already started. The ToR and the Key Lines of Enquiry have been issued. This is the first time fingerprints have been looked at since 2011 enquiry

		<ul style="list-style-type: none"> ▪ The Commissioner and the Subject Matter Expert will be visiting the Scottish Crime Campus and will meet with Gillian Jones and her team from Police Scotland. They will also be visiting the SPA FS in Dundee as part of the fieldwork ▪ The report is a joint review with SPA corporate, SPA FS, Police Scotland and HMICS and a first draft should be available before the end of the year. HMICS providing QA as forensics sit under their remit; report will be shared for factual accuracy checking around January/February with the final report being laid March 2026 ▪ SPA FS stated this would be a valuable review and welcomed the independent perspective by the SBC <p>Action: Jenny confirmed the ICO would like to be included in the factual accuracy checking from a data protection perspective</p>
8	Police Scotland statement on Live Facial Recognition (LFR)	<ul style="list-style-type: none"> ▪ The Commissioner shared a letter written to Alastair Hay (Chair of SPA Policing Performance Committee) on LFR which highlighted his concerns about a paper submitted by Police Scotland ▪ The Commissioner is not opposed to LFR but it needs to be used in the right circumstances. He further highlighted that the current use of LFR in E&W wouldn't meet the high standards of our CoP ▪ Since the paper was submitted the Commissioner has had further meetings with the ACCs of Major Crime and Organised Crime & CT and can confirm that Police Scotland have no immediate plans to use LFR ▪ Gillian Jones confirmed Police Scotland will produce a policy, prior to using the technology and the Rights Based Pathway (RBP) will be used to evaluate LFR before it goes live ▪ SPA Corporate confirmed there will be a further paper at the next SPA Policing Performance Committee but it will be for information only (not an agenda item). The full paper will be published in July. It was also highlighted that future meetings will include the SBC to provide oversight on this matter and that the Chief Constable mentioned several steps that need to be taken before LFR will be considered – lead time is around 18-24 months. The Steps include ensuring the RBP is considered; public consultation takes place; impact assessments are developed; business case is published and there is engagement re SOPs and policy development ▪ The ICO highlighted this is a priority area for them and that this technology doesn't operate within a legislative vacuum i.e. much crossover ▪ Gillian Jones highlighted the ACC Intelligence is leading a SLWG while Gillian and ACC Johnson will consider future watchlists – Police Scotland are focussing on policy before technology
9	AOCB	The Commissioner confirmed this is Genevieve's last Advisory Group and her last as Chair. The Commissioner thanked Gen for her contribution as a founding member of the SBC Advisory Group

Advisory Group – Actions Log

November 2025	OWNER	UPDATE	STATUS
ICO would like to be included in the factual accuracy checking of the FPs assurance review re data protection	Jenny Brotchie & SBC		Closed

December 2024			
Link in with Niamh re questionnaire	Operations Manager		Open
Link with Pete re comparable UK information	Operations Manager		Open
Details of EHRC contact and any other potential member(s) of the AG to be provided to OM for consideration – subject to the group not becoming oversubscribed	All		Open