

## Scottish Biometrics Commissioner – Advisory Group Meeting

### Minute of meeting of 30 August 2022 (0930 - 1100 via MS Teams)

Members Present	
Professor Derek Penman (Chair)	Independent Member
Detective Superintendent Maggie Miller	Acting Head of Local Crime, Police Scotland
Genevieve Lennon	Strathclyde University
Scott Ross	Head of Change & Operational Scrutiny, Scottish Police Authority
Denis Hamill	Chief Data Officer, Police Scotland
Mhairi Morrison	Assistant PF for Major Crime, COPFS
Tina Yule	Acting Assistant Inspector of Constabulary, HMICS
Fiona Douglas	Director of Forensic Services, Scottish Police Authority
Richard Casey	Senior Investigator, PIRC
Ken McDonald	Head of Regions, Information Commissioners Office (ICO)
Professor Shannon Vallor	Baillie Gifford Chair in the Ethics of Data and Artificial Intelligence at the Edinburgh Futures Institute (EFI) at University of Edinburgh
Brian Plastow	Scottish Biometrics Commissioner
Cheryl Glen	Corporate Services Manager, Scottish Biometrics Commissioner
Diego Quiroz	Operations Manager, Scottish Biometrics Commissioner
Joanna Milne (Minutes)	Business Support Officer, Scottish Biometrics Commissioner

Apologies	
Phil Chapman	Director of Operations, PIRC
Professor John McNeil	Independent Member
Clare Hussain	Head of Data Governance, Police Scotland
Mark Manders	Mental Welfare Commission for Scotland
Gina Wilson	Head of Strategy, Children & Young People's Commissioner Scotland
Fraser Sampson	UK Biometrics & Surveillance Camera Commissioner

## **1. Welcome, apologies & introductions**

The Chair welcomed members to the fifth meeting of the Advisory Group for the Scottish Biometrics Commissioner (SBC).

Since there are a few new members they were asked to give individual introductions.

## **2. Minutes of previous meeting and action log**

Minutes of the meeting on 23 May 2022 were approved.

## **3. Update on the session with the Criminal Justice Committee on the Code of Practice and next steps**

On 15 June the Commissioner appeared before the Criminal Justice Committee to discuss the draft Code of Practice. The letter from the Criminal Justice Committee on 20 June asked supplementary questions to which the Commissioner responded on 29 June.

On 8 August the Cabinet Justice Secretary for Justice and Veterans confirmed the Scottish Statutory Instrument will be laid in Parliament on 7 September with the proposed date of 16 November for the Code to come into effect.

All the responses can be read on our [website](#). There has been several positive articles written about the laying of the Code of Practice some of which can be read on our [website](#).

## **4. Progress with the draft complaints procedure**

The Operations Manager thanked everyone who previously responded, for their feedback.

Page two of the draft complaints procedure outlines all the changes which have been made to the document following feedback.

Feedback provided during the meeting, and the OM invited any further feedback to be emailed to him directly.

**Action:** Any comments or feedback to be emailed to Operations Manager within the next two weeks.

## **5. First Annual Report and Accounts (ARA)**

The first ARA has been produced and cleared by Audit Scotland. The report is still to be signed off by the Auditor General. The report confirms the SBC was successfully built during a pandemic and has come in under budget.

The report will be published in October once the biometric section has been factually checked by Police Scotland, SPA and PIRC.

## **6. The ToR and partners for the children and young people's thematic**

This will be run in partnership with SPA and the Children's and Young Person's Centre for Justice (CYCJ). Page 5 of the ToR outlines the proposed timetable for the thematic review.

The ToR also outlines the main reasons why we are carrying out the review. These can be found on page 4 of the ToR document.

Tina Yule indicated they would like to be involved on a consultative bases as this work would tie in with their healthcare inspections.

The suggestion was for the Advisory Group to be involved with the review to bring in their expertise.

## **7. Initial thoughts on the vulnerable adults thematic**

Cheryl Glen the SBC Corporate Services Manager will lead on the vulnerable adults thematic supported by the Commissioner which will run concurrently with the children and young people's thematic.

The group acknowledged that the definition of 'vulnerable people' in the SBC Act 2020 did not correspond exactly with definitions in other criminal justice legislation. One solution may be to look at this issue through the lens of vulnerable adults as defined in the Criminal Procedure Scotland Act 2016.

Tina Yule highlighted that HMICS has three custody inspections planned, and subject to timescales, there may be an opportunity for joint working on this.

**Action:** Brian to discuss with HMICS

## **8. Update on animation**

The animation on our website was shown to the group

[What is Biometrics | Scottish Biometrics Commissioner](#)

## **9. Data Protection and Digital Information Bill**

The Commissioner confirmed the new legislation being brought in will see the UK Biometrics and Safety Camera Commissioner's responsibilities removed and the surveillance camera aspect of the role being moved to the Information Commissioner Office.

**Action:** this agenda item will be carried forward until our meeting in November as Fraser Sampson was unable to attend this meeting.

## **10. Ethics of Data and Artificial Intelligence (AI)**

The Operations Manager has been involved with several groups to understand the future of AI in the policing and criminal justice area. These groups include Scotland AI Strategy and the Emerging Technologies Independent Advisory Group.

Professor Vallor is a new Advisory Group member who discussed the current issues related to AI. One of the biggest concerns the public have with AI is where the data is held and potential data protection issues.

Another concern is the fairness and discriminatory nature of AI. There is always some bias when implementing AI and this is a risk that everyone needs to understand but also needs to account for.

## **11. AOCB**

The Commissioner thanked Elaine Galbraith from HMICS who has recently retired, for her valuable contributions to the group over the past year and also Detective Chief Superintendent Laura Waddell, who is moving post to become Divisional Commander in 'K' Division.

Actions from last meeting will be carried forward to the next meeting due to time constraints.