



Scottish Biometrics
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JOINT ASSURANCE REVIEW OF THE ACQUISITION, RETENTION, USE AND DESTRUCTION OF FINGERPRINTS FOR CRIMINAL JUSTICE AND POLICE PURPOSES IN SCOTLAND

THE SCOTTISH BIOMETRICS COMMISSIONER

Terms of Reference

Version 1.0 - August 2025



Safeguarding our biometric future

Document Control

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Prepared by	SBC Director, Cheryl Glen
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About the Scottish Biometrics Commissioner

The Scottish Biometrics Commissioner is established under the [Scottish Biometrics Commissioner Act 2020](#). The Commissioner's general function is to support and promote the adoption of lawful, effective and ethical practices in relation to the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes by:

- [The Police Service of Scotland](#) (Police Scotland)
- [Scottish Police Authority](#) (SPA)
- [Police Investigations and Review Commissioner](#) (PIRC)

The Commissioner has wide ranged general powers and may do anything which appears to the Commissioner to be necessary or expedient for the purposes of, or in connection with, the performance of the Commissioner's functions, or to be otherwise conducive to the performance of those functions¹.

Our Values

As a values-led organisation, we will conduct our activities in a way that is Independent, Transparent, Proportionate and Accountable.

Independent

We will always act independently and publish impartial and objective review reports. Our professional advice will be informed and unbiased. The Scottish Biometrics Commissioner is a juristic person, appointed by the Monarch on the nomination of the Scottish Parliament and is independent of Scottish Government.

Transparent

We will be open about what we do and give reasons for our decisions. We will publish our reports and findings and will not restrict information unless deemed necessary to protect the identity of data subjects, or due to wider public interest considerations. For example, Section 19 of the Scottish Biometrics Commissioner Act 2020 provides that the Commissioner or a member of staff must not knowingly disclose confidential information unless necessary in the exercise of the Commissioner's functions. This means that we will never publish sensitive or specific case information in circumstances that could compromise police investigations or hand competitive advantage to criminals.

Proportionate

We will ensure that our activity is proportionate and does not exceed what is necessary to achieve our statutory purpose. We will minimise the burden of any review activity on Police Scotland, the Scottish Police

¹ Scottish Biometrics Commissioner Act 2020, [Section 4](#)

Authority, and the Police Investigations and Review Commissioner. We will ensure that the way that we do what we do is necessary, effective, and efficient.

Accountable

We will be accountable for what we do to the Scottish Parliament and will submit ourselves to whatever scrutiny is appropriate to our function. We will promote equality, diversity, and human rights in everything that we do.



Our Power to Work with Others

Section 3 of the Scottish Biometrics Commissioner Act 2020 confers a power on the Commissioner in the exercise of his functions to work, assist and consult with other named bodies. This includes amongst others, Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner. This Assurance Review will be conducted by the Scottish Biometrics Commissioner working in partnership with the Scottish Police Authority (SPA), the SPA Forensic Services, and Police Scotland.

It is envisaged that the SPA will assist the review by identifying and providing access to relevant forensic science staff with subject expertise in fingerprint interpretation and analysis, and to staff with expertise in the validation and accreditation of relevant scientific techniques and processes. As the review will also consider governance, quality assurance and the process of change management, the SPA will also facilitate access to relevant members of the Forensic Services senior management team. To minimise the burden of our review, we will minimise the footprint of any fieldwork and conduct most work online. We will also place reliance on the outputs from SPA Forensic Services internal audits and improvement plans previously presented to the SPA Forensic Services Committee and similarly will place reliance on UKAS Accreditation of the SPA Forensic Services including considering improvements made in relation to fingerprints in response to any UKAS recommendations.

Similarly, it is envisaged that Police Scotland will assist the review by providing access to policy and management information on operational policy versus practice. This will include access to management information on custody to fingerprint capture conversion rates to ascertain if fingerprints are acquired from

accused persons when policy dictates, they should be. It will also include data on Police Scotland fingerprint capture rejection and error rates including from IDENT1, the UK law enforcement database. In both cases, this is to assess the level of any lost investigative opportunities and to highlight opportunities for improved governance, training, and continuous improvement.

The Partnership and the content of this Terms of Reference have been agreed between the Commissioner, SPA Chair, SPA Director of Forensic Services and the ACC Major crime with Police Scotland. The joint report to Parliament will be laid by the Commissioner in March 2026 and will acknowledge the partnership approach and carry the corporate logos of all partners. Because of the partnership, SBC will not make recommendations on any matter that is already the subject of an internal improvement plan by either Police Scotland or the SPA FS. Where recommendations are necessary, this will be because of a new finding or conclusion emerging from our joint review.

Antecedents: The Scottish Fingerprint Inquiry

On 14 December 2011, and less than two years before the establishment of Police Scotland and the Scottish Police Authority, Sir Anthony Campbell and his team published the [Scottish Fingerprint Inquiry](#). The report was the culmination of a two year Inquiry set up by Scottish Government under the Inquiries Act 2005 to look at the steps which were taken to identify and verify the fingerprints associated with the case of HM Advocate v [McKie](#) in 1999. It resulted in eighty-six recommendations (pages 741 to 752) for improvement. It also resulted in public apologies being made by the then Chief Constable of Strathclyde Police and the then Director of Forensic Science at the former Scottish Police Services Authority (SPSA) to McKie and her father who was a retired senior police officer and who had led the campaign for justice for his daughter.

The case of Shirley McKie (colloquially referred to as the Scottish fingerprint scandal) was a difficult moment for policing in Scotland and a failure of forensics that significantly undermined public confidence and trust. In 1997, a 51-year-old woman Marion Ross from Kilmarnock was found murdered in her home. Several fingerprints were recovered from the crime scene with suspicion quickly falling on a local maintenance person David Ashbury. However, a thumbprint was also recovered from a door frame in the house which four fingerprint experts at the Scottish Criminal Records Office (SCRO) wrongly concluded belonged to Detective Constable Shirley McKie. This led to her being arrested, strip-searched, sacked by Strathclyde Police, and later arrested and charged with perjury. However, the Scottish jury at the High Court of Justiciary rejected the SCRO's fingerprint evidence and McKie was unanimously found not guilty of perjury.

The fingerprint evidence undermined the entire investigation and subsequent criminal prosecution because when it was established that the four SCRO fingerprint experts evidence incriminating Shirley McKie was wrong, it also cast doubt on the fingerprint evidence against Ashbury. Ashbury had been convicted of the murder of Marion Ross based on circumstantial evidence and served more than three years in jail before his murder conviction was quashed in 2002 because of the unreliability of the fingerprint evidence. The murder of Marion Ross in 1997 remains unsolved to this day and is one of more than 1100 unresolved homicides



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recorded by legacy police forces in the period between 01 January 1960 and the establishment of Police Scotland on 01 April 2013.²

A civil action associated with injustice was then raised on behalf of Shirley Mckie suing the then Scottish Executive amongst others. The case was settled out of court in 2006 with the offer and acceptance of £750,000 from the Scottish Executive, without admission of liability.

The Scottish Fingerprint Enquiry was also a watershed for forensic science and the report by Sir Anthony Campbell served as the catalyst to revolutionise the crime scene to court model in Scotland paving the way for the independent validation and accreditation by the UK Accreditation Service (UKAS) of the scientific techniques which now underpin the forensic examination of fingerprints in Scotland and the UK. It is also pertinent to note that at the time of writing, every one of the more than six hundred recorded homicides in Scotland since the establishment of Police Scotland and the SPA on 01 April 2013 has been claimed as solved by Police Scotland often assisted by the analysis of crucial forensic evidence by the SPA Forensic Services. This is an astonishing statistic not matched by any country in Western Europe.³

In the years following the report by Sir Anthony Campbell, there have been no similar controversies in Scotland and in 2020 the Scottish Parliament introduced the [Scottish Biometrics Commissioner Act](#) with the current Commissioner taking office in 2021. In the period of the Commissioner's first 4-year Strategic Plan, thematic assurance reviews have been conducted and laid in the Scottish Parliament in relation to biometrics acquired from [Vulnerable Adults](#) and [Children and Young People](#), there have also been examinations of [Images and Photographs](#), [DNA](#), and [Retrospective Facial Search Technologies](#).

Accordingly, the lens of independent oversight now turns to examine the key role of fingerprints used for policing and criminal justice purposes in Scotland in the post-reform period.

Aims

The strategic aim of this joint review is **“to provide assurance to the Scottish Parliament that the acquisition, retention, use, and destruction of fingerprints for policing and criminal justice purposes in Scotland is lawful, effective, and ethical.”**

The review will consider the nature, and extent of the use of fingerprints for policing and criminal justice purposes, and the impact of such use in terms of effectiveness including quantitative and qualitative outcomes. This will include, but will not be limited to:

- The law and Police Scotland and SPA policy.

² Police Scotland Freedom of Information response published in 2023.

³ 'Solved' can mean different things in different policing contexts. Police Scotland base this claim on persons charged with homicide regardless of whether the subject is then found not guilty or in circumstances where COPFS decide that there is insufficient evidence to proceed.



- Process, including assessing the effectiveness of fingerprints both in fixing and confirming identity, but also in terms of match rates, its exculpatory value, and in contributing towards overall crime solvency in Scotland.
- Internal governance arrangements within the SPA and Police Scotland, including the findings from internal SPA FS audits and Police Scotland audits, UKAS accreditation and internal quality assurance and improvement plans.
- The ethical considerations including whether the current retention regimes are proportionate and necessary. This aspect will also draw on the findings from the report by the Scottish Government and the Scottish Biometrics Commissioner of a [review of the retention of biometric data provided for under sections 18 to 19C of the Criminal Procedure \(Scotland\) Act 1995.](#)

It is provisionally anticipated that the report will be structured into six main chapters as follows:

1. The pre-reform background to the 790-page Scottish Fingerprint Inquiry and ascertaining whether all relevant recommendations were satisfactorily addressed.
2. Explaining the post-accreditation and post-reform landscape and the crime scene to court model in Scotland where the (SPA) scientific examination is separate from any police investigation, including a high-level overview of primary scientific and fingerprint development techniques.
3. Explaining the capture of fingerprints in the custody environment including exploring arrest to fingerprint capture conversion rates and capture error rates and the fingerprint journey.
4. Explaining how fingerprints assist police investigations including sourcing qualitative case studies.
5. Exploring Strategic Governance arrangements in both organisations around points 2 to 4 including of inherited legacy data (prints held elsewhere such as the National Fingerprint collection but not always on IDENT1) and considering retention including 'off database' such as hard copy fingerprint forms.
6. Future directions for fingerprints including possibilities such as AI and remote capture opportunities under various scenarios including but not limited to Disaster Victim Identification (DVI).

Methodology and scope

The methodology for this review may include (but not be limited to):

- Examination of the end-to-end journey from acquisition of a criminal justice fingerprint sample following arrest and the journey of that sample through to IDENT1.
- Examination of the end-to-end process from recovery of fingerprints at a crime scene and the journey of that lift through to forensic examination and comparison.
- In relation to criminal justice fingerprints, exploring the custody to fingerprint record conversion rate and the IDENT1 error rejection rate. In both cases placing reliance on data provided by Police Scotland.
- Exploring criminal justice to crime scene match rates in Scotland.
- Exploring crime scene to criminal justice match rates in Scotland.



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- Exploring the interfaces between IDENT1, the National Fingerprint Collection, manual records, and other databases such as DESC.
- Through sanitised case studies, exploring the qualitative value of fingerprints in recent and cold case investigations and/or international exchanges.
- Highlighting ethical considerations and dimensions and any opportunities to improve legislation.
- Considering the future direction of travel for fingerprints in policing.

The scope of this assurance review will extend to fingerprint use by:

- Police Scotland
- Scottish Police Authority Forensic Services

Exclusions from Scope

Forensic crime scene examinations and forensic laboratory scientific techniques are not within the authority of the Scottish Biometrics Commissioner and will not be part of this review except to add context. Accordingly, the review report will seek to provide readers with a basic understanding of how fingerprints assist policing and forensic science in the post-reform landscape. The review will also not consider national guidelines for streamlined forensic reporting, or UK Accreditation Service (UKAS) conditions on referring to accreditation and to the signatory status of the multilateral agreements that UKAS has entered and which accredited bodies are required to comply with. Scotland does not have a forensic science regulator and accordingly all these matters are more properly within the jurisdiction of [HM Chief Inspector of Constabulary in Scotland](#).

The involvement of persons other than SBC, SPA, or Police Scotland officers or staff will not form part of this review.

Resource plan

The research activity will be conducted by the Commissioner and Karen McBride a seconded subject matter expert (SME) from SPA FS with input from the SBC Director, SBC staff and key partners as required. The review activity will be mostly desk-based and will seek to minimise any impact on the day-to-day operations of Police Scotland and the SPA Forensic Services. The Commissioner will personally revisit the Scottish Fingerprint Inquiry report, discussing with partners whether all relevant recommendations were properly discharged.

Timeline

The indicative timescale for the necessary activity is as follows:



Key areas and timeline	September to November 2025			Dec 2025	Jan & Feb 2026	Mar 2026
3-month fieldwork phase. Mainly desk based research and information requests. Bespoke discussion with subject experts in Scotland and the UK will be via Teams as required.						
Writing up report and in-house clearance on draft.						
Draft to PSOS/SPA for factual accuracy checking in early January for FAC comments by 30 January 2026. Final jointly agreed draft to publisher in week commencing 2 February 2026.						
Submission of joint report to the Scottish Parliament in week commencing 16 March 2026, or sooner.						