

Scottish Biometrics Commissioner – Advisory Group 2nd Meeting

Minute of meeting of 25 November 2021 (1400 - 1500 via MS Teams)

Members Present	
Professor Derek Penman	Independent
Professor John McNeill	Independent
Professor Fraser Sampson	UK Biometrics & Surveillance Camera Commissioner
DCS Laura McLuckie	Police Scotland
Fiona Douglas	SPA Director of Forensic Services
Richard Casey	PIRC
Mhairi Morrison	COPFS
Jenny Brotchie	Information Commissioner's Office (ICO)
Gina Wilson	Head of Strategy, Children & Young People's Commissioner
Clare Hussain	Head of National Systems Support, Police Scotland
Elaine Galbraith	Assistant Inspector of Constabulary (HMICS)
Denis Hamill	Chief Data Officer, Police Scotland
Dr Brian Plastow (Chair)	Scottish Biometrics Commissioner
Apologies	
Diego Quiroz	Scottish Human Rights Commission
Genevieve Lennon	Strathclyde University
Ken Macdonald	ICO Scotland
Phil Chapman	Director of Operations, PIRC
Scott Ross	Head of Change & Operational Scrutiny, SPA

Agenda Items

1. Welcome, Apologies & Introductions

The Chair welcomed members to the second meeting of the Advisory Group for the Scottish Biometrics Commissioner (SBC) established under the provisions of Section 33 of the Scottish Biometrics Commissioner Act 2020.

Members gave individual introductions and apologies were noted from Diego, Genevieve, Ken, Phil, and Scott.

The Chair took the opportunity to record his thanks to Janice Crerar, Scottish Parliament Officeholder Services for coordinating the meeting arrangements.

2. Minutes of previous meeting

The minutes from the previous meeting on 19 July 2021 were approved by members present as an accurate record and were approved for publication on the Commissioner's website once established.

3. Action Log

The Chair discussed the actions agreed from the first meeting and noted that all six actions from the previous meeting had been discharged.

4. Updated Terms of Reference for Advisory Group

Members had previously provided feedback on the draft TOR previously discussed at the 19 July meeting of the advisory group. The membership also agreed to the appointment of an independent member from within the group to act as Chair for future meetings. The group agreed to the appointment of Professor Derek Penman as independent Chair for future meetings.

The TOR was then updated to clarify that the role of the Independent Chair of the Advisory Group is limited to supporting the Commissioner and the advisory group with no responsibilities in relation to governance or performance management. These matters are catered for through separate arrangements and the work of the Commissioner's independent Audit Advisory Board (AAB), and through regular liaison with the appointed external Audit Scotland auditor.

The TOR was subsequently adopted for publication on the Commissioner's website once established.

5. Update on Setup Activity

The Commissioner then gave an update on ongoing setup activity:

Business Address

Final building works were ongoing at Bridgeside House to create the self-contained office for the Commissioner and three staff. It was anticipated that the building works would be completed by 13 December 2021. The co-location with several other bodies supported by the Scottish Parliament would facilitate a shared-services agenda delivering value to the public purse. The office would be ready for occupation after that date although hybrid working arrangements would continue due to the ongoing pandemic.

Staff Recruitment

The Commissioner advised that a recruitment exercise had been conducted in recent months to appoint a Corporate Services Manager, Operations Manager and Business Support Officer.

Pre-employment formalities were now being completed and it was hoped that the new team would start arriving between December and late January.

Cheryl Glen will be appointed as Corporate Services Manager, Diego Quiroz as Operations Manager and Joanna Milne as Business Support Officer.

Website

Following a procurement exercise, Gecko had been awarded the contract to build and maintain the website for the Scottish Biometrics Commissioner. Work is already underway to build the website and it was hoped that the website would go live at the end of January 2022.

6. Strategic Plan 2021 to 2025

The Commissioner thanked all members of the advisory group for their valuable contributions in helping to shape the first strategic plan. The final draft had been approved by the Parliament corporation on 15 November and the published version was formally laid before the Scottish Parliament on 24 November 2021.

The Strategic Plan will be published on the SBC Website as soon as it goes live.

7. Consultation on Code of Practice and next steps

The Commissioner thanked all members of the advisory group for their valuable contributions in helping to shape the early drafts of the Code of Practice. Version 0.2 was now out for closed consultation until 31 December 2021. The consultation audience includes statutory consultees, academia, pressure groups and all bodies previously consulted by the former Independent Advisory Group on Biometric Data in Scotland in 2017/18.

Early in the New Year, SBC staff will engage with SG officials about the process of bringing a final draft forward for consideration by Ministers and the Parliament. There would also be a need for several impact assessments and to engage with SG officials about the drafting of the necessary regulations to introduce the final version.

Depending on the availability of SG and Parliamentary timescales, it was envisaged that the Code would be brought into effect in summer 2022.

8. Draft Complaints Procedure re Code of Practice

A draft version (0.1) of a Complaints Procedure for data subjects relative to the Code of Practice was circulated to members. It was agreed that the draft procedure would be discussed in more detail at the next meeting of the advisory group in February 2022.

9. NatCen Public Attitudes and Awareness Survey

The Commissioner advised that he had obtained authority from the Parliament corporation to engage the services of NatCen to run a public attitudes and awareness survey relative to biometric data used for policing and criminal justice purposes in Scotland.

The survey is intended to baseline current public understanding around issues such as how biometrics help towards crime solvency in Scotland and to assess attitudes to things like retention periods. The results would help with the Commissioner's function under Section 2 (3) (b) of the Act to promote public awareness and understanding.

Results from the survey will be brought to the next meeting of the advisory group in February 2022.

10. AOCB

Professor Sampson spoke to the contents of a joint letter (Fraser and Brian) to UK and devolved administration Ministers highlighting concerns around Home Office plans to 'absorb' the oversight of police biometrics into a new UK data protection authority.

The joint paper highlighted that the use of biometric data and technologies for policing and criminal justice purposes extended beyond data protection considerations into broader questions of effectiveness, efficiency, legitimacy and public confidence and trust.

There were no other items under AOCB and the meeting concluded at 1500 hours.