



Scottish Biometrics Commissioner – Advisory Group Meeting

Minute of meeting of 4 December 2024 (9.30 – 11.00 via MS Teams)

Members Present	
Genevieve Lennon (Chair)	Strathclyde University
Brian Plastow	Scottish Biometrics Commissioner
Mhairi Morrison	Assistant Procurator Fiscal for Major Crime – Crown Office and Procurator Fiscal Service
Eleanor Deeming-Johnstone	Legal Officer -Scottish Human Rights Commission
Mark Hargreaves	Assistant Inspector of Constabulary - HMICS
Scott Ross	Head of Change & Operational Scrutiny - Scottish Police Authority (SPA)
Raymond Brown	Head of Investigations - PIRC
Diana Dundas	Biometrics Data Lead – Police Scotland
Niamh Nic Daeid	Director Leverhulme Research Centre for Forensic Science (LRCFS)
Gina Wilson	Head of Strategy - Children & Young People’s Commissioner Scotland
Jenny Brotchie	Regional Manager - Information Commissioners Office
Peter Fussey	Professor of Sociology at University of Essex
Fiona Douglas	Director of Forensic Services - Scottish Police Authority
Diego Quiroz (OM)	Operations Manager - Scottish Biometrics Commissioner
Ross McDonald	Director – Scottish Biometrics Commissioner
Cheryl Glen	Corporate Service Manager – Scottish Biometrics Commissioner
Joanna Milne (Minutes)	Business Support Officer - Scottish Biometrics Commissioner

Apologies	
Tony Eastaugh CBE	Interim Chief Executive Officer, Police Digital Service
Denis Hamill	Chief Data Officer – Police Scotland
Gillian Jones	Head of Biometrics - Police Scotland
Phil Chapman	Director of Operations - Police Investigations and Review Commissioner (PIRC)
Shannon Vallor	Baillie Gifford Chair in the Ethics of Data and Artificial Intelligence at the Edinburgh Futures Institute (EFI) at University of Edinburgh
William Webster	Professor of Public Policy and Management at University of Stirling
Suzanne Chow	Detective Chief Superintendent – Police Scotland
Craig Naylor	HM Chief Inspector of Constabulary in Scotland

1. Welcome, Apologies & Introductions

The Chair welcomed members to the final Scottish Biometrics Commissioner (SBC) Advisory Group meeting of 2024.

2. Minutes of previous meeting and Action Log

Minutes of the meeting held on 16 July 2024 were approved with no amendments.

Action log updates

The action log was updated and all actions closed where appropriate.

3. New Advisory Group members introductions

The new Advisory Group members were welcomed and the Chair asked everyone to introduce themselves.

4. Laws of Retention

During 2024 the SBC have been working in partnership with Scottish Government colleagues on the Laws of Retention report. This report was laid before Parliament on 31 October 2024.

Since the laying of the report the Commissioner has provided evidence at the Criminal Justice committee where he spoke about the report.

Police Scotland have accepted the four recommendations made in the report.

The report highlighted the lack of an existing policy for the retention of biometric data and the insufficient management information held.

There is also a lack of management information held on the effectiveness of retention periods for those who are convicted.

The timeline for discharging the recommendations is between now and November 2025.

5. DNA assurance review

The report will look at how DNA is used for policing and criminal justice purposes in Scotland. The report will contact five chapters.

1. Background to what DNA is.
2. Nature of its use.
3. The extent of its use
4. The impact – match rates
5. Future directions

The last chapter will focus on where technology will take us in the future and Niamh Nic Daeid from the Leverhulme Research Centre for Forensic Science has been helping with this chapter.

Prior to the first draft of the report the Commissioner is still awaiting case studies from the SPA and ethnicity data.

As part of the evidence gathering for the report the Commissioner, the Director and the Corporate Services Manager attended the custody suit in Livingston to see how DNA is taken and then they attended the Forensic Science lab in Dundee to see how it is processed.

The Commissioner thanked everyone involved for taking the time to help with the report. The report will be sent out for factual accuracy checking in January and published in February.

Action: embargoed copy of the report to be circulated round the Advisory group a couple of days before publication

6. Retrospective facial search assurance review

HMICS and Prof Pete Fussey have been assisting the Operations Manager and the Director with the report. The Operations Manager and Director attended on-site visits to provide an understanding of PND and CAID. The Director also confirmed they have been shown CAID-FM which speeds up identifying images within CAID.

The evidence gathering part of the report is now complete and the plan is for the report to be issued for factual accuracy checking in February with the final report to be published in March.

The SBC has been asked to attend a round table session with the Home Office on Live Facial Recognition (LFR).

Niamh confirmed the Leverhulme Research Centre for Forensic Science are launching a public questionnaire in early 2025 to understand the level of trust in LFR. The questionnaire is UK wide but could be useful to the review or for the round table discussions.

Pete confirmed he is currently working on a report re Retrospective Facial Recognition and the EU AI Act. Pete also confirmed he will be able to provide comparable UK information.

Action: OM to link in with Niamh re questionnaire

Action: OM to link in with Pete re comparable UK information

7. Annual Report and Accounts

The third SBC Annual Report and Accounts was Published in September. The report outlined details of our third assurance review on images and the easy read versions of the Code of Practice and the Complaints process. It also confirmed Police Scotland, the SPA and the PIRC completed their first compliance assessments re the Code of Practice which were all very positive. The first ever biometrics in policing and criminal justice conference which SBC/SPA/Police Scotland co-hosted in June 2024.

7. Advisory Group ToR

The Advisory Group has been going since July 2021 and each year the ToR is reviewed.

The Commissioner confirmed the function of the Advisory Group is to give advice on biometrics. The ToR will be updated to make this clearer and be published on the website.

The Commissioner confirmed that he has an Advisory Audit Board who provide guidance on the non biometric function.

Action: OM to change the ToR to reflect the Commissioner's comments and BSO to publish it on the website.

8. AOCB

Eleanor suggested asking a member of the EHRC team to join the Advisory Group. The Commissioner said he was open to the suggestion subject to any interest from Scotland based EHRC staff.

The Commissioner also asked if anyone thinks of someone that should be on the Advisory Group please contact the OM.

Action: details of EHRC contact and any other potential members of the Advisory Group to be provided to the OM for consideration, and subject to ensuring that the group does not become over subscribed.