

# **Scottish Biometrics Commissioner: Review of functions – Consultation Paper**

**February 2026**

## Ministerial Foreword



The value of biometric data in policing is widely recognised. Fingerprints and DNA often carry significant evidential value, and these techniques are increasingly being supplemented by new and emerging technologies such as facial recognition software. Independent oversight of how policing bodies acquire, use and destroy biometric data is therefore vital to securing public trust.

In 2020 the Scottish Parliament passed the Scottish Biometrics Commissioner Act 2020 (the 2020 Act) to create an independent Scottish Biometrics Commissioner (SBC) within the context of policing and criminal justice, and to establish a code of practice. In 2021, Dr Brian Plastow was appointed as the SBC by her late Majesty Queen Elizabeth, on the nomination of the Scottish Parliament.

The key aim of the 2020 Act was to establish an independent Commissioner to encourage an effective, proportionate and ethical approach to the use of biometric data by specified policing bodies, that balanced the benefits against wider ethical and human rights considerations. This approach would promote transparency and enhance public confidence in police use of such data. To ensure that the remit of the SBC remained relevant in a rapidly evolving biometric landscape, the 2020 Act required that a review take place periodically of whether the SBC's functions remained appropriate and whether the list of bodies subject to the SBC's oversight should be amended. Therefore, five years after the appointment of the SBC, the Scottish Government is now fulfilling its legal obligation to undertake such a review.

In the last five years, the SBC has delivered many outputs, including a statutory code of practice; five thematic reviews; a review of retention periods in collaboration with the Scottish Government – as well as giving evidence to parliamentary committees and raising the profile of police use of biometric data in Scotland. There is abundant evidence of the work taken forward by the SBC and his staff which is publicly available on the SBC's website. However, the purpose of this review is not to assess the quality of the SBC's performance – as an independent commissioner, he is accountable to the Scottish Parliament for that. Rather, the purpose of this review is to determine the impact of this work; to assess the future landscape for police use of biometric data; and thereby to establish whether the SBC's current functions and the list of oversight bodies remain appropriate to delivering the effective, lawful, proportionate and ethical use of biometric data which was envisaged in 2020.

The 2020 Act created a SBC whose functions were to be focussed on rights, standards and accountability within policing and criminal justice. I look forward to hearing your views on whether the SBC's functions and associated list of bodies which are subject to the SBC's oversight as expressed in the 2020 Act, have been sufficient to achieve this aim to date, and can continue to deliver effective oversight for the next five years.

Angela Constance, MSP  
Cabinet Secretary for Justice & Home Affairs

## Purpose of the consultation

Section 6 of the 2020 Act<sup>1</sup> requires the Scottish Ministers to prepare and publish, at periodic intervals, a report assessing whether the SBC's<sup>2</sup> functions remain appropriate, and whether any changes should be made to the list of bodies which are subject to the SBC's oversight. In accordance with this duty, the inaugural report must be laid before the Scottish Parliament no later than 30 November 2026. This is because the 2020 Act requires that such a report be laid within one year of the expiry of the SBC's first strategic plan, which expired on 30 November 2025<sup>3</sup>.

The report will assess whether it is necessary

- to amend the list of bodies subject to the SBC's general function and code of practice; and
- to amend the SBC's functions. "Functions" is a defined term under schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010 and includes both powers and duties. This is the definition that will be used in the report.

To determine whether any amendments are required to the functions of the SBC or the list of bodies subject to his oversight, we are conducting a formal review. This review will consider, amongst other things, relevant publications issued by the SBC (see Annex A to this consultation paper), and will involve stakeholder engagement conducted in two stages.

Stage one comprised initial discussions undertaken by Scottish Government (SG) officials with key stakeholders (see Annex B to this consultation paper) between September 2025 to January 2026, to gather views on the impact of the SBC's work, and on whether the bodies subject to the SBC's functions under the 2020 Act remained appropriate or otherwise.

Stage two is this formal public consultation paper, which includes a summary of matters raised by or with stakeholders during stage one. This review will also consider any relevant findings from activities taking place in other jurisdictions – such as the United Kingdom (UK) Government consultation on the governance around law enforcement use of biometrics, facial recognition and similar technologies<sup>4</sup>.

## Why are SG consulting?

To assist the review in determining whether any amendments should be made to the functions of the SBC or to the list of bodies subject to his oversight, we are asking you to reflect on the impact of the SBC's work during the period from 12 April 2021 (the date of the SBC's appointment) to 30 November 2025 (the date on which his first Strategic Plan expired). You are also asked to consider the future landscape for the use of biometric data by law enforcement bodies, with a view to future-proofing for the SBC's functions and list of bodies which are subject to the SBC's oversight, over the period up to the next review which is scheduled for 2031.

---

<sup>1</sup> [Section 6 of the 2020 Act](#) (legislation.gov.uk).

<sup>2</sup> SBC Website ([www.biometricscommissioner.scot](http://www.biometricscommissioner.scot)).

<sup>3</sup> [SBC – Strategic Plan for period 2021-25](#) (www.biometricscommissioner.scot).

<sup>4</sup> [Consultation on a new legal framework for law enforcement use of biometrics, facial recognition and similar technologies – Published December 2025](#). (www.gov.uk).

To inform these considerations, this consultation paper provides links to information concerning the activities undertaken, and the outcomes achieved, by the SBC. The consultation paper also provides a summary of key issues raised by stakeholders at the initial meetings during stage one (without these being necessarily endorsed by the SG) in order to encourage further reflection and comment.

Therefore, your response to this consultation paper will be important in shaping future proposals for any amendments to the SBC's functions and the list of bodies subject to the SBC's oversight.

## **Context**

In 2017, the SG tasked an Independent Advisory Group (IAG) with considering the taking, use and retention of biometric data in policing. In 2018<sup>5</sup>, the IAG recommended that an independent Scottish Biometrics Commissioner and a code of practice be established to ensure that the policing approach to biometric data was lawful, ethical, effective and proportionate. In 2020 the Scottish Parliament passed the Scottish Biometrics Commissioner Act 2020 (the 2020 Act)<sup>6</sup>.

The SBC is appointed by the Monarch on the nomination of the Scottish Parliament. The SBC is a parliamentary officeholder accountable to the Scottish Parliament and independent from Scottish Ministers. The current SBC is Dr Brian Plastow<sup>7</sup> who took up office in April 2021.

The 2020 Act established the office of the SBC to support and promote the adoption of lawful, effective and ethical practices in relation to biometric data by specified bodies, these being the Police Service of Scotland, (Police Scotland), the Scottish Police Authority (SPA) and the Police Investigations and Review Commissioner (PIRC). The SBC remit also included the preparation of a statutory Code of Practice<sup>8</sup> to apply to the specified bodies, and this took effect from 16 November 2022 following parliamentary approval.

The SBC has a general function to keep the law, policies and practices relating to the acquisition, retention, use and destruction of biometric data by these specified bodies under review as well as promoting public awareness and understanding of the powers and duties that these specified bodies have in relation to the acquisition, retention, use and destruction of biometric data; how those powers and duties are exercised; and how the exercise of those powers and duties can be monitored or challenged. The SBC must also promote, and monitor the impact of, the code of practice.

The SBC also has a number of additional functions, duties and powers in the 2020 Act, such as producing a strategic plan; gathering information and remedying any failure to provide such information; producing reports and making recommendations; and preparing annual accounts.

---

<sup>5</sup> [IAG Report on the use of Biometric Data in Scotland](#) (2018) ([www.gov.scot](http://www.gov.scot)).

<sup>6</sup> [SBC Act 2020](#) ([legislation.gov.uk](http://legislation.gov.uk)).

<sup>7</sup> [SBC – Who we are](#) ([www.biometricscommissioner.scot](http://www.biometricscommissioner.scot)).

<sup>8</sup> [SBC Code of Practice on the acquisition, use, retention and destruction of biometric data](#) (2022) ([www.biometricscommissioner.scot](http://www.biometricscommissioner.scot)).

In order to meet the requirement under section 6, we do not consider it necessary to scrutinise each individual function in detail. While the review does not wish to discourage stakeholders from commenting on what might appear to be less important functions, it will not focus on standard public office matters concerning the SBC such as setting a budget or preparing an annual report. Instead, the review will focus on the functions under the 2020 Act which are directly concerned with biometric data.

The key outputs delivered by the SBC during the first strategic plan period 2021-25 include (though are not limited to) the preparation and publication of the statutory code of practice, a joint review with the SG on retention periods, and the publication of thematic reviews (covering the acquisition of biometric data from vulnerable persons and persons under the age of 18; the acquisition of photographs and images; the use of deoxyribonucleic acid (DNA) and retrospective facial search technology). Links to these documents and many others can be found at Annex A to the consultation paper.

The impact of these key outputs and others is an important consideration in determining whether the functions and list of bodies which are subject to the SBC's oversight, remain appropriate. So too is a consideration of the future landscape given that the next review is not scheduled to take place until 2031. Over the course of September 2025 to January 2026, SG officials met with several key stakeholders to hear initial views on these issues. Points raised in discussion have been categorised by theme and included:

#### General:

- The overall package of measures and compliance procedures introduced by the SBC appear to have made a positive difference in terms of strengthening public assurance;
- Clarity is needed on the SBC's role in relation to the digital forensics space and new biometric technologies such as Live Facial Recognition (LFR) being potentially used in future; and
- The regulation of biometrics within the policing and criminal justice space in Scotland and across the UK is fragmented – and this could be confusing for the public.

#### Code of Practice:

- The self-assessment process for the Code of Practice has been impactful – leading the bodies which are subject to the SBC's oversight to make improvements, learn lessons (in collaboration with other specified bodies) and collect a broader range of management data; and
- Consideration might be given by the SBC to making the Code of Practice more directive.

#### SBC Recommendations:

- The custody suites leaflet<sup>9</sup> recommended by the SBC now confirms the rights of people who have their biometric data taken and where complaints can be directed;
- The recommendations by the SBC for the collection of management information to be improved will help to improve public transparency over how biometric data is being used – for example the publication of statistical information<sup>10</sup> on the volumes of biometric data held by Police Scotland; and
- The SBC thematic reports are valuable as they cover the end to end process and encourage collaboration - the SBC recommendations are followed up.

#### Awareness Raising:

- Public attitudes surveys<sup>11</sup> previously undertaken by the SBC or in partnership have assisted with generating findings to measure public acceptance around police use of biometric data and for what purposes – and in turn assisting with increasing public transparency on such matters;
- The SBC was instrumental in organising Scotland's first ever Biometrics Conference<sup>12</sup> held in 2024, bringing key partners across Scotland and wider UK jurisdictions together; and
- The SBC's appearances in public - such as at the Scottish parliament and SPA Board – have also raised a degree of public awareness of his functions and what law enforcement agencies are doing in the biometrics space.

#### Collaboration:

- The SBC's own advisory group is well-represented and brings together operational, academic and technology expertise in the Biometrics space; and
- The SBC also has had an interface into wider UK Government policy and advisory boards operating within the biometrics in policing space.

#### Bodies which are subject to the SBC's oversight:

- Consideration should be given to extending the list of bodies which are subject to the SBC's oversight under the 2020 Act to include other UK-wide police forces or specialist law enforcement agencies operating in Scotland where biometric data is acquired in Scotland and then used, retained or destroyed in Scotland or in another UK jurisdiction<sup>13</sup> - for example the British Transport Police, the National Crime Agency, the Ministry of Defence Police and the Civil Nuclear Constabulary;
- Consideration should be given to extending the list of bodies which are subject to the SBC's oversight under the 2020 Act to include other organisations who acquire and manage biometric data that could be used for policing and criminal justice purposes in Scotland such as the Scottish Prison Service, and those who operate public space surveillance cameras/CCTV (for example local authorities and private individuals and businesses).

---

<sup>9</sup> [Police Scotland Biometrics Information Leaflet](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>10</sup> [Police Scotland Biometrics webpage](http://www.scotland.police.uk) (www.scotland.police.uk).

<sup>11</sup> See footnotes 33-35.

<sup>12</sup> [The First Scottish Biometrics Conference](http://www.biometricscommissioner.scot) and [Highlights from the first Scottish Biometrics Conference](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>13</sup> This would ultimately require UK Parliament approval using powers under section 104 of the Scotland Act 1998 or a UK Act.

These points are offered to prompt your thinking for the purposes of this consultation and again do not necessarily reflect the SG's position. You may of course hold other views which you want to share as part of your consultation response.

In order to answer the questions around whether the functions and the list of bodies which are subject to the SBC's oversight remain appropriate, it is important to consider both the impact which the exercising of the functions has had to date in terms of supporting and promoting the adoption of lawful, effective and ethical practices – and also the future landscape for law enforcement use of biometric data, in order to determine whether any changes are required for future-proofing purposes.

## Evidence Sources for the review

The following material is assessed as a relevant consideration for the review although this is not an exhaustive list:

- The SBC’s strategic plan for the period November 2021-2025<sup>14</sup>;
- The SBC’s business plan for 2023-24<sup>15</sup>, 2024-25<sup>16</sup> and 2025-26<sup>17</sup>;
- The SBC’s national assessment framework for biometric data outcomes<sup>18</sup>;
- The SBC’s Logic Model and Outcomes framework 2025-29<sup>19</sup>;
- The findings, recommendations and outcomes from the SBC’s Annual Reports (2021/22<sup>20</sup>, 2022-23<sup>21</sup>, 2023-24<sup>22</sup> and 2024/25<sup>23</sup>);
- The findings, recommendations and outcomes from the respective SBC’s assurance reviews on Children & Young People<sup>24</sup>, Vulnerable Adults<sup>25</sup>, Images and Photographs<sup>26</sup>, DNA<sup>27</sup>, Retrospective Facial Search<sup>28</sup> and Fingerprints<sup>29</sup>;
- The findings from the SBC’s Code of Practice Compliance self- assessments<sup>30</sup>;
- The findings and recommendations made in the SBC’s report on the operation of the Code of Practice as per section 14 of the 2020 Act<sup>31</sup>;
- The SBC’s Communication and Engagement Strategy 2024-26<sup>32</sup>;

---

<sup>14</sup> See footnote 3.

<sup>15</sup> [SBC - Business Plan 2023-24](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>16</sup> [SBC - Business Plan 2024-25](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>17</sup> [SBC – Business Plan 2025-26](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>18</sup> [SBC - National Assessment Framework](http://www.biometricscommissioner.scot) (2022) (www.biometricscommissioner.scot).

<sup>19</sup> [SBC - Logic Model and Outcomes Framework 2025-29](http://www.biometricscommissioner.scot) (for the purposes of considering the deliverables proposed by the SBC in the period relating to the SBC’s [current Strategic Plan](#) for period 2025-29) (www.biometricscommissioner.scot).

<sup>20</sup> [SBC - Annual Report 2021-22](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>21</sup> [SBC – Annual Report 2022-23](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>22</sup> [SBC – Annual Report 2023-24](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>23</sup> [SBC – Annual Report 2024-25](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>24</sup> [SBC - Joint assurance review of the acquisition of biometric data from children arrested in Scotland \(2023\)](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>25</sup> [SBC - Joint assurance review on the acquisition of biometrics data from vulnerable persons in police custody requiring the support of an Appropriate Adult under The Criminal Justice \(Scotland\) Act 2016 \(Support for Vulnerable Persons\) Regulations 2019 \(2023\)](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>26</sup> [SBC - Assurance review of the acquisition, use and retention of images and photographs for criminal justice and police purposes](http://www.biometricscommissioner.scot) (2024) (www.biometricscommissioner.scot).

<sup>27</sup> [SBC - Joint Assurance Review of the acquisition, retention, use and destruction of DNA for criminal justice and police purposes in Scotland](http://www.biometricscommissioner.scot) (2025) (www.biometricscommissioner.scot).

<sup>28</sup> [SBC - Joint Assurance Review of the use of retrospective facial search technologies for criminal justice and police purposes in Scotland](http://www.biometricscommissioner.scot) (2025) (www.biometricscommissioner.scot).

<sup>29</sup> Expected to be published in 2026 – Source: [Terms of Reference](#) (www.biometricscommissioner.scot).

<sup>30</sup> SBC - Code of Practice Compliance Assessments (Police Scotland - [2023](#), [2025](#), SPA - [2023](#), [2025](#), PIRC - [2023](#), [2025](#)) (www.biometricscommissioner.scot).

<sup>31</sup> [SBC – First Statutory Three Year Review of the Code of Practice](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

<sup>32</sup> [SBC - Communication and Engagement Strategy 2024-26](http://www.biometricscommissioner.scot) (www.biometricscommissioner.scot).

- Any relevant findings from public attitudes surveys (including those conducted or commissioned by the SBC) concerning public awareness/confidence in police use of biometric data and/or technologies<sup>33 34 35 36</sup>;
- The SBC's outward interface in terms of speaking at conferences and events – statements and messages provided<sup>37</sup>;
- Statements and Newsletters published on the SBC's website<sup>38</sup>;
- The SBC's public complaint handling mechanisms as per section 15 of the 2020 Act<sup>39</sup> and published data on levels of complaints received/outcomes<sup>40</sup>;
- Membership and minutes of the SBC advisory group<sup>41</sup>;
- Existing research and reports on biometrics and technologies governance where the SBC has had input or its work has been referenced for example – Independent advisory group on new and emerging technologies in policing<sup>42</sup>, Public Space CCTV in Scotland: research findings<sup>43</sup>, Independent legal review of the governance of biometric data in England and Wales<sup>44</sup>; The Future of Biometric Technology for Policing and Law Enforcement Informing UK Regulation<sup>45</sup>, An eye on the future - A legal framework for the governance of biometric technologies in the UK<sup>46</sup>;
- SPA Board and Committee reports<sup>47</sup>; Review of Biometric Retention Periods report<sup>48</sup>, academia journals<sup>49</sup>, blogs<sup>50</sup> etc;

---

<sup>33</sup> [SBC & Scotcen Social Research - Public attitudes to police use of biometric data](https://www.biometricscommissioner.scot) (2022) ([www.biometricscommissioner.scot](https://www.biometricscommissioner.scot)).

<sup>34</sup> [SBC & Children and Young Peoples Centre for Justice - Thematic Review of Biometric Data – Children and Young People's Perspectives](https://www.biometricscommissioner.scot) (2023) ([www.biometricscommissioner.scot](https://www.biometricscommissioner.scot)).

<sup>35</sup> [SBC, SPA and Diffley Partnership - Public attitudes to police use of biometrics data](https://www.biometricscommissioner.scot) (2025) ([www.biometricscommissioner.scot](https://www.biometricscommissioner.scot)).

<sup>36</sup> [Information Commissioner Office \(ICO\): Understanding the public's views and experiences of biometric technologies](https://www.ico.org.uk) (2025) ([www.ico.org.uk](https://www.ico.org.uk)).

<sup>37</sup> Various sources accessed from the [SBC news webpage](https://www.biometricscommissioner.scot) ([www.biometricscommissioner.scot](https://www.biometricscommissioner.scot)).

<sup>38</sup> See footnote 37.

<sup>39</sup> [SBC - Complaints Handling Procedure](https://www.biometricscommissioner.scot) ([www.biometricscommissioner.scot](https://www.biometricscommissioner.scot)).

<sup>40</sup> See footnote 23.

<sup>41</sup> [SBC – Advisory Group](https://www.biometricscommissioner.scot) ([www.biometricscommissioner.scot](https://www.biometricscommissioner.scot)).

<sup>42</sup> [Independent review – Independent advisory group on new and emerging technologies in policing: final report](https://www.gov.scot) (2023) ([www.gov.scot](https://www.gov.scot)).

<sup>43</sup> [Public space CCTV in Scotland: research findings](https://www.gov.scot) (2023) ([www.gov.scot](https://www.gov.scot)).

<sup>44</sup> [Independent legal review of the governance of biometric data in England and Wales](https://www.adalovelaceinstitute.org) (2022) ([www.adalovelaceinstitute.org](https://www.adalovelaceinstitute.org)).

<sup>45</sup> [The Future of Biometric Technology for Policing and Law Enforcement - Informing UK Regulation Research Report](https://www.cetas.turing.ac.uk) (2025) ([www.cetas.turing.ac.uk](https://www.cetas.turing.ac.uk)).

<sup>46</sup> <https://cetas.turing.ac.uk/institutional-publication/eye-future> (2025) ([www.adalovelaceinstitute.org](https://www.adalovelaceinstitute.org)).

<sup>47</sup> Various sources accessed from the SPA website ([www.spa.police.uk](https://www.spa.police.uk)).

<sup>48</sup> [SG and SBC - A review of the retention of biometric data provided for under sections 18 to 19C of the Criminal Procedure \(Scotland\) Act 1995](https://www.gov.scot) (2024) ([www.gov.scot](https://www.gov.scot)).

<sup>49</sup> Various sources to be accessed online.

<sup>50</sup> See footnote 49.

- Parliamentary interface - for example parliamentary questions/responses<sup>51</sup>, SBC evidence provided to the Criminal Justice committee<sup>52</sup> the Finance and Public Administration Committee<sup>53</sup> and the Scottish Parliament Corporate Body Supported Bodies Landscape Review Committee<sup>54</sup>;
- The SBC's interface with government, government agencies, and parliaments in other UK and wider jurisdictions<sup>55</sup>.

---

<sup>51</sup> Where reference has been made to the SBC as part of an oral or written parliamentary question and/or the SG's response ([www.parliament.scot](http://www.parliament.scot)).

<sup>52</sup> [SBC attends the Criminal Justice Committee \(2024\)](#) ([www.biometricscommissioner.scot](http://www.biometricscommissioner.scot))

<sup>53</sup> [SBC attends the Finance and Public Administration Committee \(2024\)](#). ([www.biometricscommissioner.scot](http://www.biometricscommissioner.scot)).

<sup>54</sup> [SBC attends SPCB Supported Bodies Landscape Review Committee \(2025\)](#) ([www.biometricscommissioner.scot](http://www.biometricscommissioner.scot)).

<sup>55</sup> See footnote 37.

### Organisations met with during stage 1

The Scottish Government (SG) met with the following stakeholders between September 2025 and January 2026:

- Scottish Biometrics Commissioner (SBC), 22 September 2025 and 8 January 2026;
- Scottish Police Authority, 27 October 2025;
- Police Investigations and Review Commissioner, 29 October 2025;
- The SBC's Advisory Group<sup>56</sup>, 5 November 2025;
- SG Prisons Unit, 10 November 2025;
- Police Scotland, 12 November 2025;
- Information Commissioner's Office, 17 November 2025;
- Scottish Prison Service, 18 November 2025;
- UK Government Home Office, 24 November 2025;
- Northern Ireland Executive Department for Justice, 25 November 2025;
- HM Inspectorate of Constabulary in Scotland, 26 November 2025;
- HM Inspectorate of Prisons for Scotland, 2 December 2025;
- SG Community Safety Unit, 8 December 2025;
- Children and Young People's Commissioner Scotland, 9 December 2025;
- Biometrics and Surveillance Camera Commissioner (for England and Wales), 11 December 2025.

The Scottish Human Rights Commission was also contacted but was not able to meet with the SG during the initial stakeholder consultation phase.

---

<sup>56</sup> See footnote 39

## Questionnaire

When answering the following questions, we ask you to reflect on the impact of the work of the SBC from 12 April 2021 (the date of the SBC's appointment) to 30 November 2025 (the date on which his first Strategic Plan expired). And also, to consider the future landscape for the use of biometric data by law enforcement bodies, to ensure future-proofing for the SBC's functions and list of oversight bodies.

### Question 1

Do you consider that the SBC's functions under the 2020 Act are appropriate? In this context, functions include the SBC's powers and duties.

Yes

No

Please explain your answer.

### Question 2

Do you consider that the list of bodies subject to the SBC's oversight and code of practice under the 2020 Act are appropriate? Currently, the list consists of Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner.

Yes

No

Please explain your answer.

**Question 3**

Do you wish to make any other comments in relation to the matters raised by this consultation and which you feel have not been covered by any of the earlier questions?

Yes

No

Please enter comments here.

## **Responding to this consultation**

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space. Access and respond to this consultation online at <https://consult.gov.scot/safer-communities/scottish-biometrics-commissioner-functions-review/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date.

If you are unable to respond using our consultation hub, please send your response and your Respondent Information Form by email to: [forensicspolicy@gov.scot](mailto:forensicspolicy@gov.scot).

Or by post to:

Police Conduct Policy, Forensics and Business Support Unit  
Safer Communities Directorate  
The Scottish Government  
1-Rear  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

## **Handling of response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form provided alongside this document.

To find out how we handle your personal data you can view the privacy policy here: Privacy - gov.scot (<https://www.gov.scot/privacy/>).

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at Citizen Space. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them using the contact email or postal address above.

## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: Citizen Space. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



© Crown copyright 2026



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80643-760-3 (web only)

Published by The Scottish Government, February 2026

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1707266 (02/26)

W W W . g o v . s c o t