



# Scottish Biometrics Commissioner Act 2020

2020 asp 8

## SCOTTISH BIOMETRICS COMMISSIONER ACT 2020

### *Establishment*

- 1 Scottish Biometrics Commissioner

### *Functions*

- 2 Functions
- 3 Power to work with others
- 4 General powers
- 5 Duty to comply with directions
- 6 Report on the Commissioner's functions

### *Code of practice*

- 7 Code of practice
- 8 Key considerations in preparing the code
- 9 Effect of the code
- 10 Consultation on the code
- 11 Further procedure in relation to the first code
- 12 Approval of the code
- 13 Bringing the code into effect
- 14 Report on the code
- 15 Complaints about failures to comply with the code

### *Information-gathering*

- 16 Power to gather information
- 17 Failure to comply with an information notice
- 18 Admissibility of statements in criminal proceedings
- 19 Offence of Commissioner's office disclosing confidential information

*Status: Point in time view as at 01/12/2020.**Changes to legislation: There are currently no known outstanding effects for the Scottish Biometrics Commissioner Act 2020. (See end of Document for details)**Reporting*

- 20 Reports and recommendations
- 21 Requirement to respond to reports
- 22 Publication of responses to reports

*Compliance notices*

- 23 Compliance notices
- 24 Content of a compliance notice
- 25 Variation of a compliance notice
- 26 Revocation of a compliance notice
- 27 Failure to comply with a compliance notice

*Accountability*

- 28 Strategic plans
- 29 Budgets
- 30 Accountable officer
- 31 Accounts and audit
- 32 Annual report

*Advisory group*

- 33 Advisory group

*Meaning of key terms*

- 34 Meaning of “biometric data”
- 35 Power to change meaning of “biometric data”
- 36 Interpretation

*Final provisions*

- 37 Regulations
- 38 Ancillary provision
- 39 Application of public authorities legislation
- 40 Commencement
- 41 Short title

## SCHEDULE 1 — The office of Scottish Biometrics Commissioner

*Status*

- 1 (1) The Commissioner— (a) is not a servant or agent...

*Appointment*

- 2 (1) The office of Commissioner is to be held by...

*Disqualification from appointment*

- 3 An individual is disqualified from holding the office of Commissioner...

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*Tenure*

4 Subject to paragraph 5, the Commissioner holds office for such...

*Early termination*

5 (1) The Commissioner's appointment ends if— (a) the Commissioner is...

*Validity of things done*

6 The validity of anything done by the Commissioner is not...

*Remuneration and pensions, etc.*

7 (1) The Parliamentary corporation may pay the Commissioner such remuneration...

*Subsequent appointments etc.*

8 (1) A person who has ceased to be the Commissioner...

*Other terms and conditions*

9 (1) The Parliamentary corporation may, subject to any provision made...

*Temporary appointments*

10 (1) This paragraph applies during any period when—

*Appointment of staff*

11 The Commissioner may, with the consent of the Parliamentary corporation...

*Staff terms and conditions*

12 Staff appointed by the Commissioner are appointed on such terms...

*Staff pensions*

13 (1) The Commissioner may, with the approval of the Parliamentary...

*Authority to perform functions*

14 (1) The Commissioner may authorise any person to perform such...

SCHEDULE 2 — Application of public authorities legislation

*Scottish Public Services Ombudsman Act 2002*

1 In Part 2 of schedule 2 of the Scottish Public...

*Freedom of Information (Scotland) Act 2002*

2 In Part 7 of schedule 1 of the Freedom of...

*Public Services Reform (Scotland) Act 2010*

3 In the Public Services Reform (Scotland) Act 2010—

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*Public Records (Scotland) Act 2011*

- 4 In the schedule of the Public Records (Scotland) Act 2011...

*Procurement Reform (Scotland) Act 2014*

- 5 In Part 3 of the schedule of the Procurement Reform...

**Status:**

Point in time view as at 01/12/2020.

**Changes to legislation:**

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