



# Scottish Biometrics Commissioner Act 2020

2020 asp 8

## *Accountability*

### **28 Strategic plans**

- (1) The Commissioner must, in respect of each 4 year period—
  - (a) prepare and publish a strategic plan, and
  - (b) lay a copy of the plan before the Scottish Parliament before the beginning of the 4 year period to which it relates.
- (2) Before publishing a strategic plan, the Commissioner must consult on a draft of it with—
  - (a) the Parliamentary corporation, and
  - (b) such other persons as the Commissioner considers appropriate.
- (3) A strategic plan is a plan setting out how the Commissioner proposes to perform the Commissioner's functions during the period covered by the plan and, in particular, setting out—
  - (a) what the Commissioner's objectives and priorities are for that period,
  - (b) how the Commissioner proposes to achieve them,
  - (c) what the timetable is for doing so, and
  - (d) what the estimated costs are of doing so.
- (4) The Commissioner may, at any time, review and revise a strategic plan.
- (5) Where the Commissioner revises a strategic plan—
  - (a) subsections (1) to (4) apply to the revised strategic plan as they apply to the original strategic plan,
  - (b) the reference in subsection (1) to the 4 year period is to be read as a reference to the period to which the revised strategic plan relates.
- (6) In this section, "4 year period" means—
  - (a) the period of 4 years beginning with 1 April next following the coming into force of this section, and

- (b) each subsequent period of 4 years.

## **29 Budgets**

- (1) The Commissioner must, before the start of each financial year—
  - (a) prepare proposals for the Commissioner’s use of resources and expenditure during the year (a “budget”), and
  - (b) by such date as the Parliamentary corporation determines, send the budget to it for approval.
- (2) The Commissioner may, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.
- (3) In preparing a budget or revised budget, the Commissioner must ensure that the Commissioner’s resources will be used economically, efficiently and effectively.
- (4) A budget or revised budget must contain a statement confirming that the Commissioner has complied with the duty under subsection (3).

## **30 Accountable officer**

- (1) The Parliamentary corporation must designate the Commissioner or a member of the Commissioner’s staff as the accountable officer for the purposes of this section.
- (2) The functions of the accountable officer are—
  - (a) signing the accounts of the expenditure and receipts of the Commissioner,
  - (b) ensuring the propriety and regularity of the finances of the Commissioner,
  - (c) ensuring that the resources of the Commissioner are used economically, efficiently and effectively, and
  - (d) where the accountable officer is not the Commissioner, the duty set out in subsection (3).
- (3) The duty referred to in subsection (2)(d) is a duty, where the accountable officer is required to act in a way that the accountable officer considers would be inconsistent with the proper performance of the functions specified in subsections (2)(a) to (c), to—
  - (a) obtain written authority from the Commissioner before taking the action, and
  - (b) send a copy of that authority as soon as possible to the Auditor General for Scotland.
- (4) The accountable officer is answerable to the Scottish Parliament for the performance of the functions in subsection (2).

## **31 Accounts and audit**

- (1) The Commissioner must—
  - (a) keep proper accounts and accounting records,
  - (b) prepare in respect of each financial year a statement of accounts, and
  - (c) send a copy of the statement to the Auditor General for Scotland for auditing.
- (2) The Commissioner must comply with any directions which the Scottish Ministers give the Commissioner in relation to the matters mentioned in subsection (1)(a) and (b).

- (3) The Commissioner must make the audited statement of accounts available, without charge, for inspection at all reasonable times.

## **32 Annual report**

- (1) The Commissioner must, in respect of each financial year—
- (a) prepare and publish a report on the Commissioner’s activities during that year, and
  - (b) lay a copy of the report before the Scottish Parliament before the expiry of the period of 7 months beginning with the last day of that year.
- (2) The report must include—
- (a) a review of issues identified by the Commissioner in the financial year as being relevant to the use of biometric data for criminal justice and police purposes,
  - (b) a review of the Commissioner’s activity in that year, including the steps taken to fulfil each of the Commissioner’s functions,
  - (c) any recommendations by the Commissioner arising out of such activity.