

*These notes relate to the Scottish Biometrics Commissioner Act
2020 (asp 8) which received Royal Assent on 20 April 2020*

SCOTTISH BIOMETRICS COMMISSIONER ACT 2020

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Information-gathering

Section 17: Failure to comply with an information notice

30. Section 17 enables the Commissioner to apply to the Court of Session where any person to whom an information notice has been given does any of the following: refuses or fails to comply with any requirement specified in the notice; refuses or fails to answer any question asked by the Commissioner; or alters, suppresses, conceals or destroys any information that they have been told to produce. There is an exemption where there is a reasonable excuse for having done any of these things. The Commissioner may also apply to the Court if they believe a person is likely to do any of these things (without reasonable excuse). After receiving an application and hearing any evidence or representations on the matter, the court may make such an enforcement order as it considers appropriate and/or deal with the matter as if it were a contempt of court. This recourse to the court provides a way (subject to appropriate safeguards) for the Commissioner to obtain information from bodies to which the Commissioner's functions and the code of practice apply.