



Scottish Biometrics Commissioner Act 2020

2020 asp 8

Code of practice

15 Complaints about failures to comply with the code

- (1) The Commissioner must provide for a procedure by which an individual, or someone acting on an individual's behalf, may make a complaint to the Commissioner that a person who is required by section 9(1) to comply with the code of practice has not done or is not doing so in relation to the individual's biometric data.
- (2) The procedure must provide for it to be available whether or not procedures—
 - (a) established by the person about whom the complaint is made, and
 - (b) which allow for the making of a complaint (or other representation) about the acquisition, retention, use or destruction of the individual's biometric data, have been or are being pursued.
- (3) In determining the procedure, the Commissioner must consult—
 - (a) the Scottish Public Services Ombudsman,
 - (b) the Information Commissioner,
 - (c) the persons about whom a complaint may be made, and
 - (d) such other persons as the Commissioner considers appropriate.
- (4) The Commissioner must give such publicity to the procedure as the Commissioner considers appropriate and must give a copy of the procedure to any person who requests it.
- (5) The Commissioner must keep the procedure under review and must vary it whenever, after consulting the persons mentioned in subsection (3), the Commissioner considers it appropriate to do so.
- (6) In subsections (2), (4) and (5), "the procedure" means the procedure for the time being in effect.