



# Scottish Biometrics Commissioner Act 2020

2020 asp 8

## *Information-gathering*

### **16 Power to gather information**

- (1) The Commissioner may require any person in relation to whom the Commissioner has functions under section 2(1) to supply information which the Commissioner reasonably requires for the purpose of—
  - (a) determining whether persons who are required by section 9(1) to comply with the code of practice have done or are doing so, or
  - (b) exercising any of the Commissioner's other functions.
- (2) Where a requirement is imposed under subsection (1), the Commissioner must give the person a written notice specifying—
  - (a) the information, or the nature of the information, which is to be supplied,
  - (b) the form in which it is to be supplied,
  - (c) the date on or by which it is to be supplied,
  - (d) in the case of information which is to be supplied by means of a statement in person, the place at which it is to be supplied, and
  - (e) the particular matters in connection with which it is required.
- (3) A person is not obliged under this section to provide information which that person would be entitled to refuse to provide in proceedings in a court in Scotland.
- (4) The Commissioner may revoke any requirement imposed under subsection (1) by giving written notice to the person to whom notice of the requirement was given.
- (5) In this section, “information” includes unrecorded information.

#### **Commencement Information**

**II** S. 16 in force at 1.12.2020 by [S.S.I. 2020/250](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the **Scottish Biometrics Commissioner Act 2020, Section 16.**