



# Scottish Biometrics Commissioner Act 2020

2020 asp 8

## *Information-gathering*

### **17 Failure to comply with an information notice**

- (1) Where a person who is obliged to provide information in accordance with a notice issued under section 16—
  - (a) refuses or fails, without reasonable excuse, to comply with any requirement specified in the notice,
  - (b) attends to make a statement in person but refuses or fails, without reasonable excuse, to answer any question concerning the matters specified in the notice, or
  - (c) alters, suppresses, conceals or destroys, without reasonable excuse, any information which the person is required to produce,the Commissioner may report the matter to the Court of Session.
- (2) The Commissioner may also report the matter to the Court of Session where the Commissioner considers that a person who is mentioned in subsection (1) is likely to do any of the things specified in paragraphs (a) to (c) of that subsection.
- (3) After receiving a report under subsection (1) or (2) and hearing any evidence or representations on the matter, the Court may (either or both)—
  - (a) make such order for enforcement as it considers appropriate,
  - (b) deal with the matter as if it were a contempt of court.