



Scottish Biometrics Commissioner Act 2020

2020 asp 8

Functions

2 Functions

- (1) The Commissioner's general function is to support and promote the adoption of lawful, effective and ethical practices in relation to the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes by—
 - (a) the Police Service of Scotland,
 - (b) the Scottish Police Authority,
 - (c) the Police Investigations and Review Commissioner.
- (2) But the Commissioner's general function does not extend to biometric data in relation to which the Commissioner for the Retention and Use of Biometric Material has a function under section 20 of the Protection of Freedoms Act 2012.
- (3) In exercising that general function, the Commissioner is to—
 - (a) keep under review the law, policy and practice relating to the acquisition, retention, use and destruction of biometric data by or on behalf of the persons referred to in subsection (1),
 - (b) promote public awareness and understanding of the powers and duties those persons have in relation to the acquisition, retention, use and destruction of biometric data, how those powers and duties are exercised, and how the exercise of those powers and duties can be monitored or challenged,
 - (c) promote, and monitor the impact of, the code of practice.
- (4) In complying with subsections (3)(a) and (b), the Commissioner is to have regard to the technology used or capable of being used for the purpose of acquiring, retaining, using or destroying biometric data.
- (5) The Commissioner may, in particular—
 - (a) carry out, commission or support any research the Commissioner considers appropriate,
 - (b) make recommendations in relation to any matter relevant to the Commissioner's general function.

Changes to legislation: There are currently no known outstanding effects for the Scottish Biometrics Commissioner Act 2020, Section 2. (See end of Document for details)

- (6) In exercising the Commissioner's general function, the Commissioner must have regard to the interests of—
- (a) children and young persons, and
 - (b) vulnerable persons.
- (7) The Scottish Ministers may by regulations amend subsection (1) so as to add a person or description of person, vary an entry listed in it, or remove an entry.
- (8) For the purpose of this section—
- “children and young persons” means individuals under the age of 18 years,
 - “vulnerable persons” means individuals who, by reason of their personal circumstances or characteristics, may have difficulty understanding matters relating to the acquisition, retention, use and destruction of their biometric data by or on behalf of the persons referred to in subsection (1).

Commencement Information

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

Changes to legislation:

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