



# Scottish Biometrics Commissioner Act 2020

2020 asp 8

## *Code of practice*

### **7 Code of practice**

- (1) In furtherance of the Commissioner's general function, the Commissioner must prepare, and may from time to time revise, a code of practice on the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes.
- (2) The code of practice must include provision about when biometric data must be destroyed in cases where a relevant enactment does not make such provision.
- (3) In making provision in accordance with subsection (2), the Commissioner must have regard to the provision made by relevant enactments.
- (4) The code of practice may make different provision for different purposes.
- (5) Sections 8, 10 and 12 apply to a revised draft code of practice as they apply to a draft code of practice.
- (6) For the purpose of this section, the following are “relevant enactments”—
  - (a) Part 2 of the Criminal Procedure (Scotland) Act 1995,
  - (b) section 56 of the Criminal Justice (Scotland) Act 2003,
  - (c) Chapter 4 of Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019.

#### **Commencement Information**

**II** [S. 7](#) 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 7**.