

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations give effect to the code of practice produced by the Scottish Biometrics Commissioner. This code of practice, about the acquisition, retention, use and destruction of biometric data for criminal justice and police purposes in Scotland, is required to be brought into effect by regulations made by the Scottish Ministers under section 13(1) of the Scottish Biometrics Commissioner Act 2020 (“the Act”). The code of practice was produced by the Scottish Biometrics Commissioner following consultation under section 10(1) of the Act. The code of practice was laid in draft before the Scottish Parliament for 60 days under section 11 of the Act and has been approved by the Scottish Ministers under section 12(2) of the Act. The code of practice was laid in draft in the Scottish Parliament at the same time as these Regulations, in accordance with section 13(2) of the Act. The code of practice will come into effect on the 16th November 2022.

Under section 9 of the Act, breach of the code gives rise to no legal claim, but a court or tribunal determining any question to which the code is relevant in the context of civil or criminal proceedings must take the code into account.

Copies of the code of practice are being distributed to relevant interests, and will also be available for inspection at the website of the Scottish Biometrics Commissioner, <http://www.biometricscommissioner.scot>.