Briefing to Members of Scottish Parliament from Open Rights Group on Scottish Biometrics Commissioner Bill Stage 3 Debate (Tuesday 10 March 2020)

The use of biometrics analysis, like facial recognition, by police forces across the United Kingdom is a matter of national concern. It is an area that has regular changes in law that need to be considered and responded to:

- A majority of people want the government to impose restrictions on police use of facial recognition technology. (source: Ada Lovelace Institute, *Beyond Face Value: public attitudes to facial recognition technology*, 2019.)

- The Justice Sub-Committee on Policing from the Scottish Parliament recently released a report stating that there was no justifiable basis for the introduction of facial recognition in Scotland for policing (source: Justice Sub-Committee on Policing, *Facial Recognition: How Police Scotland makes use of this technology*, 2020.)

- A recent European Court of Human Rights judgement found that the indefinite retention of DNA, fingerprints, and photographs without regard for the seriousness of the offence was a violation of Article 8 right to private life (source: *Gaughran v. The United Kingdom summary*, 2020)

Each of these facts point to a need for a more proactive and thoughtful form of oversight. In Scotland we are close to creating a body who can meet these new challenges: the proposed Scottish Biometrics Commissioner is close to achieving that. They will be able begin public debates and consultations, respond to individual concerns and complaints, and will create a set of binding rules that will seek to foster public confidence that the collection, retention, use and deletion of biometric data is done lawfully in Scotland respecting fundamental human rights

**Support the call to create a Scottish Biometrics Commissioner and vote in favour of the Scottish Biometrics Commissioner Bill on Tuesday 10 March 2020.**