



Scottish Biometrics Commissioner Act 2020

2020 asp 8

Code of practice

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- (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.