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Fraser Sampson
Biometrics and Surveillance Camera Commissioner
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20th January 2023

Dear Professor Sampson

**BIOMETRICS AND SURVEILLANCE CAMERA COMMISSIONER'S ANNUAL
REPORT – 2021/2022**

Thank you for your letter of 14 November to the Home Secretary, submitting your Annual Report in your capacity as both Biometrics and Surveillance Camera Commissioner. I would like to take this opportunity to thank you for your work to raise standards and ensure accountability.

On the points highlighted in your letter:

Policing issues

Use of the biometric retention regime under section 63G of PACE 1984 (as amended by PoFA) across police forces: I share your view that these powers to retain biometrics on public safety grounds provide clear benefits, so am pleased to hear about your positive engagement with police leaders.

Voluntary Attendance: I similarly welcome your work to ensure that the police are making the full use of their powers to take biometrics, but also have robust procedures in place to manage their investigations in an effective manner. I also note your suggestion that forces should review their policies on searching the immigration and asylum biometrics system and reducing sampling errors through correct sealing procedures.

National security issues

Retention of biometrics for national security purposes – the National Security Determination (NSD) process: The independent oversight of NSDs is a hugely important function and I welcome your continued work to improve the standard of NSDs. It is encouraging to see some chief officers demonstrating exemplary practice, but it is also apparent that more can be done to drive up


the overall quality, helping to ensure each one is clear on both the necessity and proportionality of the biometric retention.

I welcome your suggestion for a national cadre of chief officers to be established to take responsibility for improving the consistency of all NSDs. I understand this is a proposal that the police are supportive of in principle and working towards. Furthermore, legislative changes made by the Government through the Counter-Terrorism and Border Security Act 2019 will also support the operation of a national cadre by allowing any chief officer to make an NSD for any force, rather than previously where it had to be the chief officer for the force which took the material.

Biometric material shared by other jurisdictions: As you have alluded to within your report, the UK's work with foreign jurisdictions is an important aspect of counter-terrorism work and this can include volume biometric material being shared lawfully with the police for this purpose. The Government will carefully consider any recommendations that the Independent Reviewer of Terrorism Legislation (IRTL), Jonathan Hall KC, makes in relation to material that has been obtained from INTERPOL by the NCA and then shared with Counter Terrorism Policing. I fully agree in principle, however, that if existing retention rules for biometric material received through these channels are harming national security efforts in some way then a pragmatic solution should be explored as soon as practicable.

As you have said, the capabilities available to the police are ever expanding and it is right that we support them to utilise the opportunities it presents, in a way which maintains public trust.

A copy of this response will be placed in the Commons and Lords Libraries, and it will be published on gov.uk.

A handwritten signature in black ink, appearing to read 'C. Philp', written in a cursive style.

Rt Hon Chris Philp MP
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