



OFFICE OF THE BIOMETRICS
AND SURVEILLANCE
CAMERA COMMISSIONER

Commissioner for the Retention and Use of Biometric Material

Valedictory Report

including casework data January 2024
to March 2025

Francesca Whitelaw KC

May 2026

COMMISSIONER FOR THE RETENTION AND USE OF BIOMETRIC MATERIAL VALEDICTORY REPORT

including casework data January 2024
to March 2025

Francesca Whitelaw KC

Presented to Parliament pursuant to Section 21(4)(b) of
the Protection of Freedoms Act 2012.

May 2026



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The Right Honourable Shabana Mahmood MP
Secretary of State for the Home Department

Home Office
2 Marsham Street
London

31st October 2025

Dear Home Secretary

Biometrics Commissioner Report – 2024/25 Data and Valedictory Report

As Commissioner for the Retention and Use of Biometric Material, pursuant to Section 21(2) of the Protection of Freedoms Act 2012 (PoFA) I may, at any time, make a report to you about any matter relating to the Commissioner's functions.

As I come to the end of my appointment as Biometrics Commissioner, a post which I accepted on an interim basis while the Government sought to appoint a permanent Biometrics and Surveillance Camera Commissioner (BSCC), I provide, by this Report, the figures for receipt and processing of biometrics casework for the period ending 31 March 2025. I have also included data not reported in the 2023/24 Annual Report, due to the then pending closure of the Office of the Biometrics and Surveillance and Camera Commissioner (OBSCC). As you know, the dual roles of the BSCC

were due to be abolished and the biometrics casework functions transferred to the Investigatory Powers Commissioner's Office under the Data Protection and Digital Information Bill but that position changed when the Bill did not complete before Parliament was dissolved on 24 May 2024.

Although this is not an annual report pursuant to s21(1) PoFA, it is intended to put into the public record the casework data until the end of March 2025 (see Annexe 1) as well as the work I have carried out in my time as Biometrics Commissioner. It includes some reflections on the casework I have undertaken since I took up my position on 1 July 2025; some of the issues I have encountered whilst considering cases, and the actions I have taken. I hope this will be useful to you and to my successor who takes up the joint position of Biometrics and Surveillance Camera Commissioner on 1 November 2025.

My primary focus during my time in post has been on making decisions regarding the considerable backlog of casework that has built up in the period where the Commissioner role has been vacant (August 2024-July 2025). During that period, my office continued to work tirelessly to prepare recommendations for the Commissioner to consider concerning both National Security Determinations (NSDs) and applications under Section 63G (s63G) of the Police and Criminal Evidence Act 1984 (PACE). I have made initial progress in addressing the backlog of casework but the level of accumulation in both types of cases remains high

because the period of commissioner vacancy and therefore build-up of cases was substantial and applications have continued to be received at pace during my tenure. Indeed, in September 2025 the highest number of s63G applications to date was received. Addressing the casework will no doubt be a key priority for my successor.

While considering s63G applications, I have identified a number of areas where there is scope for police forces to improve the way in which the powers are applied, including by updating or clarifying relevant guidance. For example, inconsistencies were drawn to my attention in how police forces are applying guidance issued by the National Police Chiefs' Council (NPCC) on the Welfare of Young People Under 18 Following Custody – Applications to the Biometrics Commissioner to Extend Retention of Biometric Data for children and young people, which concerns the involvement of an Appropriate Adult (AA) in s63G cases where the subject is a juvenile. Such inconsistencies would be resolved by clearer guidance provisions. I address this and other issues in more detail within the Report.

It has been a privilege to have undertaken this role, and I am grateful for the opportunity to have contributed to the valuable work of the OBSCC.

I do not believe that this Report contains any material which might need to be excised in the public interest or for reasons of national security. I have, however, written

separately to you about a matter arising regarding NSDs:
that letter does engage national security sensitivities.

Yours sincerely

Francesca Whitelaw KC

Commissioner for the Retention and Use of Biometric
Material (July to October 2025)

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Executive Summary

Chapter 1 – Retention of biometrics for national security purposes

- The ability of chief officers of police, chief constables, and responsible officers (for shorthand, “chief officers”) to make National Security Determinations (NSDs) to retain the biometrics of those assessed to present a risk to national security is a vital tool. The content of applications reflects the evolving national security threats we face, and chief officers are appropriately making applications for periods of time that are less than the statutory maximum and which are proportionate to the circumstances of the individual case.
- However, as also noted by previous Commissioners, there remain significant issues with the IT used to record and keep NSDs under review. I support the recommendations of my predecessors, that for processing NSDs, there is a continuing need for investment in the IT system, to facilitate case processing and the ability to extract useful management information that supports that process and assists in proper audit and accountability.
- Annexe 1 shows the trends in NSD casework data for the period to the end of March 2025. During the reporting period of 1 January 2024 to 31 March 2025 (a longer period than had been covered in the

last Annual Report of the previous Commissioner) there were 651 NSDs made by chief officers and 35 declined by chief officers. During the same reporting period 222 NSDs were supported by the Commissioner; the Commissioner challenged or sought further information in 16 cases; and there were 2 where the Commissioner ordered destruction.

- Since the departure of the previous Commissioner in August 2024, there had been a build-up of NSDs requiring the review of the Commissioner. By the time of my appointment on 1 July 2025 this backlog had reached around 550 cases. Since then, I have reviewed a total of 136 NSD decisions made by chief officers from this accumulation (including 17 decisions that I have challenged) and as of 30 October 2025, the backlog stands at 677 NSDs.

Chapter 2 – Section 63G PACE

- In June 2025, a month before my appointment, the OBSCC team hosted an online workshop which focused upon the drafting of police notification letters for s63G applications. 51 attendees joined this session from across 23 police forces, and it was positively received.
- In the reporting period of 1 January 2024 to 31 March 2025, 288 applications were made. The trend is upwards with 221 s63G cases submitted throughout 2024 compared to 195 in 2023 overall, an increase of over 13%. Although the Metropolitan Police

Service (MPS) continues to contribute over half of all applications, the increase in number and spread of those applications would indicate that the value of the process continues to gain recognition across forces.

- I have noted some areas of the s63G application process that required clarification including: (i) application of the National Police Chiefs' Council (NPCC's) guidance regarding notification to an Appropriate Adult (AA) where the subject of the application is under 18; (ii) guidance concerning the involvement of an AA where an adult subject has received the support of an AA in police custody and/or there are concerns about understanding or the ability to make representations due to mental health and/or neurodivergence; (iii) confirmation that s63G applications are not disclosed as part of any Disclosure and Barring Service (DBS) check.
- I have engaged my team in monitoring early signs of the suspected use of AI tools by the subjects of applications when submitting representations against the retention of their biometrics with a view to making an assessment of any implications and impact of this in the future.
- I also suggest that my successor considers whether the OBSCC ought to record, from April 2026, the number of subjects of s63G applications who are foreign nationals together with their immigration status, to align with Home Office work to improve the recording of foreign national criminal offence data and

in the interests of transparency and public confidence. Without statistics it is not possible to ascertain whether there are any trends in this area in alleged offending or police applications under s63G.

- Preliminary applications are a mechanism by which police forces are able to balance the need to ensure subjects are made aware of the full basis and rationale for s63G applications while also safeguarding victims and guarding against prejudice to live criminal investigations where necessary. I have carefully ensured that this balance has been maintained in the cases I have reviewed.

Chapter 3 – Reflections and Conclusions

- The OBSCC comprises a knowledgeable, experienced and committed team which has developed excellent working relationships with police forces making s63G and NSD applications. The public should be reassured by this, and by the commitment of the police to protecting national security while ensuring any interference with Article 8 European Convention on Human Rights (ECHR) rights is lawful, necessary, and proportionate.
- Although s63G and NSD casework has been my primary focus, given the period of vacancy of the BSCC role, it has also been important to re-establish the role of the Biometrics Commissioner with a range of stakeholders. I have aimed to lay the groundwork

for my successor in this regard but there is continuing scope for this in the national interest and in the interests of transparency, accessibility, accountability, and public confidence.

- The challenge of reducing the casework backlog, and in particular, the NSD aspect of this, is significant. While recognising the current pressures on the public purse, it will be important that the OBSCC has appropriate resources to enable the incoming Commissioner to prioritise casework, while also fulfilling all the functions of the dual biometrics and surveillance camera role.
- I am very grateful for the opportunity to have undertaken the role of Biometrics Commissioner for this interim period. I wish my successor every success in furthering current priorities and contributing more broadly in a role which works at the cutting edge of technological and societal change.

Chapter 1 – Retention of biometrics for national security purposes: National Security Determinations (NSDs)

1. I do not intend to comment on the legislative backdrop to police retention and use of biometrics, or the decision-making powers of the Biometrics Commissioner. Nor will I draw attention to the other independent oversight of police use of biometrics that exists at the time of writing. Instead, I would direct the reader to my predecessors' Annual Reports for that detail.

Utility

2. In the short period during which I have been considering chief officers' rationales in making National Security Determinations in order to retain the biometrics of individuals assessed to present a real risk to national security, it has been clear what a vital tool this is and there continues to be a high volume of cases. The content of the applications in my view appropriately reflects the evolving national security threats we face; they include Islamist, Extreme Right Wing, and other terrorist threats as well as national security risks posed by the engagement of individuals in hostile state activity.

3. I also note with approval that while the maximum permitted length of an NSD is five years, chief officers are appropriately making NSDs with shorter lengths (including frequently, one year) where they consider that an extended retention period of up to five years would not

be necessary and proportionate in all the circumstances of the particular case. This is consistent with the legislation and the Statutory Guidance: *Protection of Freedoms Act 2012: revised guidance on the making or renewing of national security determinations allowing the retention of biometric data*¹ (13 August 2020) (see §§28, 34, 36, 63).

4. As previously reported by my predecessors, however, there remain issues with the IT used to record and keep under review NSDs, and on which I record my agreement or challenge to, or refusal of, the retention of the relevant biometrics. Improvements would assist the decision-making process as well as the ease with which data can be extracted from the system to ensure consistency and transparency. I do recognise that there has been a PoFA upgrade that addressed some of the previous requests made and that work is ongoing to make further improvements.

5. The issues were, however, highlighted in the period where no Biometrics Commissioner was in post, when Counter Terrorism Policing (CTP) identified a number of NSDs that would expire before the Commissioner could review them. While biometrics can be retained lawfully until such time as the Biometrics Commissioner is able

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908334/pfa2012-revised-guidance-making-renewing-national-security-determinations-retention-of-biometric-data.pdf

to undertake this oversight, there was a real risk that biometrics retained for national security purposes would be lost. This is because the NSD IT system is correctly designed to action biometrics for destruction when a NSD expires, as required by the legislation. However, this would have been before a renewal could be considered by a chief officer in this small number of cases. When I was appointed, I was advised that, in order to mitigate this risk, my office had worked with the Home Office and CTP to develop a process to return those NSDs due to expire to the relevant Force's workflow, allowing the appropriate chief officer to review the necessity and proportionality of retention. As decisions have been made by chief officers regarding those NSDs, I have prioritised reviewing their decisions to ensure robust oversight remains of these retentions.

Review of NSDs since 1 July 2025

6. I was appointed on 1 July 2025. Induction to the relevant IT and security processes meant I was able to begin considering NSDs on 18 July 2025. Since then, I have considered the decisions of chief officers regarding 136 NSDs as of 30 October 2025, including 17 decisions that I have challenged. Challenges with the IT systems did impact the speed of my work. A considerable backlog of NSDs remains for my successor to review. Of the 136 NSDs I have reviewed, I approved 115 and ordered deletion in 4 cases. 17 decisions were challenged with responses pending.

Chapter 2 – Section 63G PACE

Applications to retain fingerprints and DNA profiles.

7. More police forces are now using this legislation to better protect communities and vulnerable people. My office continues to have very good working relationships with forces, with a consistent focus on ensuring that the content and quality of applications are to the required standard. Forces receive a quarterly update from my office which shares best practice and highlights how applications can be improved. Officers are also encouraged to contact my office should they require support with the application process and, where necessary, they can be directed to another force for support. My team and I are grateful to the Metropolitan Police Service, as their collegiate approach has been particularly helpful in assisting other forces with the s63G application process through sharing best practice and sample documentation.

8. Following a similar event in 2024, on 19 June 2025, the OBSCC team hosted an online workshop for forces focusing upon the drafting of police notification letters. The workshop was aimed at supporting users of the process, and it was encouraging to see that 51 attendees joined this session from across 23 police forces. My office received very positive feedback from those who attended, with 81% of the participants saying they felt more confident drafting notifications after completing the workshop. The team remains committed to organising

smaller, more bespoke, sessions in the future on specific aspects of the process, based on the positive feedback received from attendees.

S63G applications considered since 1 July 2025

9. Since my appointment on 1 July 2025, I have considered 138 s63G applications as of 30 October 2025. As applications have obviously continued to be received, with a positive upward trend of numbers received, during my tenure, there remains a considerable backlog of cases to process as shown in Table 1 below.

Table 1: Consideration of s63G applications since 1 July 2025

All queued applications as of 1 July 2025	234
Applications received 1 July to 30 October 2025	101
Total applications considered by BC 1st July to 30 October 2025	138
Backlog of applications as of 30 October 2025	150

Issues for consideration – future processing of s63G applications

10. In my short time in this role, I have identified a number of areas which merit further guidance or clarification to which I wish to draw attention here.

Appropriate Adults

11. First, annually, around 20% of all s63G applications submitted to my office are cases where the subject is a child under 18 (41 of the 221 total applications submitted

in 2024 related to a subject under the age of 18). In those cases, it is of obvious importance that the child properly understands the details of allegations against them; the basis, rationale, and implications of the s63G application; and that they are advised and assisted in making representations against retention of their biometrics if necessary. This is achieved by the involvement of an Appropriate Adult (AA) in the process.

12. I have noted some inconsistency in the way in which forces apply the guidance issued by the NPCC on the Welfare of Young People Under 18 Following Custody – Applications to the Biometrics Commissioner to Extend Retention of Biometric Data for children and young people, which concerns the involvement of an AA. Specifically, my office understands that almost all forces making s63G applications notify the details of the allegations made against the subject, along with the rationale for the application to the child and the AA. However, at least one force only informs the AA that an application has been made, without disclosing the nature of the allegations.

13. The AA must be an appropriate person to act and the age of the subject, their maturity/understanding of the situation and their wishes will be relevant factors to consider but my view is that only informing the AA of the bare fact of an application and the legislation for all applications does not amount to providing reasons for the application which is likely to be necessary to enable the AA to support the child. The existing guidance does not make clear whether the AA will receive the content of

the application and, if so, whether there are any caveats to this. I wrote to the NPCC portfolio lead for Children and Young Persons on 12 September 2025 to highlight this as, in my view, the issue will be resolved by clearer guidance provisions. On 29 October 2025 the NPCC lead confirmed agreement regarding the need for more guidance, governance and clear policy and confirmed that they will progress this. My team are ready to provide whatever support they can.

14. Second, I have reviewed a significant number of applications where the adult subject had diagnosed or suspected mental health issues and/or neurodivergence which resulted in an AA being provided for police interview and custody procedures. In some cases, the individual had been subject to detention under the Mental Health Act 1983. In my view, in any case where there is doubt about an individual's ability to understand and/or exercise their statutory right to make representations against biometric retention, the assistance of an AA should be sought by the police force making the application. However, my office understands that there may be significant practical and resource implications for police in this area. My office continues to liaise with police forces to resolve this issue which is one I consider would benefit from national police guidance.

The Disclosure and Barring Service

15. During my time as Biometrics Commissioner, I have sought and received clarification regarding an issue which has consistently been raised by the subjects of

s63G applications in representations against retention, that is, whether the retention of biometrics under s63G is disclosed as part of Disclosure and Barring Service (DBS) checks. Subjects are often concerned that retention of their biometrics will impact upon their employment or future employment, which is a highly pertinent Article 8 ECHR concern. This derives from Section 113B (4) of the Police Act 1997, which allows chief officers to disclose any information they reasonably believe to be relevant and which, in their opinion, ought to be included in the certificate.

16. I wrote to the DBS on 23 September 2025 to seek formal clarification regarding this issue. The DBS passed the enquiry to the NPCC lead for this area, who confirmed in writing on 3 October 2025, that the retention of biometrics under a s63G approval is not disclosed in any level of DBS check (and therefore would not be included on a DBS certificate). Rather, it would be the circumstances of the incident or allegation that led to the taking of a DNA sample and/or fingerprints that may be disclosed. I and my team were very grateful to the DBS and NPCC lead for their swift and clear response to this enquiry, which enables the Biometrics Commissioner to provide clarity to subjects expressing concern about this issue in their representations.

Use of Artificial Intelligence (AI)

17. It is interesting to note that my team has started seeing a small number of representations submitted by subjects of s63G applications which they suspect

may have been drafted with the assistance of AI. It is important to note that this is not the applications made by police forces, nor is it the recommendations my team make to me: these are the reasons submitted by subjects why they believe their fingerprints and/or DNA profile should not be retained by the police, which I consider alongside the force's application to me. As yet, it is not clear whether this is an emerging trend. I have asked my team to monitor these early signs with a view to making an assessment of any implications and impact of this in the future. The team will be flagging observations and any concerns to my successor.

Foreign Nationals

18. I have also noted that, within the casework I have encountered, a number of subjects have been noted by police to be foreign nationals, some of whom had entered the country legally and some illegally. At present, the OBSCC does not record these details and so statistics are not available. I suggest my successor considers whether the OBSCC ought to record, from April 2026, the number of subjects of s63G applications who are foreign nationals together with their immigration status and any other relevant detail, to align with Home Office work to improve the recording of foreign national criminal offence data and in the interests of transparency and public confidence. Without statistics it is not possible to ascertain firstly whether there are any trends in police applications under s63G in this area and secondly whether this provides any indication of trends in alleged offending.

Monitoring use of the CPIA exception

19. As part of his work ensuring continued transparency ahead of the previously planned closure of the office, my predecessor, Tony Eastaugh CBE, wrote to the chair of the Forensic Information Databases Strategy Board in January 2024 to request, formally, that the Forensic Information Databases Service (FINDS) take on the role of monitoring the retention by police forces, exceptionally, of DNA samples under the CPIA exception. This is where a PACE sample is or may be disclosable under the Criminal Procedure and Investigations Act (CPIA) 1996 or its associated Code of Practice, or where the sample is required for judicial proceedings such that extended retention is required to ensure evidential material is not prematurely destroyed.

20. Given the Government will, at the time of writing, shortly announce the appointment of a BSCC for a permanent two-year post, I have agreed that it is right that oversight of the use of this exceptional retention transfers back to the BSCC. As such, returns for all forces and Forensic Service Providers from 1 January 2026 will again be monitored by my office, actioned by the BSCC as appropriate, and reported in future Annual Reports. On 27 October 2025 I wrote to all Chief Constables and Heads of the Forensic Service Providers to emphasise the importance of providing timely returns to allow my successor to report its use.

Preliminary applications

21. A preliminary application may be made to my office if a chief officer has concerns about disclosing certain information to the subject of the application, for example intelligence about live criminal activity or sensitive witness statements from witnesses who may be at risk from the subject. The force can discuss with my office whether the information may be withheld from the subject before they submit the application formally.

22. From 1 January 2024 to 31 March 2025, 10 preliminary applications were submitted to the office, of which the withholding of certain information from the subject was approved by the OBSCC Head of Policy in the absence of a commissioner in eight instances. In the two instances where they were not approved, the information the forces wished to withhold from the subject related to previous allegations of which the subject was not aware, therefore unfairly prejudicing the subjects' ability to make meaningful representations against retention, as envisaged by PoFA. The forces concerned were able to progress the relevant applications, submitting an amended s63G application with the previous allegations omitted.

23. I have reviewed 18 s63G applications received since the departure of the previous Commissioner which were subject to approved preliminary applications. In all the applications I reviewed, there was sufficient information within the content notified to the subject for me to be able to make a decision: I have not needed to rely on

any allegations or information not notified to subjects of preliminary, and then s63G, applications.

Chapter 3 – Reflections and Conclusion

Reflections

24. When I was appointed in July 2025, I immediately recognised how fortunate I was as an independent commissioner to be supported by such a knowledgeable, experienced and committed office and that impression has sustained throughout my appointment term. Police forces, subjects of applications and the public should be reassured by the genuine diversity, diligence, fairness, self-reflection, willingness to learn and professionalism exhibited by this team in their daily work.

25. The OBSCC has developed excellent working relationships with police forces which was evident to me, in particular, by the prompt responses of forces to queries arising in relation to s63G applications. For example, I have encountered a small number of applications which had not been notified to a subject due to their being of No Fixed Abode but where I identified reasonable enquiries that should be made to ascertain contact details, such as by enquiry of the immigration authorities. Forces have been responsive to my requests either with positive outcomes – in the above example, enquiry with the immigration authorities yielded contact details and the subject was notified with the attendant opportunity to make representations before I decided on the application. Alternatively, issues have been drawn to my attention, such as the practical difficulties arising from identifying

AAs for adults as addressed above, so that wider solutions may be sought.

26. Early on in my appointment, I had productive meetings with the MPS and the Police Service of Northern Ireland (PSNI) regarding NSDs, which also demonstrated to me police commitments to protecting national security whilst ensuring that any interference with the Article 8 ECHR rights of individuals is in accordance with the law and justified by being necessary and proportionate.

27. Although s63G and NSD casework has been my primary focus, given the BSCC role has been vacant since August 2024, it has also been important to re-establish the role of the Biometrics Commissioner with a range of stakeholders. I have aimed to lay the groundwork for my successor in this regard, for example, by attending meetings with the Scottish Biometrics Commissioner, the Deputy Information Commissioner, the Independent Reviewer of Terrorism and State Threats Legislation, members of FINDS, the Law Enforcement Data Service Programme (LEDS), Programme Tabula (the NPCC and City of London Police programme dealing with custody image retention and deletion), and the Science and Technology Ethics Committee (formerly the Biometrics and Forensics Ethics Group). Attendance at the Biometrics Institute Congress also allowed engagement with the perspectives of international private and public sector biometrics experts and practitioners, academics, and civil liberties groups such as Big Brother Watch. Although my successor's principal focus will

almost certainly be reducing and ultimately eliminating the casework backlog, there is continued scope for re-establishing and raising the profile of the OBSCC in the national interest and in the interests of transparency, accessibility, accountability, and public confidence.

28. Returning to the backlog, the challenge of reducing, in particular the NSD aspect of, this, is significant. While I of course recognise the current pressures on the public purse, it will be important that the OBSCC has appropriate resources going forwards to enable the incoming Commissioner to prioritise casework processing, while also fulfilling all the functions of the dual biometrics and surveillance camera role. It is a role which works at the cutting edge of technological and societal change – the important forthcoming government consultation on the use of live facial recognition by law enforcement being a striking example.

Conclusion

29. I am very grateful for the opportunity to have undertaken the role of the Biometrics Commissioner for this interim period. I have thoroughly enjoyed progressing the important work of the office and I wish my successor every success in furthering current priorities and contributing more broadly to the design of the legal and governance frameworks that will be needed to navigate the rapidly developing, intertwined, futures of biometrics, surveillance and AI.

Annexe 1: Casework data 1 January 2024 to 31 March 2025

The data in this annexe covers data previously unreported after 1 January 2024, as well as data for the final year 2024/25.

NSD Decisions

- The number of occasions on which chief officers declined an NSD was around 5% in the reporting period (1 January 2024 to 31 March 2025) which is about half of the 11% in the previous reporting period of 1 April to 31 December 2023. Further, the Commissioner challenged or sought further information in approximately 2% of cases in the reporting period (recognising that cases were not considered after mid-August 2024, from which time the Commissioner post was vacant).
- The number of cases in which biometric data was lost (administrative error or cases not progressed within the statutory time limit) has also reduced, albeit in a longer reporting period to take account of data previously unreported for the financial year 2023/24.

Table 2: NSD decisions

Source: SO15 (Metropolitan Police Counter Terrorism Command)

		2020	2021/2022*	2022/2023**	2023***	2024/2025****
NSDs made by Chief Officer	New	197	443	371	221	432
	Renewal	209	392	76	45	219
	Total	406	835	447	266	651
NSDs declined by Chief Officer	New	6	35	73	18	20
	Renewal	5	22	14	10	15
	Total	11	57	87	28	35
NSDs supported by the Commissioner		155	927	438	227	222
NSDs challenged or further information sought		85	226	201	58	16
Destruction ordered by Commissioner		0	3	Not available	0	2

NB: some NSDs considered in a year may have been submitted the previous year.

*01 January 2021 to 31 March 2022

** 01 April 2022 to 31 March 2023

***01 April 2023 to 31 December 2023

****01 January 2024 to 31 March 2025

Matches with NSD retained material

Source: SOFS

During the reporting period the following numbers of matches with fingerprints and DNA retained under a NSD were made:

- 1 January 2024 to 31 Dec 2024 = 220
- 1 January 2025 to 31 March 2025 = 40

Due to an improved IT system, calculations are no longer manually counted.

Table 3: Losses of biometric material of potential CT interest

Source: SO15

Reason for loss* of biometric data	Number of losses* of biometric data 1 January 2024 to 31 March 2025
High risk losses identified	3
Low risk losses	10
Cases still under review	13
Total	26

*Loss refers to the loss of a PoFA case due to one or several of the mentioned reasons, resulting in the forced deletion of the biometric(s).

1. During this reporting period, SO15 report that biometrics have been lost in 26 cases. Reasons include:

- SOFS master spreadsheet has been interrogated and identified Section 18 Counter Terrorism Act 2008 material that had expired or had been kept indefinitely

under a foreign conviction. The amendment to the Counter Terrorism Act 2008 made by the Data (Use and Access Act) 2025, which allows for the indefinite retention of biometrics for national security purposes where the subject has an overseas conviction that is equivalent to a conviction in either England, Wales or Northern Ireland, removes future risk of loss.

- Delayed administration checks on compliance procedures led to expiry of the biometric retention window, so the NSD could not be undertaken.
- Errors in interpretation of legislation i.e. TACT (Terrorism Act 2000) arrests had been kept for 3 years and 4 months causing their expiry prior to being reviewed.
- NSD not being dealt with before the expiry date.
- Due to a PoFA system error: following a challenge by the OBSCC and a reduction in retention period, the destruction date and review date were different resulting in them expiring prior to review.

2. SOFS have notified my office that a recent upgrade of the PoFA IT record management system should prevent discrepancies between destruction and review dates, which will prevent future losses due to the PoFA system.

Table 4: Holdings of biometric material on the Counter Terrorism (CT) databases

Source: SOFS (UK wide data held)

		2022/23	2023/24	2024/2025
DNA	DNA	11,206	11,549	12,553
	Of which unconvicted	2,566 (22.9%)	2,744 (23.8%)	2,452 (19.5%)
Fingerprints	Fingerprints	13,268	14,224	13,772
	Of which unconvicted	2,388 (18%)	3,094 (21.8%)	3,117 (22.6%)
Totals	Total holdings of material	24,474	25,773	26,325
	Of which unconvicted	4,697 (19.2%)	5,838 (22.7%)	5,569 (21.2%)
	Individuals on databases	13,968	15,087	14,505
	Of which unconvicted	2,521 (18%)	3,298 (21.9%)	2,906 (20%)

S63G Decisions

3. In this reporting period (1 January 2024 to 31 March 2025), 288 applications were made to retain biometrics under s63G PACE. As in previous years, the MPS is the biggest user of the s63G provisions, but I am encouraged to see applications from forces who had previously made no or very few applications. Table 5 below shows the number of applications made by forces this year and compares that figure with the number made since the provisions came into force in October 2013.

Table 5: Number of s63G applications to the Commissioner by force

Force	App's received 1 January 2024- 31 March 2025	Total app's since 31 October 2013	Force	App's received 1 January 2024- 31 March 2025	Total app's since 31 October 2013
Avon & Somerset	3	13	Lincolnshire	0	1
Bedfordshire	1	12	MPS	163	826
Cambridgeshire	0	17	Norfolk	0	1
Cleveland	2	18	North Wales	0	4
Cumbria	0	2	North Yorkshire	8	17
Derbyshire	0	1	Northamptonshire	4	9
Devon & Cornwall	4	44	Northumbria	0	24
Dorset	0	9	Nottinghamshire	0	2
Durham	1	6	South Wales	2	36
Essex	11	62	South Yorkshire	25	52
Gloucestershire	1	6	Suffolk*	0	2
Greater Manchester	0	3	Thames Valley	6	43
Gwent	0	5	Warwickshire	1	8
Hampshire	3	13	West Mercia	0	6
Hertfordshire	0	16	West Midlands*	3	3
Humberside	20	48	West Yorkshire	17	112
Kent	7	38	Wiltshire	0	3
Leicestershire	6	12	Total	288	1474

*West Midlands Police submitted their first s63G applications during this reporting period.

Table 6: Statutory basis for s63G applications to the Commissioner (31 October 2013 to 31 March 2025)

Victim criteria	Applications received	Approved	Refused	Outstanding*
Under 18	507	330	136	30
Vulnerable	82	60	12	6
Associated with subject of the application	354	207	67	76
Prevention/detection of crime	552	366	103	62

(The figures above include, in the 'Refused' category, applications that may have been withdrawn or were invalid. Also, applications were previously counted more than once when more than one category applied.)

*These cases are outstanding due to there being no Commissioner between August 2024 and July 2025

Table 7: S63G applications to the Commissioner since provisions came into force

Year	Number of s63G applications submitted	Approved	Refused	Withdrawn	Outstanding
2013	1	0	0	1	0
2014	126	91	18	17	0
2015	123	78	29	16	0
2016	136	77	48	11	0
2017	108	71	23	14	0
2018	76	53	18	5	0
2019	65	52	10	3	0
2020	113	78	29	6	0
2021	117	95	18	4	0
2022	127	112	6	9	0
2023	195	180	9	6	0
2024	221	106	0	8	107
Total	1408	993	208	100	107

Table 8: Outcome of applications to the Commissioner to retain biometrics for qualifying offences under s63G PACE (31 October 2013 – 30 June 2024*)

Offence Group	Total applications	Approved	Refused	Withdrawn
Murder, Attempts and Threats to Kill	43	34	9	1
Sexual Crimes	622	418	146	50
Assaults	313	268	23	19
Robbery	177	149	15	11
Burglary	102	83	14	5
Other	35	29	1	5
Total	1292	981	208	91

(NB: In previous years, some applications were double counted, where the application was reliant on more than one offence.)

*The data is only available until June 2024 as applications after this date were not reviewed due to there being no Commissioner in post

Subject challenges to police applications

4. The subject of s63G applications (or their AA if applicable) has a statutory right to submit representations to challenge the s63G application that has been made. They are informed about this process at the time when the police submit the application to my office and the legislation permits 28 days to make a representation. For this reporting period only nine representations were made.

5. The process of submitting representations against retention is voluntary, but it continues to be of concern that very few are submitted compared to applications made (6%).

Table 9: Representations by subjects and outcomes

	01 Jan 2018 to 31 Dec 2018	01 Jan 2019 to 31 Dec 2019	01 Jan 2020 to 31 Dec 2020	01 Jan 2021 to 31 Mar 2022	01 Apr 2022 to 31 Mar 2023	01 Apr 2023 to 31 Dec 2023	01 Jan 2024 to 31 Mar 2025
Total applications received	76	65	113	150	140	149	288
Representations from subjects	8 (10.5%)	4 (6%)	9 (8%)	8 (5%)	6 (4%)	9 (6%)	16 (6%)

Annexe 2 – Acronyms

AA	Appropriate Adult
AI	Artificial Intelligence
BSCC	Biometrics and Surveillance Camera Commissioner
CPIA	Criminal Procedure and Investigations Act 1996
CT	Counter Terrorism
CTP	Counter Terrorism Policing
DBS	Disclosure and Barring Service
ECHR	European Convention on Human Rights
FINDS	Forensic Information Databases Service
FSP(s)	Forensic Service Provider(s)
LEDS	Law Enforcement Data Service Programme
MPS	Metropolitan Police Service
NPCC	National Police Chiefs' Council
NSD	National Security Determination
OBSCC	Office of the Biometrics and Surveillance Camera Commissioner
PACE	Police and Criminal Evidence Act 1984
PoFA	Protection of Freedoms Act 2012
PSNI	Police Service of Northern Ireland
SO15	The Metropolitan Police's Counter Terrorism Command
SOFS	MPS Secure Operations – Forensic Services
TACT	Terrorism Act 2000

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