

## Draft Joint Biometrics Strategy - Vision and Aim

1 To what extent do you agree or disagree with the strategy's vision?

Agree

2 To what extent do you agree or disagree with the strategy's aim?

Neither agree nor disagree

3 Please provide any further comments in relation to the vision and/or aim

Please provide any comments you may have in relation to the Biometrics vision and aim.:

The vision is broadly sound in principle, particularly its emphasis on ethical, lawful and transparent use of biometric data. However, public trust and confidence cannot be sustained through stated intent alone. It depends on clear, enforceable safeguards, especially for individuals who are investigated but not convicted.

The aim refers to continuous improvement, regulatory assurance and horizon scanning, yet does not clearly explain how individuals' rights will be actively protected when biometric data is gathered during flawed or disputed investigations. Without explicit commitments on retention limits, automatic review, deletion following non-conviction or collapsed cases, and meaningful independent oversight, there is a risk that biometric systems entrench error rather than support justice.

Innocent individuals can and do become subject to biometric capture. For this reason, biometrics must never function as a substitute for evidence, nor be retained in a way that undermines the presumption of innocence. Transparency should include accessible routes for individuals to understand what data is held about them, how it is used, and how inaccuracies or unjustified retention can be challenged.

Public confidence will be enhanced not by technological advancement alone, but by demonstrable restraint, accountability, and a clear acknowledgement of the potential for investigative error and miscarriage of justice.

## Draft Joint Biometrics Strategy - Outcomes

### Outcome: Regulatory Compliance

4 To what extent do you agree or disagree that this is an objective we should be focussing on?

Agree

Please provide any comments you may have in relation to your answer:

I agree that regulatory compliance must be a core objective. However, "necessary, lawful, ethical and proportionate" needs to be demonstrated through clear, enforceable operational rules, not only reliance on high-level principles.

In particular, the strategy should make explicit commitments on non-conviction safeguards, including clear retention time limits, automatic review points, and deletion where an individual is not convicted.

Public confidence and privacy protections are undermined if biometric data gathered during an investigation can be retained indefinitely or used for broader purposes when the underlying allegation does not result in a conviction.

I would also welcome greater clarity on:

- the lawful basis and decision-making criteria for collecting each biometric type (including facial images),
- restrictions on onward sharing and secondary use,
- accessible routes for individuals to find out what is held about them and to challenge retention or accuracy,
- independent audit and published reporting, so compliance is visible rather than assumed.

### Outcome: Organisational Awareness

5 To what extent do you agree or disagree that this is an objective we should be focussing on?

Agree

Please provide any comments you may have in relation to your answer:

I agree that organisational awareness and training are essential. However, awareness must go beyond procedural compliance and include a clear understanding of how biometric data can be misused or over-relied upon, particularly in complex or disputed investigations.

Training should explicitly address human rights risks, including the potential for investigative bias, confirmation bias, and the long-term consequences of retaining biometric data relating to individuals who are not convicted. Staff should be supported to understand that biometrics do not replace evidential robustness and should never be used to compensate for weak, excluded or contested evidence.

Embedding regulatory requirements into policy should also include clear accountability when guidance is not followed, and mechanisms to ensure lessons are learned from errors, complaints, and cases where investigative decisions are later found to be flawed. This would strengthen ethical policing and enhance public confidence in practice, not just in principle.

## Outcome: Maximising Technology

6 To what extent do you agree or disagree that this is an objective we should be focussing on?

Neither agree nor disagree

Please provide any comments you may have in relation to your answer:

While technological capability can support public safety, maximising biometric technology should not be an objective in itself. The emphasis on speed and efficiency must not override evidential quality, procedural fairness, or human rights protections.

There is a risk that biometric tools, particularly automated or AI-assisted matching, are treated as inherently objective or conclusive when they remain probabilistic and dependent on human interpretation. In disputed investigations, over-reliance on biometric outputs can reinforce confirmation bias and make early investigative errors harder to identify and correct.

Any expansion of biometric technology should therefore be strictly conditional on:

- clear limitations on use and scope,
- transparent accuracy thresholds and error rates,
- safeguards against secondary or intelligence-led reuse,
- independent validation and audit,
- and robust protections for individuals who are not convicted.

Public trust will be strengthened not by maximising technology, but by demonstrating restraint, proportionality, and a clear commitment that biometric tools support justice rather than substitute for it.

## Outcome: Public Trust and Confidence

7 To what extent do you agree or disagree that this is an objective we should be focussing on?

Agree

Please provide any comments you may have in relation to your answer:

I agree that public trust and confidence should be a central objective. Transparency, accountability and proportionality are essential if biometric data is to be used legitimately.

However, trust is earned through demonstrable safeguards, not policy statements alone. Regular publication of statistics should be meaningful and accessible, including clear data on non-conviction retention, deletion rates, review outcomes, and the use of biometric data in cases that do not proceed or later collapse.

Public confidence would also be strengthened by clear, accessible processes for individuals to understand what biometric data is held about them, how it is used, and how to challenge accuracy, proportionality, or continued retention. These routes should be practical and independent, not overly technical or opaque.

Engagement with stakeholders should include those with experience of wrongful accusation and miscarriage of justice, alongside human rights organisations. Independent oversight and governance must be sufficiently robust to identify systemic issues, not merely confirm compliance.

Ultimately, confidence will come from evidence that biometric practices actively protect the presumption of innocence, acknowledge investigative fallibility, and place clear limits on the power of the state to retain and reuse personal data without conviction.

## Other Comments

8 Please provide any other comments you may have about the draft Joint Biometrics Strategy

Any other comments about the strategy:

The draft strategy sets out a clear intention to use biometric data responsibly, but its success will depend on how it addresses the reality of investigative error and the experience of individuals who are subject to biometric capture but are not convicted.