

Independent Commissioner for Biometrics and Surveillance Camera response to consultation

News story

The Independent Commissioner for Biometrics and Surveillance Cameras has told the government of his serious concerns about its plans to absorb oversight of key police powers into the Information Commissioner's Office (ICO).



Fraser Sampson, the current Biometrics Commissioner and Surveillance Camera Commissioner, has delivered a forensic dissection of the proposal in his formal response to a Department for Digital, Culture, Media & Sport consultation called "Data: a new direction".

The questions about potentially absorbing the functions of the Biometric Commissioner role and the Surveillance Camera Commissioner role appear on page 142 of the 146 page document.

Professor Sampson, who was appointed Biometrics and Surveillance Camera Commissioner for two years starting in February 2021, said of the DCMS consultation:

I have now received a categorical assurance from ministers that the purpose of this consultation is to enable the proper formulation of as yet undecided policy in light of informed responses.

I take them at their word. Meaningful consultation in this area is vital.

There can be no doubt that technologies using surveillance and biometric data are progressing at a rapid pace. Clearly, the use of such technologies can be intrusive to privacy and raises other human rights considerations. However, when used ethically and accountably technology can also provide significant opportunities for law enforcement agencies to improve the prevention and

investigation of serious crime and the prosecution of some very dangerous individuals, helping safeguard other fundamental rights such as the right to life and freedom from degrading or inhumane treatment.

Finding the right balance between the privacy concerns and entitlements of the individual, while harnessing new technology ethically, accountably and proportionately, is proving a significant challenge for policing today; tomorrow's technology will make it even more so.

The functions of these two important roles are very different. The Biometrics Commissioner role is quasi-judicial and covers police retention and use of DNA and fingerprints, the Surveillance Camera Commissioner role is more strategic in providing oversight of the surveillance of public space by the police and local authorities. Both functions are about much more than upholding data rights. Proposing their absorption by the ICO is to misunderstand the specific nature and importance of both.

If absorption is to be the answer, there are more compelling destinations for the functions. The reasons are set out in my full response. Transferring the functions elsewhere may bring simplification but the price may be an unwelcome dilution – of focus, of function and most of all of independence.

A quarter of the way into my term of office we now have a once-in-this-generation opportunity to reform the police use of biometrics and surveillance, build public trust and provide assurance of ethical practice and leadership. I am working closely with the Home Office to explore the relevant issues, benefits and risks. I will do whatever I can to ensure this important area of public accountability emerges stronger and clearer for us all.

Fraser Sampson's complete formal response to the [DCMS consultation](#).

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