



**Office of the
Biometrics
Commissioner**

**Professor Paul Wiles
Biometrics Commissioner**

Biometrics Law Pre-2012

- Pre-2001 DNA taken on charge and kept if convicted
- Criminal Justice & Police Act 2001
 - *DNA samples a profiles kept if charged for life*
- Criminal Justice Act 2003
 - *Retain biometrics on arrest for life*
 - *Retain DNA samples and profiles*
- ECtHR S and Marper vs United Kingdom, 2008
 - *UK retention unlawful because not proportionate*

Protection of Freedoms Act

- Protection of Freedoms Act 2012
 - *New rules for retention and use*
 - *Retain DNA profiles but not samples*
 - *Covers crime and counter-terrorism*
 - *Independent Commissioner*
- R(RMC and FJ) v Commissioner of Police of the Metropolis [2012] EWHC 1681 (Admin)
 - *Police retention of Custody images unlawful*
 - *Custody Images Review provides for subjects to apply to have their images deleted*

Current Developments

- The importance of 'identity' across government
- New Biometrics
 - *Already 19M + police facial images*
 - Home Office Biometrics programme
 - Pan-government use of identity data
 - Link to private sector use
 - Coming 'sociometrics' and big data
 - Multi-mode use

Current Challenges

- The lessons of ID cards
 - *A question of trust*
- Understanding 'technology within a system' quality and reliability
 - *Meeting evidential rules*
- Investigation vs Surveillance
 - *Different validity standards?*
 - *Different proportionality?*
- Technical over-confidence and over-reach