

Supplementary written evidence submitted by Professor Paul Wiles, former
Commissioner for the Retention and use of Biometric Material
(BFF0004)

Thank you for your kind comments and I hope you found my answers useful. Thank you also for asking if I wished to add any further comments to my evidence session.

As I explained to your staff, the final visits that we were able to make to police forces was in December 2019. Immediately thereafter we worked on drafting my final Annual Report and after the Report was handed to the Home Secretary in March 2020, the first Covid lockdown was imposed and that prevented further visits during my time as Commissioner. We collected some limited information from forces before I published my final Interim Report in December 2020. I left office on 15th December 2020 and the new Commissioner took office in March 2021. I assume that means that the normal annual data collection process in January/February didn't happen this year. There is therefore an information gap for 2020 due to Covid restrictions and the process of replacing me as Commissioner.

I tried to answer the questions which I was asked straightforwardly. Inevitably, the time constraints meant that my answers had to be brief and the follow-up discussion was also curtailed but that is the nature of such sessions. Equally, the questions did not cover all the issues in this area. In that regard I would draw the Committee's attention to the points raised in my last Annual Report and my final Interim Report as Commissioner.

I thought that much of the Home Office's response to the Committee's 2019 report took the same basic position as they had in 2018. However, I welcome the shift in the Home Office's thinking that they now regard principles-based governance as the way forward and they are to urge police forces to fully implement the Mopi rules as regard requests to delete police-held information, including facial images. No doubt the new Commissioner will be able to report on whether that is happening. Whilst they welcomed the South Wales Appeal Court judgement as clarifying the use of LFR and (correctly) as the basis for new guidance to forces, they were silent on the consequences of the RMC, Catt and Gaughran cases and the generally developing jurisprudence in this area on their thinking and guidance to the police.

Finally, may I thank you and the Committee for the courtesy you have shown to me during my time as Commissioner.

July 2021