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United Kingdom

Information Rights Unit  
PO Box 57192  
London  
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United Kingdom

Our Ref: 01/FOI/19/000807

Date: 27/02/2019

Dear ██████████

**Freedom of Information Request Reference No: 01/FOI/19/000807**

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 15/01/2019. I note you seek access to the following information:

I write to request information and records under the FOIA, regarding the Metropolitan Police's use of live, automated facial recognition (AFR) technology on 17th and 18th December 2018 at locations in central London, including Cambridge Circus and Leicester Square. Specifically, I am asking the following:

1. How many total alerts were generated by the Metropolitan Police's deployment of live automated facial recognition systems on 17th and 18th December 2018 (not including 'blue list' alerts)? Please detail how many of these relate to:
  - a. True-positives
  - b. False-positives
  - c. Unknowns
  
2. How many true-positive alerts led to:
  - a. Interventions/stops
  - b. Confirmed arrests (i.e. the individual was not de-arrested)
  - c. Further criminal justice action taken as a result of an arrest
  
3. How many false-positive alerts led to:
  - a. Interventions/stops
  - b. Arrests
  - c. Further criminal justice action taken as a result of an arrest

4. How many individuals were stopped for covering their faces while going past the live facial recognition cameras?
  - a. Under what policing powers were such stops conducted?
  - b. Of these, how many resulted in confirmed arrests?
  
5. How many individuals were on the watch list for the deployments on 17th and 18th December 2018?
  - a. How many of these individuals were wanted for arrest, either on a warrant and/or suspicion of criminal activity?
  - b. How many of these individuals were not wanted for arrest?
  - c. If applicable, why were individuals not wanted for arrest included on the watch list?
  
6. Was this deployment of live, automated facial recognition used to collect intelligence? If yes please provide details of:
  - a. The purpose
  - b. Agencies or forces with whom the information was or may be shared
  
7. What were the sources of the images used for the watch list, i.e. how many were drawn from the custody image database or any other sources?
  - a. If applicable, please detail from what other sources images were drawn.
  - b. Were any of the images on the watch list drawn from the Metropolitan Police's 'Gangs Matrix'? If so, how many?
  
8. Please provide copies of any briefings or other information given to officers and observers taking part in the deployment on 17th and 18th December 2018.

## **SEARCHES TO LOCATE INFORMATION**

To locate the information relevant to your request searches were conducted within the MPS. The searches located information relevant to your request.

## **DECISION**

I have today decided to disclose some of the requested information. Information relating to our internal briefings (question 8) has been withheld as it is exempt from disclosure by virtue of the following exemptions:

Section 24(1) National Security;  
Section 31(1)(a)(b) Law enforcement;

In addition to this The Metropolitan Police can neither confirm nor deny whether any other information is held in relation to the covert use of facial recognition technology as the duty in Section 1 (1) (a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 24(2) National Security  
Section 31(3) Law Enforcement

Confirming or denying that any other information is held in relation to the covert use of facial recognition technology would potentially show criminals what the capacity, tactical abilities and capabilities of the MPS are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities.

Please note this response should not be taken to as an indication of whether or not information in relation to the covert used of facial recognition information is held.

Please see the legal annex for further information on the exemptions applied in respect of your request.

## DISCLOSURE

1. How many total alerts were generated by the Metropolitan Police's deployment of live automated facial recognition systems on 17th and 18th December 2018 (not including 'blue list' alerts)?

Please detail how many of these relate to:

Total Alerts: 14

a. True-positives 2

b. False-positives 12

c. Unknowns

2. How many true-positive alerts led to:

a. Interventions/stops 2

b. Confirmed arrests (i.e. the individual was not de-arrested) 2

c. Further criminal justice action taken as a result of an arrest

3. How many false-positive alerts led to:

a. Interventions/stops 2

b. Arrests 1 (Subject not the person on the watchlist but checks showed he was wanted)

c. Further criminal justice action taken as a result of an arrest

4. How many individuals were stopped for covering their faces while going past the live facial recognition cameras? 0

a. Under what policing powers were such stops conducted? N/A

b. Of these, how many resulted in confirmed arrests? N/A

5. How many individuals were on the watch list for the deployments on 17th and 18th December 2018? 2226

a. How many of these individuals were wanted for arrest, either on a warrant and/or suspicion of criminal activity? 2226

b. How many of these individuals were not wanted for arrest? 0

c. If applicable, why were individuals not wanted for arrest included on the watch list?

6. Was this deployment of live, automated facial recognition used to collect intelligence? No

If yes please provide details of:

a. The purpose N/A

b. Agencies or forces with whom the information was or may be shared N/A

7. What were the sources of the images used for the watch list, i.e. how many were drawn from the custody image database or any other sources? 100% Custody Image System

a. If applicable, please detail from what other sources images were drawn. N/A

b. Were any of the images on the watch list drawn from the Metropolitan Police's 'Gangs Matrix'? If so, how many? N/A

8. Please provide copies of any briefings or other information given to officers and observers taking part in the deployment on 17th and 18th December 2018.

Please see attached flyer that was distributed to members of the public

Should you have any further enquiries concerning this matter, please contact me on via email at [REDACTED], quoting the reference number above.

Yours sincerely

**Jen Powell**

## **LEGAL ANNEX**

### **Section 17(1) of the Act provides:**

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision in part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which-

- (a) states the fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

### **Section 24(1) of the Act provides:**

(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

### **Section 31(1a) of the Act provides:**

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders

### **Section 24(2) of the Act provides:**

The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

### **Section 31(3) of the Act provides:**

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

### **Evidence of Harm Section 24 and Section 31**

In considering whether or not the MPS can confirm (or deny) that this information is held, I have conducted a Prejudice Test to establish any potential harm.

Any disclosure under the Freedom of Information Act is a release to the public at large. Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of covert facial recognition would lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

### **Public interest considerations favouring confirming or denying whether the information is held - Section 24**

The confirmation or denial that the MPS holds information in relation to the covert use of facial recognition technology would provide an insight into the type of technology used by the force for covert surveillance.

### **Public interest considerations favouring neither confirming nor denying whether the information is held - Section 24**

The threat from terrorism cannot be ignored. Since 2006, the UK Government has published the threat level, based upon current intelligence and that threat has remained at the second highest level 'severe', except for two short periods during August 2006, June and July 2007, and more recently in May and June 2017 following the Manchester and London terrorist attacks, when it was raised to the highest threat, 'critical'.

The UK continues to face a sustained threat from violent extremists and terrorists and the current threat level is set at 'severe'. To confirm or deny information is held in relation to any other information relating to the covert practise of facial recognition would show criminals what the capacity, tactile abilities of the MPS are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities.

### **Public interest considerations favouring confirming nor denying whether the information is held - Section 31**

To confirm or deny information is held would increase public knowledge in the type of technology used by the police. It will also allow for a greater understanding as to where force funds are being spent.

### **Public interest considerations favouring neither confirming nor denying whether the information is held - Section 31**

Confirming or denying whether any information is or isn't held relating to the covert use of facial recognition technology would limit operational capabilities as criminals/terrorist would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

### **Balance test**

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact

on both National Security and Law Enforcement.

After weighing up the competing interests I have determined that the Public Interest favours the application of the neither confirm nor deny stance in respect of any other information held in relation to the covert use of facial recognition technology.

#### **Section 24 - Public interest considerations favouring disclosure**

The public are entitled to know how public funds are spent and resources distributed within the area of policing. Disclosure of the briefings given to officers would enable the general public to hold the MPS to account on the way in which facial technology is deployed. The information would also be likely to aid public debate on the level of surveillance in the UK.

#### **Section 31 - Public interest considerations favouring disclosure**

Disclosure of the briefings would lead to better public awareness which in turn may reduce crime or lead to more information from the public. One of the underlying principles of the Freedom of Information Act is the need for authorities to be more open and transparent.

#### **Section 24 - Public interest considerations favouring non-disclosure**

Security measures are put in place to protect the community that we serve. Disclosure of the briefings would highlight to individuals the operational capabilities of the system. Our internal briefings contain sensitive information that if released could compromise ongoing or future operations to protect the security of the UK and increase the risk of harm to the public.

The usefulness of this information can be even more impactful when linked to other information gathered from various sources. The more information disclosed over time gives a more detailed account of the tactical infrastructure of, not only the MPS area, but also the country as a whole. Any incident that results from such a disclosure would by default affect national security.

#### **Section 31 - Public interest considerations favouring non-disclosure**

Disclosure would technically be releasing sensitive operational information into the public domain which would enable those with the time, capacity and inclination to try and map strategies and tactics used for Police Forces. In this case, disclosure of the internal briefings may enable individuals or terrorist organisations to identify expert technology and methods used by the police service as part of an intelligence gathering operation. The effectiveness of current and future strategies to combat terrorist activity may be compromised and may also inhibit the ability to prevent crime.

#### **Balancing Test**

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against



each other. The most persuasive reason for disclosure is the use of public funds which needs to be compared to the strongest reason for non disclosure, which in this case is public safety. The MPS cannot disclose information which will place the public at risk by undermining national security or law enforcement thereby assisting those intent on committing crime. On balance the disclosure of all information requested in question 8 would not be in the public interest.

In complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information, the Metropolitan Police Service will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to MPS Directorate of Legal Services, 10 Lambs Conduit Street, London, WC1N 3NR.

## **COMPLAINT RIGHTS**

### **Are you unhappy with how your request has been handled or do you think the decision is incorrect?**

You have the right to require the Metropolitan Police Service (MPS) to review their decision.

Prior to lodging a formal complaint you are welcome to discuss the response with the case officer who dealt with your request.

### **Complaint**

If you are dissatisfied with the handling procedures or the decision of the MPS made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the MPS to have the decision reviewed.

Complaints should be made in writing, within forty (40) working days from the date of the refusal notice, and addressed to:

FOI Complaint  
Information Rights Unit  
PO Box 57192  
London  
SW6 1SF  
foi@met.police.uk

In all possible circumstances the MPS will aim to respond to your complaint within 20 working days.

### **The Information Commissioner**

After lodging a complaint with the MPS if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk). Alternatively, write to or phone:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Phone: 0303 123 1113