



Freedom of Information Request 778/18

Response Date: 20th November 2018

I write to request information and records under the FOIA, regarding South Wales Police's use of 'AFR Locate' at the Ed Sheeran concerts between 21st and 24th June 2018.

Specifically, I am asking the following:

1. How many total alerts were generated by AFR Locate between 21st and 24th June 2018? Please detail how many of these relate to:
 - a) True-positives
 - b) False-positives
2. How many true-positive matches led to:
 - a) Interventions/stops
 - b) Arrests
3. How many false-positive matches led to:
 - a) Interventions/stops
 - b) Arrests
4. How many individuals were on the watch list for this event?
 - 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?
5. Was AFR Locate 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
6. 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.
7. Were any of the images on the watch list drawn from the Metropolitan Police's 'Gangs Matrix'? If so, how many?
8. Please provide details of any planned future deployments of AFR Locate.

RESPONSE

Since its introduction over nine months ago, over 2,000 positive matches have been made using our 'Identify' facial recognition technology with over 450 arrests. Successful convictions so far include 6 years in prison for robbery and 4.5 years imprisonment for burglary. The technology has also helped identify vulnerable people in times of crisis.

Of course, no facial recognition system is 100% accurate under all conditions resulting in what are termed "false positives". This where the system incorrectly matches a person against a watch list. Continued....

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Technical issues are common to all face recognition systems, which means false positives will be an issue as the technology develops.

Since initial deployments during the European Champions League Final in June 2017, the accuracy of the system used by South Wales Police has continued to improve.

It is also important to stress, that since we introduced facial recognition technology, no one has been arrested where a “false positive alert” has occurred and no members of the public have complained. This is due to importance we place on human judgement.

In all cases, an operator will consider an initial alert and will either disregard it, which happens in the majority of cases, or dispatch an intervention team where a match is considered to have been made.

Where this happens, officers can quickly establish if the person has been correctly or incorrectly matched by traditional policing methods, either by looking at the person or through a brief conversation. If an incorrect match has been made, officers will explain to the individual what has happened and invite them to see the equipment along with providing them with a Fair Processing Notice.

Throughout the trial, South Wales Police has been very cognisant of concerns surrounding privacy and we have built in checks and balances into our methodology to make sure that our approach is justified and balanced.

We have also had detailed discussions and engagement with all interested regulatory partners. This has sought to ensure that we are proportionate in the use of this technology and compliant with the Data Protection Act and the General Data Protection Regulation (GPDR).

All of these partners are fully integrated into our strategic approach and attend our Facial Recognition Strategic Partnership Board on a quarterly basis.

The South Wales Police Facial Recognition Team can be contacted at AFR@south-wales.pnn.police.uk.

We have consulted with our Digital Services Department who have provided us with the below:

Question 1

There were 18 alerts generated.

- a) 8 true-positives
- b) 10 false-positives

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Question 2

Of the true-positives:

- a) 6 resulted in interventions/stops
- b) 6 resulted in arrests

Question 3

Of the false-positives:

- a) 2 resulted in interventions/stops
- b) 0 resulted in arrests

Question 4a

The number of individuals were wanted for arrest are as follows:

Day 1 – 522
Day 2 – 510
Day 3 – 520
Day 4 - 517

Question 4b

The number of individuals that were not wanted for arrest are as follows:

Day 1 – 1
Day 2 – 1
Day 3 – 1
Day 4 – 1

Question 4c

Your request for information has now been considered and I am not obliged to supply the information you have requested.

In relation to your particular request, the following exemption applies:

Section 31 (1)(a)(b) Law Enforcement

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Harm

Under the Act, we cannot and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate and the applicants do not have any ulterior motives. However, in disclosing information to one applicant, we are expressing willingness to provide it to anyone in the world. This means that a disclosure to a genuinely interested and concerned person automatically opens it up for a similar disclosure, including those who would use the information to gain an advantage over our ability to exercise our core function which is Law Enforcement.

Disclosure of the requested information could undermine the strategies and the functionality of enforcing the law. By releasing the information requested, could hinder future operations and investigations by assisting criminals who would be more aware and able to take steps to avoid detection.

The police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Disclosure of information that undermines operational policing will adversely affect public safety and have a negative impact on law enforcement as it would or would be likely to prejudice the prevention or detection of crime and the apprehension or prosecution of offenders thereby potentially placing the public at large at great risk by affecting our ability to fulfil our core function of law enforcement.

Public Interest Test

Considerations favouring disclosure

A factor favouring the disclosure of this information is that better awareness may lead to more information from the public.

Considerations favouring non-disclosure

The police service has a duty to deliver effective law enforcement ensuring the prevention and detection of crime, apprehension or prosecution of offenders and administration of justice is carried out appropriately. They will not reveal detail, no matter how generic, which would compromise effective law enforcement issues. It would not be in the public interest to release information that may be of assistance to anyone involved in criminal activity. The release of this information would be likely to assist criminals rather than being an operational tool for police and thus ultimately protecting the community.

Balance Test

After considering the advantages and disadvantages in disclosure it falls upon South Wales Police to conduct a balance test on the issues. The strongest argument for release is that better awareness may lead to more information from the public which needs to be weighed against the strongest argument for non-release which in this case is effective law enforcement.

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The police service is tasked with the prevention and detection of crime and protecting the public. Whilst there is a public interest in the fact that some information may provide better awareness there is very strong public interest in safeguarding the protection of the public from more crime being committed as well as the effective use of police resources. The police force would not disclose any information which could assist offenders by providing an insight relating to tactical information as to why individuals not wanted for arrest are included on the watch list.

Therefore, at this moment in time, it is our opinion the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In accordance with the Freedom of Information Act 2000, this letter acts as a refusal notice for this part of the request.

Question 5

Automated Facial Recognition (AFR) Locate was not used to collect intelligence.

Question 6

All images originated from the custody database.

Question 7

None of the images on the watch list were from the Metropolitan Police's 'Gangs Matrix'.

Question 8

At the time of when the request was made this was currently in review. Therefore South Wales Police does not hold the information to answer your request.

However, this information became available whilst your request was being processed. This has been provided below:

Future deployments:

- Elvis Festival – September 2018
- Autumn Rugby Internationals in Cardiff
- Christmas Winter Wonderland – Cardiff and Swansea City Centre

In addition, South Wales Police can neither confirm nor deny that it holds any other information with regard to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

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

Section 24 and Section 31 are both qualified exemptions and as such there is a requirement to evidence any harm confirmation or denial that any other information is held as well as consider the public interest.

Harm in confirming that Information is held

The definition of national security encompasses a wide spectrum and it is our duty to protect the people within the UK. Public safety is of paramount importance to the policing purpose and must be taken into account in deciding whether to disclose whether the information is or is not held.

Furthermore, confirming if particular tactics are used and confirming policing methods which are not in the public domain may prejudice the use of this method by allowing criminals to adopt counter measures.

To confirm or deny whether we hold any further information relating to the covert practise of facial recognition, would allow interested parties to gain an upper hand and awareness of policing policy and decisions used to safeguard national security. To confirm or deny that any other information is held or provide details relating to what may or may not be held may 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, and this would also impact upon any current investigation.

Public Interest Test

Section 24 –

Factors favouring confirming or denying that any other information is held

Confirming or denial that any other information exists relevant to the request would lead to a better informed public and the public are entitled to know how public funds are spent. The information simply relates to national security and disclosure would not actually harm it.

Factors against confirmation or denial for S24

To confirm or deny whether South Wales Police hold any additional information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure on the UK and increase the risk of harm to the public.

Section 31 –

Factors favouring confirmation or denial for S31

Confirming or denying whether any further information is held would allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent.

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Factors against confirmation or denial for S31

By confirming or denying whether any further information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Security arrangements and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists. These security arrangements and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

Balancing Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both National Security and the integrity of the police in knowing that policing activity is appropriate and balanced in matters of National Security; this will only be overridden in exceptional circumstances.

It is therefore our opinion that for these issues the balancing test for confirming or not that any other information is held, is not made out.

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