

Subject: FOIA Response

Date: Wed, 21 Nov 2018 10:27:40 +0000

From: [REDACTED]

Reply-To: [REDACTED]

To: [REDACTED]

Dear [REDACTED]

Freedom of Information Request Reference No: 2018070000567

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 13/07/2018. I apologise for the delay in getting this information to you.

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 28th June at Westfield Stratford shopping centre.

Specifically, I am asking the following:

1. Was automated facial recognition technology deployed using pre-existing CCTV cameras?

a) If no, were new cameras installed for the deployment?

Please provide detail.

2. How many total alerts were generated by the Metropolitan Police's AFR systems on 28th June 2018?

Please detail how many of these relate to:

a) True-positives

b) False-positives

3. How many true-positive matches led to:

a) Interventions/stops

b) Arrests

4. How many false-positive matches led to:

a) Interventions/stops

b) Arrests

5. 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?

6. Was 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.

8. Were any of the images on the watch list drawn from the Metropolitan Police's 'Gangs Matrix'?

If so, how many?

9. Please provide details of any planned future deployments of automated facial recognition..

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 the below information to you. However, please note that 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.

Please find below information pursuant to your request above.

1. Was automated facial recognition technology deployed using pre-existing CCTV cameras?

a) If no, were new cameras installed for the deployment? Please provide detail.

1) No

a) Yes they were deployed on the 28th June 2018 and withdrawn on the same day.

2. How many total alerts were generated by the Metropolitan Police's AFR systems on 28th June 2018?

Please detail how many of these relate to:

a) True-positives

b) False-positives

2) Total alerts generated = 5

a) True-positives = 0

b) False positives = 5

3. How many true-positive matches led to:

a) Interventions/stops

b) Arrests

a) 0

b) 0

4. How many false-positive matches led to:

a) Interventions/stops

b) Arrests

a) 1

b) 0

5. 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) 489

a) 306

b) 0

c) n/a

6. Was 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

6) No

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.

Custody Imaging Systems, (C.I.S.)

8. Were any of the images on the watch list drawn from the Metropolitan Police's 'Gangs Matrix'?

If so, how many?

No

9. Please provide details of any planned future deployments of automated facial recognition..

This information is not held at the present time

Should you have any further enquiries concerning this matter, please contact me quoting the reference number above.

Yours sincerely


Freedom of Information Manager

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(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 last year 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 used of facial recognition technology.

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. Alternatively, write to or phone:

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

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

Find us at:

Facebook: <https://m.facebook.com/metpoliceuk>

Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)