

From: [REDACTED]

Sent: 20 December 2018 15:39

To: [REDACTED]

Subject: FOIA Response

External Sender

Dear [REDACTED]

Freedom of Information Request Reference No: 2018080000612

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 11/08/2018. I apologise for the long delay in getting this information to you.

I note you seek access to the following information:

1. Are you currently paying for facial recognition software? If no, please disregard this information request in its entirety. If yes, please see the following questions.
2. Has it yet been used in public spaces? Please provide any detail possible?
3. How much has so far been spent on automatic facial recognition software? Please provide the most up-to-date figure possible with a breakdown according to financial year.
4. How much has so far been spent on automatic facial recognition hardware e.g. cameras? Please provide the most up-to-date figure possible with a breakdown according to financial year.
5. How much has so far been spent on other costs associated with automatic facial recognition e.g. staffing for operations? Please provide the most up-to-date figure possible with a breakdown according to financial year.
6. How many operations or tests have been carried out so far, and are there any details you can provide of where and when they took place?
7. What is the name of the company/companies has provided the software and hardware for automatic facial recognition?
8. In the operations or tests carried out so far, how many potential matches, false positives and confirmed matches has the software generated?
9. In the operations or tests carried out so far, how many stops and arrests have happened as a result?

I would like the above information to be provided to me in electronic form. .

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. Some data has been withheld as it is exempt from disclosure and therefore this response serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000 (the Act). Please see the legal annex for further information on the exemptions applied in respect of your request.

REASONS FOR DECISION

To retrieve all the relevant information in order to answer question 5 accurately would engage Section 12(1) of the FOIA (excess costs). The information requested relating to costs is not stored in a central location and therefore not easy to retrieve. The first three operations were conducted in 2016 & 2017 and the costs associated with these Notting Hill Carnivals are complex and would involve searching a number of databases as a large number of resources were used at the events. The costs relating to the number of officers involved and the precise remits to which they were involved/allocated would also be problematic to calculate. This part of the request would therefore engage section 12(1) excess costs.

However I have been able to provide some information relating to the estimated technical costs (software and hardware only) of live facial recognition deployments for far, from August 2016 to November 2018. This has been estimated at £200k.

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.

DISCLOSURE

1) Yes

2) As of when this request was received the FOIA Department:

Notting Hill Carnival 2016

Notting Hill Carnival 2017

Remembrance Day - The Cenotaph 12th November 2017

Hull Docks 13th and 14th June 2018,

Stratford on the approach to Westfield Centre on 28th June and 26th July 2018

3) With respect to Live Facial Recognition Capability only

FY 2014/15 £25K

FY 2016/17 £49K

FY 2017/18 £124K

4)

FY2015/16 £2.5K

FY 2016/17 £6.3K

FY 2017/18 £15K

7. NEC NeoFace

6 & 8.

Deployment	Alerts	System False Positive Alerts	Identifications
NHC 2016	1	0.02%	0
NHC 2017	96	0.09%	1
REM day 2017	7	0.06%	1
Port of Hull	0	N/A	0
Westfield Stratford June 2018	5	0.10%	0
Westfield Stratford July 2018	1	0.01%	0

9. Nil Arrests - 2 stops

Should you have any further enquiries concerning this matter, please contact me via email at [REDACTED], 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 12(1) of the Act provides:

(1) Section 1 does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

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