

9th October 2019

Griff Ferris



Dear Griff Ferris

**Freedom of Information Request – Reference No:20191992**

**REQUEST**

***I write to request information and records under the FOIA, regarding South Yorkshire Police's use of live, automated facial recognition technology and collaboration with external companies.***

- 1. Has your force collaborated or cooperated with any external companies (e.g. British Land, Meadowhall Shopping Centre) in their use of live facial recognition? If yes, please provide details including the name of the companies, manner of collaboration (e.g sharing images), the time period of the collaboration, locations, any costs involved, and which uses have ceased or are continuing.***
  - a. If yes, did your force share images as part of the collaboration? Please provide the number of images, the source or datasets from where the images came from, a full list of purposes for which the images were shared, the legal basis on which the images were shared, and data security/management protocols around the handling of the shared data.***
  - b. If yes, what was the rank of the officer who authorised the collaboration? What process was followed before the collaboration was authorised?***
  - c. If yes, what was the protocol arranged for the event of a match alert?***
  - d. If yes, how many times were you alerted to a match alert? How many of those led to further police action being taken?***
  - e. If yes, how many true positive matches were there during the collaboration?***
  - f. If yes, how many false positive matches were there during the collaboration?***
- 2. Does your force have any policy guidance relating to collaboration with external companies using live facial recognition and/or the retention of images resulting from the use of live facial recognition?***
  - a. If yes, when were the policies created? (Please provide a copy of said policies)***
  - b. How many images captured in the course of using live facial recognition technology have been retained for storage?***
- 3. Has your force completed a privacy or data protection impact assessment in relation to collaboration with external companies using live facial recognition technology? If so, please provide a copy.***

4. *Has your force completed a privacy or data protection impact assessment in relation to any use of live facial recognition? If so, please provide a copy.*
5. *Has your force scrutinised a privacy impact assessment conducted by any external companies operating live facial recognition with whom you have collaborated? If so, please describe when and provide a copy.*
6. *Does your force have any plans for further collaboration with external companies*
7. *Does your force have any plans to use or trial live facial recognition in the future*
8. *Your force has publicly acknowledged collaborating with British Land and Meadowhall Shopping Centre in using live facial recognition in 2018. We sent an FOI to your force in October 2018 asking whether your force had used or planned to use live facial recognition, and you responded on 6 November (Reference No: 20181921) linking to a previous FOI response which said that you had not and had no plans to trial for the next 24 months. Please can you explain why you gave this response.*

### **CLARIFICATION**

Similar responses -

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-trial-ref-20191876/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-ref-20171723/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-ref-20180873/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-images-ref-20180945/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-software-ref-20181495/>

### **FROM THE REQUESTER**

Yes, we do require a full response to the request for information: the information provided in previous FOIs is either out of date or doesn't include the full information that we have requested.

We are also sending this FOI partly in response to publicly reported details about your force's participation in external companies' use of live facial recognition, which contradicts information you have previously given us via FOI.

### **RESPONSE**

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

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

The exemption applicable to your request falls under Section 21.

**Section 21 'Information which is reasonably accessible to the applicant'.**

The information is already on the South Yorkshire Police website and can be accessed via the links previously provided and/or below links:

- <https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-ref-20191921/>
- <https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-trial-ref-20191876/>
- <https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-ref-20171723/>

I contacted a number of units within Specialist Crime Services and Senior Command Team to check for any changes to previous responses. Nil response.

Q8 – Section 8 of the Freedom of Information Act applies to all recorded information a public authority may hold , and does not apply to 'explanation', 'general comment' or 'opinion', which forms the basis of this question.

At the time of Meadowhall's Trial of Facial Recognition Technology, our Media department prepared the following reactive statement. A reactive statement is provided if someone requests it or we are asked for comment.

*The reactive statement was as follows:*

*"Meadowhall advised us of their intention to undertake a trial using facial recognition technology. We supported a four-week trial in order to develop a better understanding of opportunities associated with the use of this technology."*

In respect of any further information South Yorkshire Police can neither confirm nor deny that we hold any other information relevant to this request by virtue of the following exemptions:

**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 that confirming or denying that any other information is held, in addition to considering the public interest.

### **Harm**

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information relating to the covert practise of facial recognition would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of 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.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. 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 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.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

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 use 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.

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.

### **Public Interest Test**

**Section 24 - Factors favouring confirming or denying that any other information is held**

Confirming or denying 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.

#### **Section 24 - Factors against confirmation or denying that any other information is held**

To confirm or deny whether South Yorkshire 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 confirming or denying that any other information is held**

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.

#### **Section 31 - Factors against confirmation or denying that any other information is held**

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.

If you are unhappy with the way your request for information has been handled, you can request a review by following the advice contained in the separate notice enclosed with this correspondence:

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire, SK9 5AF.  
Telephone: 08456 306060 or 01625 545745  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

Louise Holmes  
Information Compliance Clerk  
South Yorkshire Police  
Information Compliance Unit  
Professional Standards Department  
Unit 20 Sheffield 35A Business Park  
Churchill Way  
Sheffield  
S35 2PY

Please note that police forces in the United Kingdom are routinely required to provide information and statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons this forces response to your questions should not be used for the comparison purposes with any other response you may receive.

South Yorkshire Police provides you the right to request a re-examination of your case under its review procedure (copy enclosed). If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

The South Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information 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 The Force Solicitor, South Yorkshire Police, Police Headquarters, 5 Carbrook Hall Road, Sheffield, S9 2EG

## **Appeal Process for Freedom of Information**

Using this process will not affect your right to appeal directly to the Information Commissioner. However, it will usually be quicker if matters can be resolved locally using this process.

### ***Who can appeal?***

Anyone who has requested information from the Force in writing can appeal within 20 working days from the date of the response provided. If you have requested information and you are not satisfied with the way we have dealt with your request, you can use the appeal process to have it looked at again. If someone who requested information would like to appeal but cannot do so themselves you can appeal on their behalf, but it will help us if you make it clear that you are doing so.

### ***What can I appeal about?***

You can appeal about the range, amount and format of information we have sent following a request. You can also appeal about the way a request was handled – for example, the time it took to respond, or the way letters were worded.

### ***How do I appeal?***

You can appeal by writing, emailing or faxing your appeal/complaint to the address below. To deal with your appeal as quickly as possible, it will help if you can give us as much information as you can about the request made, such as the reference number, and the reason for your appeal/ complaint.

### ***What happens to my appeal?***

Once we have enough details to identify the request you are concerned about, a qualified person, other than the initial decision maker, will deal with the internal review.

### ***How long does it take?***

Whatever their conclusion, you will be informed of the result as soon as possible, and in any case within 20 days of submitting your appeal.

If you are still not satisfied, you may then appeal to the Information Commissioner.

### ***Appeal Address***

**Information Compliance Unit South Yorkshire Police Professional Standards  
Department Unit 20 Sheffield 35A Business Park Churchill Way Sheffield S35 2PY**

Email [foi@southyorks.pnn.police.uk](mailto:foi@southyorks.pnn.police.uk)