

Subject: Freedom of Information Request 18201/18

Date: Tue, 6 Nov 2018 15:34:05 +0000

From: Freedom of Information <[b_foi@west-midlands.pnn.police.uk](mailto:foi@west-midlands.pnn.police.uk)>

To: [REDACTED]

Dear Ms Carlo

FOI Request Reference: 18201/18

Thank you for your request for information, received 15/10/2018.

REQUEST

I write to request information and records under the FOIA, regarding your police force's use of live, automated facial recognition technology.

1. Has your police force discussed using live facial recognition with external companies, or other police forces? If so, please provide details, including of any demonstrations.
2. Has your police force used live facial recognition? If so, please provide details including the time period of use, locations, and which uses have ceased or are continuing.
3. Has your force collaborated with any external companies in the course of their use of live facial recognition? If so, please provide details including the time period of use, locations, any costs involved, and which uses have ceased or are continuing.
 - 3a. If the answer to 3 is yes, what was the protocol arranged for the event of a match alert?
 - 3b. If the answer to 3 is yes, how many times was your force informed of a match alert? How many of those led to further police action being taken?
4. How many true positive matches were there during your force's use, or engagement with external use, of live facial recognition?
5. How many false positive matches were there during your force's use, or engagement with external use, of live facial recognition?
6. Does your force have any policy guidance relating to live facial recognition and/or the retention of images resulting from the use of live facial recognition?
 - 6a. If yes, when were the policies created? (Please provide a copy of said policies)
 - 6b. How many images captured in the course of using automated facial recognition technology have been retained for storage?
7. Has your force completed a privacy impact assessment in relation to live facial recognition technology? If so, please provide a copy.
8. 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.

9. Has your force shared facial images with external companies for the purposes of live facial recognition? If so please detail:

- a. which companies the images were shared with,
- b. the number of images shared,
- c. from which datasets the images were drawn,
- d. a full list of purposes for which the images were shared,
- e. the legal basis on which the images were shared,
- f. and data security/management protocols around the handling of the shared data.

RESPONSE

I am writing to inform you that we have searched our records and the information you requested is not held by West Midlands Police. We do not currently use live facial recognition systems.

In addition to the above response West Midlands Police can neither confirm nor deny that it holds any other information relevant to this 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:

Section 24(2) - National security

Section 31(3) - Law enforcement

These exemptions and explanatory notes are shown here:

<https://www.app.college.police.uk/app-content/information-management/freedom-of-information/#freedom-of-information-exemptions>

In line with the above, I am required to complete a Prejudice Test/Public Interest Test (PIT) on disclosure. Please find this PIT below.

Public Interest Test

Overall 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.

Factors favouring confirming or denying

There is a clear a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

It is also 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.

Factors against confirming or denying

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 in May and June this 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'.

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.

Balance 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 West Midlands Police force 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, compromise law enforcement or undermine National Security.

Whilst there is a public interest in the transparency of policing operations and providing assurance that West Midlands Police force is appropriately and effectively engaging with the threat from terrorists, there is a very strong public interest in safeguarding both national

security and the integrity of police investigations and operations in this highly sensitive area.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. The force is already held to account by independent bodies such as The Office of the Surveillance Commissioner and The Interception of Communications Commissioners Office. These inspections assess each constabulary's compliance with the legislation and a full report is submitted to the Prime Minister and Scottish Ministers containing statistical information. Our accountability is therefore not enhanced by confirming or denying that any other information is held.

It is for these reasons that the public interest must favour neither confirming nor denying that any other information is held. However, this should not be taken as necessarily indicating that any other information that would meet your request does or does not exist.

No inference can be taken from this refusal that any further information relevant to your request does or does not exist.

ADDITIONAL INFORMATION

For further information and data on West Midlands Police see our publication scheme and disclosure log

<http://foi.west-midlands.police.uk/>

RIGHT OF APPEAL

Your attention is drawn to your right to request a re-examination of your case under West Midlands Police review procedure, which can be found at:

<http://foi.west-midlands.police.uk/reviews-and-appeals/>

Please note that such an appeal must be received within 40 working days of the date of this correspondence. Any such request received after this time will only be considered at the discretion of the FOI Unit.

Yours sincerely,

Justine Barrett

Disclosure Officer

Freedom of Information Unit

West Midlands Police

Tel: 101 ext 801 2068

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