

Subject: Freedom of Information Request 15510/19

Date: Thu, 24 Oct 2019 12:27:58 +0000

From: Freedom of Information <b_foi@west-midlands.pnn.police.uk>

To: [REDACTED]

Dear Mr Ferris

FOI Request Reference: 15510/19

Thank you for your request for information, received 06/09/2019. I apologise for the late delivery of this response.

REQUEST

I write to request information and records under the FOIA, regarding West Midlands 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. Millenium Point) in their use of live facial recognition? If yes, please provide details including the name of the companies, manner of collaboration (e.g. advice, 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. Is your force currently using or collaborating with external companies on the use of live facial recognition?
7. Does your force have any plans to use or trial live facial recognition or plans to collaborate with any external companies in the future?
8. Your force has publicly acknowledged collaborating with Millenium Point conference 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, including whether your force had collaborated with external companies, and you responded on 6 November 2018 (Reference: 18201/18) saying “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.” Please can you explain why you gave this response.

RESPONSE

Please be advised that the information that you have requested is not available in a readily retrievable format. The request is generic and does not specify a timescale for searches to be conducted. It has also been interpreted that the questions relate to organisations that have facial recognition available to them (as opposed to organisations that own/provide facial recognition technology), which further widens the scope of this request. Information pertaining to whether anyone within force has ever collaborated or cooperated with any external companies in relation to an external company's use of live facial recognition is not held centrally or in any electronically or other searchable format.

West Midlands Police currently has approximately 10,815 police officers and staff, therefore, each of these individuals would need to be contacted in order to establish if they held any relevant information relating to your request (i.e whether they had ever collaborated or cooperated with any external companies in relation to the external company's use of live facial recognition). Therefore, the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice for this request. Contacting serving individuals would also not account for any

individuals that had knowledge of where relevant information may be held that have left the force.

The force has considered how it can assist with this request, and has determined that in order to try and identify whether WMP holds any relevant information relating to sharing images, we would firstly need to retrieve all current and historic incident logs. These incident logs would then require a manual examination in order to identify any and all organisations who have CCTV available to them that we may have gained intelligence from. We would then be required to formally request that they disclose whether or not they have facial recognition technology, and assess the details of the logs to determine whether we could answer the sub questions. Please also note that question 8 of your request is not valid under Section 8 of the FOI Act as this is opinion based, and is therefore not recorded by the Force. However, in order to assist, under the referenced FOI Request (18201/18) enquires were made with the business owner deemed most likely to be able to assist and they advised that they did not hold any relevant information. Unfortunately, due to the reasons outlined above, I am unable to suggest any practical way in which your request may be modified in order to satisfy your query or bring it within the 18 hours stipulated by the Regulations.

Further information on section 12 of FOI is available here:

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

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/>

Yours sincerely,

Justine Barrett | Freedom of Information Officer
Corporate Communications | West Midlands Police
T: 101 (ext. 801 2068) |

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