



Force Disclosure Unit

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.police.uk

Date: 3rd September 2021

Your Ref: FOI

Our Ref: FOI 2021/625

Reply contact name is: Kerry Merritt

Dear ****,

I write in connection with your request for information dated 26th July 2021 concerning Live facial recognition software.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

I'm writing to you under the freedom of information act (2000) to ask whether your force / authority use facial recognition software in video cameras/CCTV cameras, or any other compatible device, both portable or static. Specifically, both Live Facial Recognition (Lfr) or Automated Facial Recognition (Afr) software, from 2016- 2021.

- 1) I'd like to know about any trials or active contracts of facial recognition software.
- 2) I'd like to know which company / companies have been used / are being used.
- 3) I'd like to know the cost of this, either as a trial for the whole period it ran for, or the ongoing cost of it year by year.

Clarification sought from applicant:

I'd mainly be looking for body cam, CCTV, and vehicle based FR use please.

Our response:

In relation to any **overt** use of the technology - No Information Held.

In respect of any **covert** use of the technology, Wiltshire Police can neither confirm nor deny that it holds any further information relating to your request as the duty in S1(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**

Sections 24(2) and 31(3) are qualified, prejudice-based exemptions and require evidence of harm and a public interest test to be carried out before they can be relied upon.

Evidence of 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 practice of facial recognition is held 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 information is held regarding 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 operations 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 is currently categorised as 'substantial', see below link:

<https://www.mi5.gov.uk/threat-levels>

The UK continues to face a sustained threat from violent extremists and terrorists. 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 other information is or isn't held relating to the covert use of facial recognition technology would limit operational capabilities as criminals/terrorists 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.

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:

Factors favouring Confirming or Denying for Section 24

The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding the covert use of facial recognition is held, would lead to a better informed public.

Factors favouring Neither Confirming or Denying for Section 24

By confirming or denying whether any other information is held regarding the covert use of facial recognition would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring Confirming or Denying for Section 31

Confirming or denying whether any other information is held regarding the covert use facial recognition would provide an insight into Wiltshire Police. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors against Confirming or Denying for Section 31

Confirming or denying that any other information is held regarding the covert use of facial recognition testing would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying whether any other information is held in relation to the facial recognition would hinder the prevention or detection of crime. Wiltshire Police would not reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that any information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance Test

The security of the country is of paramount importance and Wiltshire Police will not divulge whether any information is or is not held regarding the covert use of facial recognition testing, if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that Wiltshire Police is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. Facial recognition in any covert capacity is a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding covert facial recognition is not made out.

However, this should not be taken as necessarily indicating that any information that would meet any future request exists or does not exist.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire 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 the information requested is:

- Section 24(2) National Security
- Section 31(3) Law Enforcement

In accordance with Section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk