

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 3rd November 2022

Your ref: FOI

Our ref: FOI 2022 / 867

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 2nd November 2022 concerning Facial Recognition Technology.

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 all the information you have requested.

You wrote:

I write to request information and records under the FOIA in relation to your force's use of Facial Recognition, specifically:

- 1) A copy of any policy document outlining the use of Live Facial Recognition by your force
- 2) A copy of any policy document outlining the use of Retrospective Facial Recognition [other than the searching of custody images on the PND]
- 3) A copy of any policy document outlining the use of Operator Initiated Facial Recognition by your force
- 4) A copy of any policy document outlining the use of PND "face searching" of custody photos by your force
- 5) Any documents outlining any plans to trial, introduce or test any kind of facial recognition [Live, Retrospective, Operator Initiated] by your force



INVESTOR IN PEOPLE

Our response:

In relation to questions 1, 2 and 3 of your request, Wiltshire Police can confirm we do not use either Live and/or Retrospective Facial Recognition or Operator Initiated Facial Recognition Technology, nor do we have any plans to use any of these in the immediate future.

In relation to question 5 of your request, our response is – No Information Held.

In relation to question 4 of your request, Wiltshire Police can confirm that we do utilise the facial recognition capabilities of the Police National Database (PND) and hold a copy of the Home Office document titled 'PND Facial Searching Guidance v3' and the College of Policing document titled 'PND Search User Guide v7'. However, these documents are exempt from disclosure by virtue of sections 24(1) - National Security and s31(1) - Law Enforcement of the Freedom of Information Act 2000.

Sections 24 and 31 are both prejudice-based, qualified exemptions and therefore require Wiltshire Police to establish the harm in disclosure, and the public interest for and against disclosure.

Evidence of Harm

The Police National Database (PND) is a national information management system that improves the ability of the Police Service to manage and share intelligence and other operational information, by providing a capability for the Police Service to share, access and search local information electronically, overcoming artificial geographical and jurisdictional boundaries. This request is directed at recorded information contained within training documents available to staff members who have access to and interrogate the Police National Database (PND).

To disclose the information captured by question 5 (detailed above) would expose policing tactics and afford criminals with valuable information that will enable them to potentially 'hack' into the PND to disrupt the police's activity not only on a force level but on a national basis.

Furthermore, persons who utilise this guidance are specifically trained in the use of facial recognition search within a College of Policing authorised PND training course, appropriately vetted and thereafter provided with an individual PND licence to use the system. There is contained within the information, 'live data' together with images and screen shots which would provide sensitive details about the process adopted, tactics used and information that is collected by UK policing, and other bodies.

The international security landscape is increasingly complex and unpredictable. The UK faces serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any of the terrorist threats in the past. Since 2006, the UK Government has published the threat level, based upon current intelligence. The current [security level for England and Wales is Substantial](#), which means an attack is likely. Effective information sharing is crucial to ensure delivery partners, i.e. the Police Service and other law enforcement agencies, are able to build a comprehensive picture of current intelligence stored within the PND to assist with their RFR policing purpose and the effective delivery of operational law enforcement.

Public Interest Considerations

Section 31

Factors favouring disclosure

The storing of intelligence within databases is an issue high on the public agenda and therefore the release of information detailing how staff members search PND would contribute to an informed public debate. The release of this information may reassure the public that there are effective processes in place to ensure that staff members are adequately trained when dealing with sensitive police intelligence and personal information.

Factors against disclosure

Law enforcement tactics may be compromised which would hinder the prevention and detection of crime. More crime could be committed as the monitoring and storing of current intelligence would be completely compromised should disclosure of the information result in PND being hacked. Terrorists would have the potential to identify vulnerable areas which they could target and exploit in order to continue their operations. There could be local implications with wrongful identification of individuals and families which in turn could lead to further offences being committed in the community.

Section 24

Factors favouring disclosure

It is recognised that there is a general public interest in knowing the scope, focus and extent of the threat posed by offenders including terrorists. Any disruption to the security of the PND would completely undermine the reliance on any current intelligence the Police Service are actively dealing with in relation to terrorist offenders.

Factors against disclosure

The arguments against disclosure under Section 24 link closely to those previously outlined for Section 31, as an adverse impact on law enforcement will increase the risk to national security from potential terrorists. The trust between police forces, other law enforcement agencies and the PND itself would be compromised thereby undermining the whole PND process.

Balance Test

There is a general public interest in the disclosure of training information to provide transparency of information gathering, storing and extracting information with regards to facial recognition, including that within the PND and, in this case providing assurance that the Police Service is appropriately and effectively training staff members to ensure appropriate capability when dealing with facial recognition. However, this needs to be balanced against a very strong public interest in safeguarding both national security and the integrity of police intelligence in the highly sensitive area of terrorism.

Taking into account all the circumstances of this case it is determined that the balance of the public interest favours withholding the information.

Wiltshire Police can neither confirm nor deny whether any information is or isn't held, by virtue of section 23(5) of the Freedom of Information Act 2000 (information supplied by or concerning certain Security Bodies).

Section 23 is a class based absolute exemption and therefore does not require evidence of harm or a public interest test.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 23(5) – Security Bodies
Section 24(1) – National Security
Section 31(1) – Law Enforcement

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,

Nick Penny
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 Fol 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