

WILTSHIRE POLICE



XXXXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

Date 31st March 2023

Our Ref FOI 2023-306

Dear XXXXX,

I write in connection with your request for information dated 8th March 2023, 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 able to respond as follows.

You wrote and our response:

I write to request information and records under the Freedom of Information Act 2000 (FOIA), regarding the use of facial recognition technology.

Questions 1-6 relate to the period January 2022-January 2023.

1. Has Wiltshire Police deployed live facial recognition?

a. If so, please provide dates and locations for each deployment.

No, therefore no information held.

2. Has Wiltshire Police used any form of retrospective facial recognition?

a. If so, please provide the dates and locations at which the images or footage was obtained.

No, therefore no information held.

3. Has Wiltshire Police deployed operator initiated facial recognition?

a. If so, please provide dates and locations for each deployment.

No, therefore no information held.

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4. Has Wiltshire Police deployed any type of facial recognition in conjunction with body-worn video?
- a. If so, please provide dates and locations for each deployment.

No, therefore no information held in respect of overt use.

In relation to any covert use of this type of technology, we can neither confirm nor deny whether any information is held by virtue of sections 24(2) - National Security and s31(3) - Law Enforcement of the Freedom of Information Act 2000.

Please see harm and public interest tests at the end of the request.

5. Where live facial recognition has been used:
- a. How many images were on the watch list used in each instance?
- b. From where were these images taken?
- c. How many of those on the watch list were not wanted for arrest in each instance?
- i. For what other reasons were these people included?

N/A – See responses to questions 1 through 3.

6. At each deployment, how many alerts were generated?
- a. How many times did police officers consider the match sufficiently credible to stop individuals and perform an identity check?
- b. Following an identity check, how many stops were verified as correct matches?

N/A – See responses to questions 1 through 3.

Questions 7-10 relate to the period from February 2023 onwards.

7. Does Wiltshire Police plan to deploy live facial recognition?
- a. If so, please provide dates and locations for each known planned deployment.

No, therefore no information held.

8. Does Wiltshire Police plan to use retrospective facial recognition?
- a. If so, please provide dates and locations for each known planned deployment.

No, therefore no information held.

9. Does Wiltshire Police plan to deploy operator initiated facial recognition?
- a. If so, please provide dates and locations for each known planned deployment.

No, therefore no information held.

10. Does Wiltshire Police plan to deploy any type of facial recognition in conjunction with body-worn video?
- a. If so, please provide dates and locations for each known planned deployment.
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No, therefore no information held in respect of overt use.

In relation to any covert use of this type of technology, we can neither confirm nor deny whether any information is held by virtue of sections 24(2) - National Security and s31(3) - Law Enforcement of the Freedom of Information Act 2000.

Please see harm and public interest tests at the end of the request.

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.

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 practice 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 covert facial recognition would lead to an increased risk 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: <https://www.mi5.gov.uk/threat-levels>. The UK continues to face a sustained threat from violent extremists and terrorists. Based upon current intelligence, the national threat level is set at Substantial. 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 is not held relating to covert facial recognition would limit operational capabilities as criminals (including 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 and 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 any other information exists relevant to the request would lead to a better informed public and show the public how public funds are spent. Additionally, the information simply relates to National Security and disclosure would not actually harm it.

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Factors against confirmation or denying that any other information is held

Confirming or denying whether Wiltshire 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. Confirming or denying any policing arrangements of this nature would render National Security measures less effective, therefore leading to the compromise of ongoing or future operations to protect the security or infrastructure of the UK, and would 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 lead to an increased public awareness of these issues, allowing the Force to be held accountable and show us as being as open and transparent with the public as possible. It would also allow the public to see where public funds are being spent.

Factors against confirmation or denying that any other information is held

Confirming or denying whether any further information is held would hinder the prevention and detection of crime, as law enforcement tactics would be compromised. 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, requiring more resources which would add to the cost to the public purse.

Balance Test

Wiltshire Police are 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 we will not divulge whether any other information is / is not held if doing so would place the safety of an individual at risk or undermine National Security.

Whilst there is a public interest in transparency and openness between the Force and the public, in addition to the public seeing how the Force are engaging with the threat from criminals, there is a stronger 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.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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 24(2) – National Security

Section 31(3) – 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.

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

Yours sincerely,

Abigail Standidge

Phone: 01722 547081

Email: abigail.standidge@wiltshire.police.uk

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



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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.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

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish to contact them, please visit <https://ico.org.uk/global/contact-us/>

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