

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road

DEVIZES

Wiltshire

SN10 2DN

disclosure@wiltshire.police.uk

Date 24/01/2024

Our ref **FOI 2023/1194**

Reply contact name is:

Dear *****,

I write in connection with your request for information, dated 15/12/2023, concerning use of facial recognition.

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.

Following receipt of your request, searches were conducted with the policy officer and PNC department of Wiltshire Police.

Your request for information has now been considered and it is not possible to meet your requirements in full.

You wrote:

I am writing to request the following information relating to your use of facial recognition database searches, for each of the Police National Database, passport database, DVLA database, immigration database and EU Settled Status Database:

- A copy of the legal mandate for facial recognition searches against each of these databases
- A copy of any data protection impact assessment made for searching each of these databases
- A copy of any document setting out the threshold [e.g indictable offence, notifiable offence] before these databases can be searched
- The name of the manufacturer of the software used in each search, if known

Response:

Please note that Wiltshire police are only able to respond in relation to PND as we hold no information about the other databases mentioned.

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Question 1:

Wiltshire police hold no information, however the information can be found via the following link:

[Code of Practice On the Operation and Use of the Police National Database \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/432222/code-of-practice-on-the-operation-and-use-of-the-police-national-database.pdf)

S21 EXEMPTION ENGAGED

Question 2:

No information held, however the NPCC will be publishing the DPIA in due course.

Question 3:

The [Code of Practice On the Operation and Use of the Police National Database \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/432222/code-of-practice-on-the-operation-and-use-of-the-police-national-database.pdf) states the following:

The PND is to be used solely for policing purposes. The Police National Database Codes of Practice (2010) defines policing purpose as;

- *Protecting life and property*
- *Preserving order*
- *Preventing the commission of offences*
- *Bringing offenders to justice*
- *Any duty or responsibility arising from common or statute law*

As such, Facial searches on the PND must be for a policing purpose and be compliant with any other legal obligation including a) the Data Protection Act 1998; b) the Human Rights Act 1998; and c) the common law duty of confidence.

Please also see our policy document - [Police National Database Policy](#)

Question 4:

The software manufacturer in question is COGNITEC

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.

Exemption applied:

Section 21: Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

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(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

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.



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

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