

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 23/01/2024

Our ref **FOI 2023/1138**

Reply contact name is:

Dear *****,

I write in connection with your request for information, dated 27/11/2023, 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 it is not possible to meet your requirements in full.

You wrote:

I am writing to you under the Freedom of Information Act 2000 to request the following information from your force. This is similar to another FOI also sent by myself in August 2022, but this request is intended to capture changes in the information between 2022 and 2023/24. As a result, this is to be treated as a different request intended to gather up to date information.

For the purposes of clarity, please take 'facial recognition' to mean any automated means of comparing a live or retrospective image against a database to discern potential identity, and 'trial' to mean any use on the public or internally for testing purposes. Please may you provide me with:

1/ Deployment information relating to ongoing or planned trials of live or retrospective facial recognition technology within your force area (such as number of trials, brief overview of such trials, scope and cost) during the period of 17/08/2022 to present day.

2/ Any information relating to ongoing or planned trials of similar technology which uses automated computer vision to analyse images for biometric identification purposes (such as ear recognition, vein recognition, or gait recognition)

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3/ If any trials of either 1 or 2 have been carried out since 17th August 2022, please confirm number of arrests made, number of stop and searches made, number of stop and accounts made, or number of fines/other enforcement resulting from these trials.

4/ A copy of any internal policy documents or internal guidance for the development, use, or deployment of these technologies

Response:

Q1: No information held - Wiltshire police do not use any type of overt facial recognition at this time.

Q2: No information held with regards to overt facial recognition technology. Please see below exemptions S23(5), S24(2) and S31(1)

Q3: No information held with regards to overt facial recognition technology. Please see below exemptions S23(5), S24(2) and S31(1)

Q4: No information held - Wiltshire police do not use any type of overt facial recognition at this time.

Section 23 is a class based absolute exemption and there is no requirement to evidence harm or consider the public interest.

Sections 24 and 31 are prejudiced based qualified exemptions and there is a requirement to evidence the prejudice (harm) in disclosure and consider the public interest to ensure neither confirming or denying that information is held is appropriate.

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 biometric technologies such as ear, vein and gait 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 the use of new biometric technologies would lead to an increase 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 and based upon current intelligence the 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 isn't held relating to the covert use of these biometric technologies would limit operational capabilities as criminals/terrorist

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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 use 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:

Section 24 - Factors favouring confirming or denying that any other information is held:

Confirming or denying that any other information exists relevant to the request would lead to a better informed public and the public are entitled to know how public funds are spent. The information simply relates to national security and disclosure would not actually harm it.

Section 24 - Factors against confirmation or denying that any other information is held:

To confirm or deny 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.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure on the UK and 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 allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent.

Section 31 - Factors against confirmation or denying that any other information is held:

By confirming or denying whether any further information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Security arrangements and tactics are re-used and have been

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monitored by criminal groups, fixated individuals and terrorists. These security arrangements and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

Balancing Test

The Police Service is 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 the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public 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 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:

S23(5) – Information supplied by, or concerning, certain Security Bodies

S24(2) – National Security

S31(1) – Law Enforcement

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.

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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

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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/>