

WILTSHIRE POLICE



XXXX – Via email



Police Headquarters

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DEVIZES
Wiltshire
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Date: 8th April 2024

Our ref: 2024-336

Reply contact name:

Dear XXXXX,

I write in connection with your request for information dated 22nd March 2024 regarding 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.

Following receipt of your request, research was conducted by Crime Standards and Justice at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

1. How many arrests have been made in the last five years in your police force area using facial recognition technology?
2. Could you provide a breakdown of the type of facial recognition used - whether it's RFR, LFR or OIFR.
3. Could you provide a breakdown of the ethnicity and sex of the people being arrested and how many of these led to a criminal charge.
4. Could you also provide a breakdown of the type of crime.
5. If you could break all of this down per year (calendar year if possible).

Our response:

Zero arrests have been made using overt facial recognition technology within the last 5 years as Wiltshire Police do not use any type of overt facial recognition technology at this time.

With regards to covert use of facial recognition technology, Wiltshire Police can neither confirm nor deny whether any information is held by virtue of the following exemptions: S23(5), S24(2) and S31(1).

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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 facial recognition technology 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 facial recognition technology 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 technologies would limit operational capabilities as criminals/terrorist 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:

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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 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.

Therefore, no inference can be taken from this refusal that the information you have requested does or does not exist.

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:

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

S24(2) – National Security

S31(1) – Law Enforcement

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

Yours sincerely

Force Disclosure Decision Maker