

**Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

Date: August 2, 2024

Our ref: FOI 2024/570

Reply contact name:

Dear,

I write in connection with your request for information dated 11th June 2024.

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:

- 1 - Please provide details of any and all contract(s) with Amazon for its Rekognition facial recognition technology, including the start date of any such contract(s)
- 2 - Please can you also let me know whether the force has used the technology - including whether it is currently using the technology - and if so when (dates, eg start and end dates, or start date and continuous use up to present day)
- 3 - Please can you also let me know whether contract(s) with Amazon for the use of its Rekognition technology have been altered, or new contract(s) for the technology have been signed, since 10th June 2020
- 4 - Please also include the financial details of any such contract(s) - the cost (£) of procuring the technology
- 5 - Please also let me know how the technology has been used, if it has been used (a broad overview of the use case(s) will suffice)

Please limit the above searches to the period 2016 to the present day.

There is a clear legitimate public interest in this disclosure due to privacy and civil liberty concerns.

Otherwise, if this request needs to be refined on cost grounds, please disregard request 5 and proceed with the others. If that still exceeds the limit, please also disregard request 4 and proceed with the others.

I would like to appeal this decision. It is in the public interest to understand whether certain specific technologies - which have different capabilities and rules around their use - are being used or have been used by the force. There are significant civil liberties and privacy concerns related to the use of specific facial recognition technologies.

It is also worth noting that other UK police forces have voluntarily disclosed their use of specific facial recognition technologies, either via their press officers or via their FOI teams, and have not raised concerns about the potential for such disclosure to jeopardise their policing.

There is an array of publicly available information outlining how Amazon's Rekognition technology works, including via Amazon's own promotional materials. Criminals are aware of the general use by law enforcement of facial recognition technologies and could already take steps to avoid or counteract the use of Rekognition and other tools using the existing public information about them and how they work.

Last, the disclosure by the force of their use (or lack of use) of this specific technology does not tell criminals or others how and where specifically they are being used. Therefore, it seems unreasonable to suggest that the disclosure of the use (or lack of use) of Rekognition could materially impede policing; meanwhile, criminals can already work to avoid facial recognition based on public information about those systems and common sense assumptions about how and where they are being used.

Response:

On reviewing the original Freedom of Information request, the response provided and the request for an Internal Review, I uphold the original response provided.

Wiltshire Police can neither confirm nor deny that any information is held relevant to this request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 24(2) – National Security
Section 31(3) – Law Enforcement

Overall Harm

Any disclosure under the Freedom of Information Act is a release to the public at large. Under the Legislation we cannot, and do not, request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate and the applicants do not have any ulterior motives. Whilst not questioning the motives behind this specific request, confirming or denying that information is held would cause operational harm and affect Wiltshire Police's ability to fulfil its core function of law enforcement in the future.

Confirming or denying if this information is held by Wiltshire Police is different from confirming if, in principle, commercial tools generally are used within the scope of facial recognition technology.

It is well established that police forces use publicly available data in order to counteract criminal or terrorist behavior. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means. However, given the sensitive areas in which tools may be used, including within the sphere of counter-terrorism investigations, to disclose if any particular products or tools are trialed, or subsequently used, would allow criminals and other adversaries to focus on evaluating the particular capabilities of such. With this knowledge, it would allow criminals and other adversaries to take steps to counteract them – be it simply adjusting how they interact and present themselves to take advantage of a weakness or gap in capability they identify. At a simple level, if a policing tool doesn't do something, such as search 'X' social media site or was unable to identify 'Y' format of images, and criminals can establish this, they will exploit this position. More sophisticated adversaries may be able to go further and take more proactive measures to undermine the tool and / or its provider, and a specific confirmation allows efforts to be focused accordingly.

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 disrupting policing functions throughout the UK will be able to 'map' where the use of certain tools, ergo tactics, may or may not be deployed. This can be useful information to those committing (or those intent on committing or planning) crime.

Any information identifying the focus of policing activity could be used to the advantage of terrorist 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

Factors Favouring Confirming or Denying – Section 24

The information, if held, only relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what measures are in place. Confirming or denying this information is held would lead to a better-informed public.

Factors Against Confirming or Denying – Section 24

By confirming or denying whether any information is held would render policing and security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors Favouring Confirming or Denying – Section 31

Confirming or denying whether this information is held would provide an insight into the Police Service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police operate. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumor and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors Against Confirming or Denying – Section 31

Confirming or denying that any information is held would have the effect of compromising law enforcement tactics. It has been recorded that Freedom of Information responses are monitored by criminals and terrorists and so to confirm or deny information is held concerning the use or trial of specific products or tools would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to perform the functions it exists to provide.

By confirming or denying that information is held would hinder the prevention or detection of crime. The Police Service would not wish to reveal what products or tools, i.e. tactics, may or may not have been used as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that information is held may reveal the relative vulnerability of what we may be trying to protect.

Balance Test

The security of the country is of paramount importance and Wiltshire Police will not divulge whether any information is or is not held regarding business with any company if to do so would place the safety of an individual at risk, undermine national security or compromise law enforcement.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The use of technology can be a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held is not made out.

However, this should not be taken as necessarily indicating that any information is or is not held.

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,

Wiltshire Police offers a re-examination of your case under its review procedure.

Keeping Wiltshire Safe



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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
Keeping Wiltshire Safe

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/>