

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E Mail

Date: 5th June 2024

Your ref: FOI

Our ref: FOI 2024 / 570

Reply contact name is: Nick Penny

Dear XXXXXX,

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

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 – having consulted our Regional Forensics Team - I am now able to respond as follows.

You wrote:

Under the Freedom of Information Act 2000, I would like to request the following information:

- 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.

Our response:

Wiltshire Police can neither confirm nor deny whether it holds any other information that you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) does not apply by virtue of the following exemptions:

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

Sections 24(2) and 31(3) are prejudice-based qualified exemptions and any prejudice (harm) that confirming or denying information is held would cause must be articulated as well as the public interest considerations.

Overall Harm

Any disclosure under FOI is a release to the public at large. Under the Act, 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 regarding business with Amazon Rekognition, or any other likeminded third-party provider, would cause operational harm and affect our ability to fulfil our core function of law enforcement in the future.

Confirming or denying if a particular policing tool of this type (in this case Amazon Rekognition) is used, or has been trialled 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 behaviour. 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 trialled, 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 any weaknesses or gaps 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 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

Factors favouring Confirming or Denying for 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. By confirming or denying if business is conducted with Amazon Rekognition, or any other likeminded third-party provider, would lead to a better informed public.

Factors against Confirming or Denying for 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 Neither Confirming or Denying for Section 31

Confirming or denying whether business has been, or is conducted with Amazon Rekognition, or any other likeminded third-party provider, 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 rumour 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 for Section 31

Confirming or denying that any information is held regarding business with Amazon Rekognition, or any other likeminded third-party provider, would have the effect of compromising law enforcement tactics. It has been recorded that FOIA releases 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 a business interest exists 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 regarding the police, Amazon Rekognition, or any other likeminded third-party provider, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17(1) of the legislation.

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:

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.

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

Yours sincerely,

Nick Penny
Disclosure Decision Maker

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

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.pnn.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