

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

Date 24/03/2025

Our ref **FOI 2025/156**

Reply contact name is:

Dear *****,

I write in connection with your request for information, dated 06/02/2025, concerning facial recognition technology (FR).

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:

Please provide the following information about your force's use of Facial Recognition Technology, Retrospective Facial Recognition and the Police National Database (PND) for the periods between January 2024 and today's date; if you do not hold this information for the whole length of the period stated above, please provide it for the period starting from the date you began recording the information:

1. The processes (if any) undertaken by your force when using the Police National Database's face search capability to identify children (minors under the age of 18).
2. If there is a Child Rights Impact Assessment for the use of:
 - a. The Police National Database (PND)
 - b. Facial Recognition Technology
 - c. Retrospective Facial Recognition Technology

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d. The number of times Facial Recognition Technology, Retrospective Facial Recognition Technology and/or the Police National Database were used to identify children (minors under the age of 18).

3. The following information about each search:

date

reason for search

officer defined ethnicity

self-defined ethnicity

gender of the person searched

age of person searched

response (i.e., whether the search returned a record and led to an arrest)

4. Are CCTV images used during facial recognition checks which utilise the PND? If so, please share the number of times CCTV images were used for facial recognition checks

5. Are CCTV images and footage retained on the Force Video management system, including those which depict children under the age of 16 and under the age of 18?

6. Are images or data from facial recognition searches (in particular of minors under the age of 18) shared with other agencies or private organisations? If so, under what conditions?

7. If your force does not currently use Facial Recognition Technology, retrospective Facial Recognition and/or the Police National Database (PND) please state if there are there plans to.

Response:

Please note that this response only relates to overt use of FR, therefore some exemptions will apply in respect of any potential covert use which may or may not be in use.

Q1. Please see exemption re S31 – Law enforcement

Q2. No information held

Q3. Please see exemption re S12 – Time / cost limitation

Q4. As above S12

Q5. As above S12

Q6. Yes, if there is a legal basis to do so

Q7. Please see exemptions S23(5) and s24(2)

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 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

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recognition 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, based upon current intelligence and that threat is currently categorised as 'substantial', see below link:

<https://www.mi5.gov.uk/threat-levels>

The UK continues to face a sustained threat from violent extremists and terrorists.

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 held relating to the covert use of facial recognition technology would limit operational capabilities as criminals/terrorists 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 useful 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.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The type of information you require is not stored in a way which allows for easy retrieval. To ascertain the number of times images were used would require a manual search of all relevant reports within the timeframe given.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request falls under the exemption of section 12 of the Freedom of Information Act 2000.

Please note:

If one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations. Any answers provided above are done so as a gesture of goodwill or were provided before realising that this would exceed the time / cost limitations.

Forces may use different recording systems; therefore it may be possible some Forces can provide this information where others cannot.

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 12: Exemption where cost of compliance exceeds appropriate limit

Section 23(5) Information Supplied by, or concerning Security Bodies

Section 24(2) - National Security

Section 31(3) - 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

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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



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 Fol 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.

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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

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/>