

6 November 2018

Freedom of Information Request - Reference No: 20181921

REQUEST

1. Has your police force discussed using live facial recognition with external companies, or other police forces? If so, please provide details, including of any demonstrations.
2. Has your police force used live facial recognition? If so, please provide details including the time period of use, locations, and which uses have ceased or are continuing.
3. Has your force collaborated with any external companies in the course of their use of live facial recognition? If so, please provide details including the time period of use, locations, any costs involved, and which uses have ceased or are continuing.
 - 3a. If the answer to 3 is yes, what was the protocol arranged for the event of a match alert?
 - 3b. If the answer to 3 is yes, how many times was your force informed of a match alert? How many of those led to further police action being taken?
4. How many true positive matches were there during your force's use, or engagement with external use, of live facial recognition?
5. How many false positive matches were there during your force's use, or engagement with external use, of live facial recognition?
6. Does your force have any policy guidance relating to live facial recognition and/or the retention of images resulting from the use of live facial recognition?
 - 6a. If yes, when were the policies created? (Please provide a copy of said policies)
 - 6b. How many images captured in the course of using automated facial recognition technology have been retained for storage?
7. Has your force completed a privacy impact assessment in relation to live facial recognition technology? If so, please provide a copy.
8. Has your force scrutinised a privacy impact assessment conducted by any external companies operating live facial recognition with whom you have collaborated? If so, please describe when and provide a copy.
9. Has your force shared facial images with external companies for the purposes of live facial recognition? If so please detail:
 - a. which companies the images were shared with,
 - b. the number of images shared,
 - c. from which datasets the images were drawn,
 - d. a full list of purposes for which the images were shared,
 - e. the legal basis on which the images were shared,
 - f. and data security/management protocols around the handling of the shared data.

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such 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).

The exemption applicable to your request falls under Section 21.

Section 21 *'Information which is reasonably accessible to the applicant'*.

The information has recently been requested via another FOI request. The response to this request is posted on our website; the web link below will take you to the data:

<https://www.southyorkshire.police.uk/media/1391/facial-recognition-technology-20171723.pdf>

South Yorkshire Police can neither confirm nor deny that we hold any other information relevant to this request by virtue of the following exemptions:

Section 24(2) National Security

Section 31(3) Law enforcement

Section 24 and Section 31 are both qualified exemptions and as such there is a requirement to evidence any harm that confirming or denying that any other information is held, in addition to considering the public interest.

Harm in confirming that Information is held

The definition of national security encompasses a wide spectrum and it is our duty to protect the people within the UK. Public safety is of paramount importance to the policing purpose and must be taken into account in deciding whether to disclose whether the information is or is not held. Furthermore, confirming if particular tactics are used and confirming policing methods which are not in the public domain may prejudice the use of this method by allowing criminals to adopt counter measures.

To confirm or deny whether we hold any further information, would allow interested parties to gain an upper hand and awareness of policing policy and decisions used to safeguard national security. To confirm or deny that any other information is held or provide details relating to what may or may not be held may 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, and this would also impact upon any current investigation.

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 South Yorkshire 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.

It is therefore my opinion that for these issues the balancing test for confirming or not that any other information is held, is not made out.