

27th November 2019

Freedom of Information Request – Reference No:20192577

REQUEST

The following is a freedom of information request for your police force:

1. Does your police force use automated decisions systems (ADS) or artificial intelligence (AI) to make policing decisions?

If the answer is 'yes', are these systems being used for:

- a) Facial Recognition**
- b) Predictive policing**
- c) Recruitment of new personnel**
- d) Analysing patterns of crime occurrence**

If possible, please elaborate on any other uses of automated decision systems/AI by your authority. I am aware that some of this information is publicly available.

2. If the answer to question 1 is 'yes', does your force have and offer guidelines (or a code of conduct or similar) on how to use these systems to police officers and staff?

3. If the answer to question 1 is 'yes', does your force currently offer training on how to use these systems to police officers and staff?

4. If the answer to question 1 is 'yes', has your force engaged the public on the use of AI and ADS systems in your police work? If so, how have they done this?

CLARIFICATION

South Yorkshire Police has received a number of similar requests to yours in the past.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/digital-devicesartificial-intelligence-ref-20182312/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/predictive-policing-programme-ref-20180964/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-ref-20171723/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-ref-20180873/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/facial-recognition-software-ref-20181495/>

FROM THE REQUESTER

Thank you for your response and directing me towards these similar FOIs. While my questions also concern the use of the AI by the police, the direction of my questions are towards the use of guidelines, training and public engagement, which are either partially or not covered by the previous FOIs you've raised below.

Therefore, while part 1 of my question has been answered previously, questions 2, 3 and 4 have not. I hope this serves as adequate clarification.

RESPONSE

I approached the Chief Superintendent of the local command team, for assistance with your request and check for any changes to the details we have previously released on this subject. She has advised nothing has changed to previous information given in FOI requests. We do not use this technology therefore for any further questions our response is one of "No Information Held".

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

Section 24(2) National Security

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

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 practise 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 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 has remained at the second highest level 'severe', except for two short periods during August 2006, June and July 2007, and more recently in May and June 2017 following the Manchester and London terrorist attacks, when it was raised to the highest threat, 'critical'. The UK continues to face a sustained threat from violent extremists and terrorists and the current national threat level has recently been reduced to substantial, see below link:

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

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 facial recognition technology 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 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.

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 on and what security measures are in place.

Section 24 - Factors against confirmation or denying that any other information is held

Confirming or denying whether any information is or isn't held relating to the use of this type of technology 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.

Section 31 – Factors favouring confirming or denying that any other information is held

By confirming or denying whether any relevant information is held, would allow the public to gain a greater understanding of where public funds are being spent. Better public awareness may lead to more information from the public.

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. This may 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.

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.

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 technology may or may not be 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.

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.

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