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Our Ref: FOI2018/03966

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/03966

I write in connection with your request for information received on 19th July. I note you seek access to the following information:

- 1. Does the force use the facial recognition technology available through the Police National Database (PND)?**
- 2. Since the PND facial recognition technology was introduced (ie. for each of the last three years), how many facial recognition searches has the force carried out against the PND?**
- 3. If possible, please list the sources of the images that were searched against the PND (eg. body-worn video, dash-cam, etc)**
- 4. Does the force keep a record of how many of those facial recognition matches were correct? If so, please supply details.**
- 5. For each of the last three years, how many requests have the Force's officers and staff made (under the Regulation of Investigative Powers Act 2000, or otherwise) to search Facebook, SnapChat, Instagram and Twitter for images and/or video footage? Please give figures for each company if possible. How many of these requests have been granted?**

I am required by the Freedom of Information Act 2000 (The Act) to handle all requests in a manner that is blind to the identity of the requestor. Any information released in response to a request is regarded as being published and therefore, in the public domain without caveat.

Response

Q1 – No

Q2 – N/A

Q3 – N/A

Q4 – N/A

Q5 – Hertfordshire Constabulary neither confirms nor denies that it holds information 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 23(5) – Information relating to the Security bodies;
- Section 24(2) – National Security;
- Section 30(3) – Investigations and Proceedings Conducted by Public Authorities
- Section 31(3) – Law Enforcement;

Overall harm for NCND

In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the successful arrest and prosecution of those who commit or plan to commit acts of terrorism. In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the UK and Internationally in order to support counter-terrorism measures in the fight to deprive international terrorist networks of their ability to commit crime.

It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any of the terrorist threats in the past.

Since 2006, the UK Government have 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 and June and July 2007, when it was raised to the highest threat 'critical'.

The Police Service is committed to demonstrating proportionality and accountability regarding surveillance techniques to the appropriate authorities. However, if the Police Service were to either confirm or deny that any other information exists, other covert surveillance tactics will either be compromised or significantly weakened. If the Police Service denies a tactic is used in one request but then exempts for another, requesters can determine the 'exempt' answer is in fact a technique used in policing. The impact could undermine national security, any on-going investigations and any future investigations, as it would enable targeted individuals/groups to become surveillance aware. This would help subjects avoid detection, and inhibit the prevention and detection of crime.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. To do this the police require evidence and that evidence can come from a number of sources, some of which is obtained through covert means. Having obtained sufficient evidence offenders are charged with offences and placed before the courts. By confirming or denying that any other information pertinent to this request exists could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

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.

Factors favouring confirmation or denial for S24

The public is entitled to know how public funds are spent and by confirming or denying that information relevant to the request exists could lead to a better-informed public that can take steps to protect themselves.

Factors against confirmation or denial for S24

By confirming or denying that information relevant to the request exists would render security measures less effective. This could lead to the compromise of on-going or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial for S31

By confirming or denying that information relevant to the request exists, would enable the public to see where public funds are being spent. Better public awareness may reduce crime or lead to more information from the public. The quality of public debate may also be enhanced.

Factors against confirmation or denial for S31

By confirming or denying that information relevant to the request exists, law enforcement tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed and individuals placed at risk.

Factors favouring confirmation or denial for S30

By confirming or denying that information relevant to the request exists would enable the public to obtain satisfaction that all investigations are conducted properly and that their public money is well spent.

Factors against confirmation or denial for S30

By confirming or denying that information relevant to the request exists, would hinder the prevention or detection of crime, and undermine the partnership approach to law enforcement, which would subsequently affect the force's future law enforcement capabilities.

Balance Test

The security of the country is of paramount importance and the Police Service will not divulge whether information is or is not held if to do so could undermine national security or compromise law enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances. Therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information relevant to your request exists is not made out.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. The force is already held to account by independent bodies such as The Office of the Surveillance Commissioner and The Interception of Communications Commissioners Office. These inspections assess each constabulary's compliance with the legislation and a full report is submitted to the Prime Minister and Scottish Ministers containing statistical information. Our accountability is therefore not enhanced by confirming or denying that any other information is held.

None of the above can be viewed as an inference that any other information does or does not exist.

Should you have any further enquiries concerning this matter please do not hesitate to contact me quoting the above reference number.

Yours sincerely

James Hodson
Information Rights

Hertfordshire Constabulary provides you the right to request an independent review of this response under its review procedure. If you require such a review you must notify us within two months from the date of this letter. After lodging a complaint with Hertfordshire Constabulary if you are still dissatisfied with the decision you may make an application to the Information Commissioner. For information on how to make a complaint please visit their website at <https://ico.org.uk/concerns/> or contact them on 0303 123 1113.