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Our Ref: FOI2018/02892

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/02892

I write in connection with your request for information received on 29th May. I note you seek access to the following information:

1. Does the Force have a stored database of facial images?
2. How many images are currently on the database?
3. Please provide statistics on how many of the images appear to be people belonging to black and ethnic minority groups, if known
4. For each of the last three years, please list from where the Force has obtained images (eg. custody images, online sources (please state which companies or websites), intelligence lists, Interpol, etc.) and how many images were obtained from each source
5. Does the Force take stills images from video footage? Which video sources have still images been taken from? (eg. police CCTV, local councils' CCTV, body-worn cameras, privately-owned CCTV). For each of the last three years, how many images were obtained from each video source?
6. For each of the last three years, how many requests have the Force's officers and staff made to search Facebook, SnapChat, Instagram and Twitter for images and/or video footage? (Please give figures for each company) How many of these requests have been granted?
7. For each of the last three years, on how many occasions has the force made requests to Facebook, SnapChat, Instagram and Twitter for images or video? (Please give figures for each company) And how many of the requests were granted?
8. For each source of images, including those taken from video footage and social media, please state how long are the images are stored, and under what circumstances are they deleted
9. For each of the last three years, how many people have requested to have their image(s) removed from the Force's database? How many requests have been granted?
10. Has the force taken biometric data from the images? If so, please list the sources of the images from which biometric data has been taken (eg custody images, CCTV, online sources)
11. Does the force now, has it ever, or is it planning to use technology to match facial images?
12. If so, what technology is/was used, who supplies it, how much does it cost?
13. When attempting to match images, please state from which sources the images were obtained (eg. custody images matched with CCTV, online sources matched with body-worn video, etc)
14. On how many occasions has matching been carried out, and how many images were used?
15. How many arrests and convictions have resulted from the image matching technology?
16. What has been the so-called "false positive" rate? (ie. instances in which the technology matches the images, but they are not in fact the same person)
17. Has the force done any testing around the matching system's ability to handle images of people who appear to belong to black and minority ethnic groups? If so, what testing and what were the outcomes?

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.

Hertfordshire Constabulary is not currently using facial recognition technology and no record is held concerning the introduction of facial recognition systems overtly in the future.

Hertfordshire Constabulary neither confirms nor denies that it holds information concerning the covert use of facial recognition 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 24(2) National Security
Section 31(3) Law Enforcement.

Section 24 and Section 31 are prejudice based qualified exemptions, which requires the prejudice (harm) to be evidenced and a public interest test to be carried out.

Overall Prejudice (Harm) test Section 24 and Section 31

Any disclosure under the Freedom of Information Act is a disclosure to the world at large. By confirming or denying that Hertfordshire Constabulary holds any information regarding covert use of facial recognition would in itself disclose exempt information which would prejudice law enforcement.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. To prejudice the forces ability to operate covertly by disclosing tactical ability will endanger the safety of the public. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The UK continues to face a sustained threat from violent extremists and terrorists and the current threat level is set at 'severe'.

Public Interest Test – Section 24 and Section 31

Section 24

Factors in favour of compliance with Section 1 (1)(a)

The public are entitled to know where public funds are being spent, especially in the current economic climate. A better informed public can take steps to protect themselves.

Section 24

Factors against compliance with Section 1 (1)(a)

Criminals would be able to identify the capacity of the Constabulary when conducting covert operations and identify tactical abilities allowing them to target specific areas of the UK to conduct their criminal/terrorist activities.

Confirming or denying whether any information is or is not 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 counteract them.

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'. Therefore, it is of public interest to allow the force to conduct operations covertly and not disclose tactical ability to contain any risks and threats to the infrastructure of the UK.

Section 31

Factors in favour of compliance with Section 1 (1)(a)

Better awareness of police resources will encourage public debate and a conclusion can be drawn if the Constabulary are providing effective law enforcement. Disclosure concerning the use or not, of facial recognition may lead to more information from the public, who would be able to take steps to protect themselves.

Section 31

Factors against compliance with Section 1 (1)(a)

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.

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.

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.

Balance Test

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. The public interest does not supersede the need to maintain operational integrity at this time.

None of the above can be viewed as an inference that the information you seek 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
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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.