



Information Rights  
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Our Ref: FOI2019/07799 & FOI2019/07795

## REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2019/07799 & FOI2019/07795

I write in connection with your request for information received on 12th December. I note you seek access to the following information:

**I would like to know the following under the Freedom of Information act relating to your force's use of facial recognition technology.**

- **When did your police force introduce facial recognition technology? Please provide a month and year.**
- **How does your police force use facial recognition technology? Please confirm if it is used for any of the following use cases and provide information of any additional use cases: event management, riot policing, to monitor train stations, in airports, to monitor public spaces (please confirm the type of public spaces it is installed in – i.e. shopping mall), body-worn cameras, etc.**
- **How much money was invested in facial recognition technology over the previous five years. Please share the figure broken down by each year for 2015, 2016, 2017, 2018 and 2019**
- **Does your police force plan to use facial recognition technology in 2020?**
- **If your police force plans to use facial recognition technology in 2020, how much money is expected to be spent on the technology and what percentage of the force's technology budget does it represent?**
- **If your police force does not use facial recognition technology, by the end of which year do you plan to introduce it (i.e. by end of year 2020, 2021, 2022, 2023, 2024, 2025 etc.)?**

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** – Bedfordshire Police and 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 exemption:

### **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 confirmation or denial that any other information is held as well as consider 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 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**

### **Factors favouring confirming or denying that any other information is held - Section 24**

Confirming or denial 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.

### **Factors against confirmation or denying that any other information is held – Section 24**

To confirm or deny whether Bedfordshire Police and Hertfordshire Constabulary 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.

### **Factors favouring confirmation or denying that any other information is held - Section 31**

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.

### **Factors against confirmation or denying that any other information is held - Section 31**

By confirming or denying whether any 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 our opinion that for these issues the balancing test for confirming or not that any other information is held, is not made out.

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

Yours sincerely

James Cooper  
Information Rights

Hertfordshire Constabulary and Bedfordshire Police 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.