



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-01732

**Keyword:** Organisational Information/Governance

**Subject:** Facial Composite Software

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider the information you seek in request number 10 & 11 is exempt by virtue of section 43 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

### Request 1

What Facial composite software do you currently use?

### Answer

Evofit

### Request 2

How many trained operators work within your force?

### Answer

Four.

### Request 3

Are these operators police officers or civilians?

### Answer

Civilian.

### Request 4

How many composites are produced in each year by your force (2015-2017)?

### Answer

2015 – 433 requests received and processed of which 214 resulted in an Evofit  
2016 – 301 requests received and processed of which 138 resulted in an Evofit  
2017 – 205 requests received and processed of which 106 resulted in an Evofit

**Request 5**

How many of the composites have been used in cases resulting in court proceedings (2015-2017)?

**Request 6**

How many of the composites have been used in cases resulting in conviction (2015-2017)?

**Answer**

Enquiries made in relation to Request 5 and 6 failed to locate any records or documents held by PSNI based on the information you have provided. PSNI does not currently collect or collate this information. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

**Request 7**

How easy is the composite system to use?

**Answer**

The Freedom of Information Act 2000 legislates for the rights of an individual to seek access to **recorded information**. The Act only extends to requests for recorded information as defined by Section 84 of the Act and does not require public authorities to answer questions or create information to answer an FOI request.

A question will not necessarily constitute a 'valid request' if it is asking PSNI to speculate or to provide information which is not recorded. Further information on what constitutes a valid request can be found on the Information Commissioner's Office website:

<https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>

Your question above therefore is not a valid request, as PSNI does not hold information on the speculative element of these questions.

**Request 8**

How long does it take to train?

**Answer**

Training takes 5 working days. There is an annual 1 day workshop for updates.

**Request 9**

Where does the facial composite training for operators take place?

**Answer**

Training conducted at PSNI location.

**Request 10**

How much do the software and licences cost?

**Request 11**

How much is the support cost for the composite system; i.e. how do the suppliers require the force to pay on an annual basis to ensure prompt technical support and software upgrades (2015-2017).

**Answer**

As previously mentioned at the beginning of this response PSNI are exempting information in relation to Request 10 and 11 pursuant to S43 and this is explained further below.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

The exemption, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 43 (2) – Commercial Interests – Information would or would be likely to prejudice commercial interests of any person, including the public authority holding it.

Section 43 is a class based, qualified exemptions, which means the legislators have agreed there would be harm if this information was released and a Public Interest test must be carried out.

The full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

### **Public Interest Test**

#### Factors Favouring Release

Releasing this information would facilitate the accountability and transparency of public authorities in the spending of public money. There is a keen public interest in how public authorities spend public money and that value for money is achieved. Disclosure would better inform the public of the costs involved.

#### Factors Favouring Retention

Disclosure of how much PSNI pay for this software, licence and support costs, at this time may reduce the ability of PSNI to obtain value for money in procurement. Obtaining value for money is in the overriding public interest when considering whether to disclose the further information sought.

Disclosing this information could disadvantage a company and weaken their ability to tender for future contracts in a competitive market, impacting on future business revenue. The PSNI's commercial interests could be prejudiced if costs were disclosed which would damage the business reputation of the Service. The FOIA does not define commercial interests and the ICO Guidance on the application of Section 43 suggests that "... a commercial interest relates to a person's ability to participate competitively in a commercial activity i.e. the purchase and sale of goods or services."

Disclosure could discourage companies from submitting commercially sensitive information and consequently undermine the ability of the PSNI to procure best value for public funds and to conduct a fair tender competition in the future. To disclose such commercially sensitive information could diminish confidence in the integrity of the public tendering process thus discouraging companies from competing in public sector tenders. A consequence of this would be to reduce the ability of public authorities to obtain value for money in procurement.

### **Decision**

Disclosure of the requested information at this time would be likely to harm the process of future contracts and prejudice the commercial interests of the PSNI. A release under Freedom of Information is considered a release into the public domain not just to the applicant requesting the information and therefore a release in effect would be to other competitors vying for the contract. Disclosing the current costs paid would provide an advantage to rival businesses and undermine the main contractor's trading ability to tender for future contracts.

Companies may lose confidence in the PSNI as they would have no expectation that costs would be

released into the public domain. If companies are discouraged from participating in the tendering process this may adversely affect the quality of tenders for public contracts and this would not be in the public interest.

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, I have decided that disclosing costs at this time would not be in the public interest.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.