



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01716

Keyword: Organisational Information/Governance

Subject: Facial Recognition Technology

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000.

Request 1

Does the force use the facial recognition technology available through the Police National Database (PND)?

Request 2

Since the PND facial recognition technology was introduced (i.e. for each of the last three years), how many facial recognition searches has the force carried out against the PND?

Request 3

If possible, please list the sources of the images that were searched against the PND (e.g. body-worn video, dash-cam, etc)

Request 4

Does the force keep a record of how many of those facial recognition matches were correct? If so, please supply details.

Request 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?

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the

“appropriate costs limit” under Section 12(1) & 12(2) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The ‘appropriate limit’ is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the ‘Fees Regulations’ for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the ‘appropriate limit’).

Initial enquiries made in relation to your request have identified that retrieval of information in relation to Request 2 – 4 would exceed the 18 hour cost limit set by the Secretary of State under the FOI Act. There are around 100 PND Licensed users across the various departments in PSNI and the retrieval process would require each Licensed user to retrieve any relevant data for searches conducted in the 3 year period. Even at a conservative estimate of 1 hour per Licensed user, the retrieval process would equate to 100 hours, greatly exceeding the 18 hour cost limit.

Additionally, there is no central database to record information in relation to Request 5, therefore even to establish if any relevant information is recorded would involve enquiries with each individual police officer and civilian staff member to determine if a request was made under RIPA and identify which companies etc. Although difficult to quantify, this process would further exceed the 18 hour cost limit set under the Act.

Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part of the request.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the ‘appropriate limit’. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. ***Subject to any relevant exemptions, it may be possible to retrieve information in response to Request 1 – 4 for one business area of PSNI, within the 18 hour cost limit. However, it should be noted that this data would not reflect the whole PSNI.***

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this 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.

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

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