

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-00188

Keyword: Organisational Information/Governance

Subject: Facial Recognition Technology

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does not hold information to which your request relates and the following explanation is provided.

Request 1

I wish to request information about the use of facial recognition technology in your police force. Whether your police force uses the services of Clearview AI, the US company that maintains a database of more than 3 billion images to check against (<https://clearview.ai/>). If so, please provide how long your police force has been using the service, for which purposes and how much money the contract is for.

Request 2

Whether your police force uses the services of Palantir Technologies, or any of its subsidiaries. If so, please provide how long your police force has been using the service, for which purposes and how much money the contract is for.

Request 3

Which other facial recognition services your police force uses in order to identify potential criminal suspects. Please list these by the amount of money the contracts are for, and how long they have been in use.

Answer

Enquiries made in relation to your request failed to locate any records or documents held by PSNI relevant to your request based on the information you have provided. The record owner has confirmed there are no records to indicate that PSNI has procured or implemented any services provided by Clearview AI or Palantir Technologies. In reference to “subsidiaries” there are no records to indicate what companies or products this may relate to.

PSNI has not procured or implemented any facial recognition systems. Accordingly, we have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

In addition, PSNI neither confirms nor denies that it holds any other information relevant to the request by virtue of the following exemptions:

Section 24(2) - National Security
Section 31(3) - Law Enforcement

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

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

Harm for partial NCND

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information relating to the covert practise of Facial Recognition (FR) would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of FR 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.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. 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 this year following the Manchester and London terrorist attacks, when it was raised to the highest threat, 'critical'. The UK continues to face a sustained threat from violent extremists and terrorists and the current threat level is set at 'severe'.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any information is or is not held relating to the covert use of FR 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 counter 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. 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 information can be of use 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.

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 Neither Confirming Nor Denying - Section 24

The information if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information

regarding the covert use of FR is held, would lead to a better informed public.

Factors Against Neither Confirming Nor Denying - Section 24

By confirming or denying whether any other information is held would render security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

Factors Favouring Neither Confirming Nor Denying - Section 31

Confirming or denying whether any other information is held regarding the covert use of FR would provide an insight into the police service. This would enable the public to have a better understanding of the effectiveness of the police. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Some information is already in the public domain regarding the police use of this type of specialist equipment and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors Against Neither Confirming Nor Denying - Section 31

Confirming or denying that any other information is held regarding the covert use of FR would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any other information, if held, would prejudice the ability of the Police Service to conduct investigations.

By confirming or denying whether any other information is held in relation to the covert use of FR would hinder the prevention or detection of crime. The Police Service would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that any other information is held, may reveal the relative vulnerability of what we may be trying to protect.

Decision

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 regarding the covert use of FR if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The areas of police interest discussed above are sensitive issues that reveal local intelligence and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding the covert use of FR, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

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 Corporate Information Branch, 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 Corporate Information Branch, 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.psnipolice.uk

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