

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-00564

Keyword: Organisational Information/Governance

Subject: Funds Spent on Facial Recognition Technologies

Request and Answer:

Request

Please send me all information you have on extending facial recognition technology for use in Northern Ireland. In relation to F-2019-03201 I would like further information on the review project planned to consider the roll out of facial recognition technologies

Can you detail when this review will begin? And any other details, such as who is carrying the out the review into facial recognition and the costing of this review?

Answer

The Freedom of Information Act requires PSNI to provide a response to a request for 'recorded' information which is held (s.1 FOIA). 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 is therefore not valid request as PSNI does not hold information on the speculative element of this question.

A PSNI project team has not yet been established to look at the issue; however it is a long term aspiration for PSNI to develop Facial Recognition capability.

Accordingly, we have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

Partial NCND

In addition to the response provided above the PSNI can neither confirm nor deny that any other information is held relevant to your request.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose

information that has been confirmed as being held.

Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to your request 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 - The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

Section 31(3) - Law Enforcement - The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

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.

Section 24 and 31 are qualified prejudice based exemptions and evidence of harm and a public interest test are required

Harm

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 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 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.

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 is currently categorised as 'substantial', see below link:

<https://www.mi5.gov.uk/threat-levels>

The UK continues to face a sustained threat from violent extremists and terrorists.

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 isn't held relating to the covert use of facial recognition technology would limit operational capabilities as criminals/terrorists 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 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.

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 release of information under Freedom of Information (FOI) is a release into the public domain and not just to the individual requesting the information. Once information is disclosed under FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

Public Interest Test

Factors Favouring Confirmation or Denial - S24

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm whether PSNI holds any other information relevant to this request would enable the general public to hold PSNI to be better informed of PSNI spending. In the current financial climate of cuts and with the call for transparency of public spending this would enable improved public debate into this subject.

Factors Against Confirmation or Denial - S24

Security measures are put in place to protect the community we serve. As evidenced within the harm to confirm if any other information is held would highlight to terrorists and individuals intent on carrying out criminal activity vulnerabilities within PSNI.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information pertinent to this request is held, or conversely, stating 'no information is held') which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist and criminal activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area, but also the country as a whole.

Any incident that results from such a disclosure would, by default, affect National Security.

Factors Favouring Confirmation or Denial - S31

Confirming that other information exists relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce the risk of police networks being hacked.

Factors Against Confirmation or Denial - S31

Confirmation or denial that other information is held in this case would could assist criminals to improve their operations and would seriously compromise the law enforcement role of police, hindering the prevention and detection of crime.

Decision

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity would place the security of the country at an increased level of danger.

In order to comply with statutory requirements and to meet NPCC expectation of the Police Service with regard to the management of information security a national policy approved by the College of Policing titled National Policing Community Security Policy has been put in place. This policy has been constructed to ensure the delivery of core operational policing by providing appropriate and consistent protection for the information assets of member organisations. A copy of this can be found at the below link:

<http://library.college.police.uk/docs/APP-Community-Security-Policy-2014.pdf>

In addition, anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service. Therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held.

The security of the country is of paramount importance and the Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of National Security, this will only be overridden in exceptional circumstances.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released.

Taking all these factors into consideration, I am satisfied that the exemptions outlined above are applicable to this request. It is for these reasons that the public interest must favour neither confirming nor denying that any other information relevant to your request is held.

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.