



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02819

Keyword: Organisational Information Technology and Equipment

Subject: Facial Recognition

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 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 4 is exempt by virtue of section 31 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

I write to request information and records under the FOIA in relation to your force's use of Facial Recognition, specifically: A copy of any policy document outlining the use of Live Facial Recognition by your force?

Answer

PSNI does not use Live Facial Recognition and therefore has no relevant policy document.

Request 2

A copy of any policy document outlining the use of Retrospective Facial Recognition other than the searching of custody images on the Police National Database (PND)?

Answer

PSNI does not use Retrospective Facial Recognition and therefore has no relevant policy document.

Request 3

A copy of any policy document outlining the use of Operator Initiated Facial Recognition by your force?

Answer

PSNI does not use Operator Initiated Facial Recognition and therefore has no relevant policy document.

Request 4

A copy of any policy document outlining the use of PND "face searching" of custody photos by your force?

Answer

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

Section 31(1)(a)(b) Law Enforcement – Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders

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.

Harm

PSNI has previously used the facial recognition capabilities of the Police National Database (PND). Guidance has been issued by the Home Office and College of Policing but disclosure of these are deemed as harmful as PND is a national information management system and disclosure of this information could expose policing tactics and afford criminals with valuable information that would compromise the security of PND.

Public Interest Test

Factors Favouring Disclosure

Release of all information sought would provide transparency in the way PSNI carry out their day-to-day delivery of operational law enforcement. The public have a right to expect transparency and accountability in relation to the use of Public Funds.

Factors Favouring Non-Disclosure

Disclosure of the information requested could compromise methodology and hinder the prevention of crime and apprehension or prosecution of offenders impacting on police resources.

Decision

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of the law enforcement role of the Police Service and providing assurance that the PSNI is appropriately and effectively dealing with crime, there is a strong public interest in safeguarding the integrity of the police service. The PSNI has a duty to fulfil its law enforcement role and whilst there is a public interest in the transparency of policing activities and the appropriateness of how public funds are allocated, in Policing, the delivery of effective law enforcement is a priority.

Disclosure by the PSNI of Home Office PND related documentation would harm policing at a nation level and consequently PSNI will not disclose

The release of information under the Freedom of Information Act is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by 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. While there is a strong public interest in releasing the information requested the PSNI must ensure that law enforcement is not adversely affected.

Request 5

Any documents outlining any plans to trial, introduce or test any kind of facial recognition (Live, Retrospective, Operator Initiated) by your force?

Answer

PSNI has established a Facial Recognition Project and the first Board meeting took place in October 2022. However, this Project is in discovery phase and there are no plans at present to trial, introduce or test any kind of facial recognition within PSNI.

Advice and Assistance

The following link should be of assistance [Live Facial Recognition technology](#)

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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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 their 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.