



Response Date:09/04/2024

2024/342 - Arrests using facial recognition

In response to your recent request for information regarding;

How many arrests have been made in the last five years in your police force area using facial recognition technology?

Could you provide a breakdown of the type of facial recognition used: RFR, LFR or OIFR.

Could you provide a breakdown of the ethnicity and sex of the people being arrested and how many of these led to a criminal charge.

Could you also provide a breakdown of the type of crime

If you could break all of this down per year (calendar year if possible).

North Wales Police does not have a Retrospective, Live or Officer Initiated Facial Recognition system.

North Wales Police can neither confirm nor deny that it holds any information in relation to the covert practice of facial recognition 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

Section 31(3) Law Enforcement

With Sections 24 and 31 being prejudice based qualified exemptions, there exists the requirement to articulate the harm that would be caused in confirming or not whether information is held as well as carrying out a public interest test.

Evidence of 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 practice of facial recognition is held 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 information is held regarding 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 operations 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.

Public Interest Test

Factors favouring confirmation or denial – Confirming or denying any further information is held would allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent. Disclosure of information, if held, would demonstrate that the force is reviewing all contingencies to ensure that it continues its robust fight against all types of criminal activity.

Factors against confirmation or denial -

Confirming or denying whether any other 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.

Balance Test

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.

Therefore, for these issues the balancing test for confirming or denying whether any further information is held, is not made out.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 25/03/2024