
From: Sally Anne Poole
Sent: 31 March 2023 10:07

To: [REDACTED]

Cc: Claire Walker <Claire.Walker@ico.org.uk>
Subject: RE: ICO correspondence

Morning [REDACTED]

As promised, please find the following link to the blog which is now live on our website.

[Blog: Balancing people's privacy rights with the need to prevent crime | ICO](#)

Sally



Sally-Anne Poole
Group Manager – High Priority Inquiries & Intelligence

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 414 6708 F. 01625 524510 ico.org.uk twitter.com/iconews

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For information about what we do with personal data see our [privacy notice](#)

From: [REDACTED]

Sent: 30 March 2023 13:15

To: Sally Anne Poole <SallyAnne.Poole@ico.org.uk>; [REDACTED]

Cc: Claire Walker <Claire.Walker@ico.org.uk>

Subject: Re: ICO correspondence

External: This email originated outside the ICO.
Thank you Sally – that’s much appreciated.

Kind regards

[Redacted]

[Redacted]



From: Sally Anne Poole <SallyAnne.Poole@ico.org.uk>

Date: Thursday, 30 March 2023 at 12:52

To: [Redacted]

Cc: Claire Walker <Claire.Walker@ico.org.uk>

Subject: RE: ICO correspondence

[Redacted]

Following consideration of your email below, I now attach the final version of the blog due for publication tomorrow. I will send you a link as soon as it goes live on our website.

Sally



Sally-Anne Poole
Group Manager – High Priority Inquiries & Intelligence

Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: [Redacted]

Sent: 29 March 2023 17:31

To: Sally Anne Poole <SallyAnne.Poole@ico.org.uk>; [Redacted]

Cc: Claire Walker <Claire.Walker@ico.org.uk>

Subject: Re: ICO correspondence

External: This email originated outside the ICO.

Dear Sally,

Thank you for bringing this matter to a conclusion. We all feel the investigation has helped us to achieve our goal of achieving and maintaining the highest standards for the lawful use of our technology.

We will reflect on the recommendations in your letter and keep you updated on their implementation.

Thank you for sight of your draft blog on which I comment as follows.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kind regards

[Redacted]

[Redacted]



From: Sally Anne Poole <SallyAnne.Poole@ico.org.uk>

Date: Tuesday, 28 March 2023 at 16:08

To: [Redacted]

Cc: Claire Walker <Claire.Walker@ico.org.uk>

Subject: ICO correspondence

[Redacted]

As discussed, please find attached a letter confirming conclusion of our investigation into Facewatch. I have also attached a copy of a blog intended for publication on Friday 31 March 2023.

We are providing you with an embargoed copy of our blog to check for factual accuracy. We request you respect this embargo and not make any public comment regarding the conclusion of the investigation until we have published the blog to our website.

I would be grateful if you could provide your response by 12 noon, Thursday 30 March 2023.

Sally



Sally-Anne Poole
Group Manager – High Priority Inquiries & Intelligence

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: [REDACTED]
Sent: 16 May 2023 15:11
To: Emma Bate; [REDACTED]
Cc: Jacob Harris; Dave Murphy; Tom Parkman
Subject: Re: Urgent letter

External: This email originated outside the ICO.
Dear Emma

Many apologies for this – we will immediately rectify these points.

Kind regards

[REDACTED]

[REDACTED]



From: Emma.Bate <Emma.Bate@ico.org.uk>

Date: Tuesday, 16 May 2023 at 15:00

To: [REDACTED]

Cc: Jacob.Harris <jacob.harris@ico.org.uk>, Dave Murphy <David.Murphy@ico.org.uk>, Tom.Parkman <Tom.Parkman@ico.org.uk>

Subject: Urgent letter

Please see letter attached.

Kind regards
Emma Bate



Emma Bate
Director of Legal Services (Regulatory Advice & Commercial)

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

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[privacy notice](#)**

From: Emma Bate
Sent: 16 May 2023 15:01
To: [REDACTED]
Cc: Jacob Harris; Dave Murphy; Tom Parkman
Subject: Urgent letter
Attachments: Letter to Facewatch 16 May 2023.pdf

Please see letter attached.

Kind regards
Emma Bate



Emma Bate
Director of Legal Services (Regulatory Advice & Commercial)

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

ico.org.uk twitter.com/iconews

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16 May 2023

[REDACTED]
Facewatch Limited
89 High Street
Hadleigh
Ipswich
Suffolk
IP7 5EA

Only by email to: [REDACTED]
[REDACTED]

Dear Sir

Misuse of the Information Commissioner's logo

The Information Commissioner has become aware that your company has used one of his logos (registered trademark UK00002539395) on your freestanding banner stands at the Retail Risk London conference on 20 April 2023.

Whilst we note that your organisation has paid the required fee under the Data Protection (Charges and Information) Regulations 2018 and is registered with us, this does not give your organisation a right to use our logo.

As you will be aware, use of any registered trademark without the express permission of the registered trademark owner is not permitted. We are concerned that continued use of the Information Commissioner's logo implies association with, endorsement, or approval by, the Information Commissioner.

The Commissioner would only grant such express permission to use the registered trademark in some instances, and only to some organisations or individuals who may have closely collaborated with the Commissioner on a specific project.

Given your company is not associated with the Information Commissioner and you have not collaborated with the Commissioner on a specific project, it is not appropriate for you to use the Commissioner's logo on your freestanding banner stands, or imply any endorsement or association with this office.

Therefore, please remove the ICO logo from your banner stands. Please also ensure that you do not include the ICO logo on any other materials or documentation.

As it stands, use without the Commissioner's consent infringes the Commissioner's intellectual property rights. Please see more detailed information about use of the Commissioner's logo on our website. [Copyright and re-use of materials | ICO](#)

Your statements regarding the outcome of the Commissioner's investigation

It has come to our attention that you are making various statements regarding the outcome of our recent investigation.

Including



and:

"A formal assessment by the Information Commissioner's Office (ICO) has concluded that Facewatch is fully compliant with UK Data Protection law."

These statements are misleading, and we ask that you cease making them.

First, our letter to you of 28 March 2023 concluding the investigation (the "closure letter") only focused on certain, albeit key aspects of your processing of personal data, as summarised in his blog by Stephen Bonner (our emphasis):

"Based on the information provided by Facewatch about improvements already made and the ongoing improvements it is making, we are satisfied the company **has a legitimate purpose for using people's information** for the detection and prevention of crime. We have therefore concluded that no further regulatory action is required."

That limited judgement related to the particular aspect of the Facewatch product offering at a moment in time, and the Commissioner might take a different view to an evolved product or service offering.

As you will be aware, we did not investigate your compliance with every single aspect of data protection law, and nor did we investigate all your processing activities.

Therefore, based on those facts and our closure letter, you cannot say that the ICO concluded that Facewatch is "fully compliant".

Second, we do not and should not take regulatory action for every possible breach of information law; there are priorities set out in our Regulatory Action Policy. A conclusion that "no further regulatory action is required" does not equate to "fully compliant".

Third, in our closure letter, we set out a list of recommendations of further action needed. We have not reviewed whether or not you have completed these actions.

If you do want to promote the outcome of the investigation, we suggest that you use the wording (or similar wording) from Stephen Bonner's blog.

Please could you confirm by return email at your earliest convenience that you have received this letter and will be ceasing use of the Commissioner's logo on all your company's materials including but not limited to the website, social media and any other promotional materials, and will be ceasing making statements that the ICO has concluded that Facewatch is fully compliant.

Thank you for your assistance.

Yours sincerely



Emma Bate
Legal Director
Information Commissioner's Office

From: [REDACTED]
Sent: 17 May 2023 13:34
To: Emma Bate; [REDACTED]
Cc: Jacob Harris; Dave Murphy; Tom Parkman
Subject: Re: Urgent letter

External: This email originated outside the ICO.

Oh no how embarrassing!!! Of course we know that – thank you for pointing it out! We'll check out that point.

Kind regards

[REDACTED]

[REDACTED]



From: Emma.Bate <Emma.Bate@ico.org.uk>

Date: Wednesday, 17 May 2023 at 11:24

To: [REDACTED]

Cc: Jacob.Harris <jacob.harris@ico.org.uk>, Dave Murphy <David.Murphy@ico.org.uk>, Tom.Parkman <Tom.Parkman@ico.org.uk>

Subject: RE: Urgent letter

Dear [REDACTED]

Many thanks for your prompt response and we note the updates you have made.

I just wanted to let you know that it's the Data Protection Act **2018**, and you may also want to check if you are permitted to publish the Royal Arms (I don't know the rules on that, and it's not an ICO issue!)

Kind regards

Emma

From: [REDACTED]

Sent: Wednesday, May 17, 2023 10:40 AM

To: Emma.Bate <Emma.Bate@ico.org.uk>; [REDACTED]

Cc: Jacob.Harris <jacob.harris@ico.org.uk>; Dave Murphy <David.Murphy@ico.org.uk>; Tom.Parkman <Tom.Parkman@ico.org.uk>

Subject: Re: Urgent letter

External: This email originated outside the ICO.

Dear Emma

Just to confirm we have deleted any material showing the ICO logo and the wording objected to. We are now showing this on our website and will ensure we only use words from Mr Bonner's blog if we post in future:

How Facewatch complies with the DPA

The Information Commissioner's Office (ICO) is the UK supervisory authority for processing personal data under the Data Protection Act and UKGDPR. The ICO has closed a formal inspection of Facewatch. The ICO concluded that no regulatory action is required. The ICO "are satisfied the company has a legitimate purpose for using people's information for the detection and prevention of crime."

The Office of the Biometrics and Surveillance Camera Commissioner (OSBCC) is the UK supervisory authority for biometric processing and CCTV cameras. The OSBCC has awarded Facewatch certification of compliance with the Surveillance Camera Code of Practice for our use of live facial recognition.



Data Protection Act 1998

I hope this is acceptable and once again apologise.

Kind regards



From: Emma.Bate <Emma.Bate@ico.org.uk>

Date: Tuesday, 16 May 2023 at 15:00

To: [Redacted]

Cc: Jacob.Harris <jacob.harris@ico.org.uk>, Dave Murphy <David.Murphy@ico.org.uk>, Tom.Parkman <Tom.Parkman@ico.org.uk>

Subject: Urgent letter

Please see letter attached.

Kind regards

Emma Bate



Emma Bate
Director of Legal Services (Regulatory Advice & Commercial)

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

ico.org.uk twitter.com/iconews

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our [privacy notice](#)

From: [REDACTED]
Sent: 22 May 2023 13:47
To: Dave Murphy; Emma Bate; [REDACTED]
Cc: Jacob Harris; Tom Parkman
Subject: Re: Urgent letter

External: This email originated outside the ICO.
Thanks for letting us know Dave.

Kind regards

[REDACTED]

[REDACTED]



From: Dave Murphy <David.Murphy@ico.org.uk>
Date: Monday, 22 May 2023 at 13:43
To: [REDACTED] Emma.Bate <Emma.Bate@ico.org.uk>, [REDACTED]
Cc: Jacob.Harris <jacob.harris@ico.org.uk>, Tom.Parkman <Tom.Parkman@ico.org.uk>
Subject: RE: Urgent letter

It's updated already – it's an extra line at the end of the investigation section:

[Blog: Balancing people's privacy rights with the need to prevent crime | ICO](#)

Dave

Dave Murphy
Head of Media
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 3131652 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
For information about what we do with personal data see our privacy notice

From: [REDACTED]
Sent: Monday, May 22, 2023 1:42 PM
To: Dave Murphy <David.Murphy@ico.org.uk>; Emma.Bate <Emma.Bate@ico.org.uk>; [REDACTED]
Cc: Jacob.Harris <jacob.harris@ico.org.uk>; Tom.Parkman <Tom.Parkman@ico.org.uk>
Subject: Re: Urgent letter

External: This email originated outside the ICO.
Hi Dave

What will change in your blog specifically?

Kind regards

[Redacted]

[Redacted]



From: Dave Murphy <David.Murphy@ico.org.uk>

Date: Monday, 22 May 2023 at 13:38

To: [Redacted]

Cc: Jacob.Harris <jacob.harris@ico.org.uk>, Tom.Parkman <Tom.Parkman@ico.org.uk>

Subject: RE: Urgent letter

Good afternoon [Redacted]

We've updated our blog, with a line to make clear that our decision covered a specific aspect of DP law.

We'll tweet out this afternoon to say similar, which will reference Facewatch.

Dave

Dave Murphy
Head of Media

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 3131652 ico.org.uk twitter.com/iconews

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From [Redacted]

Sent: Wednesday, May 17, 2023 10:40 AM

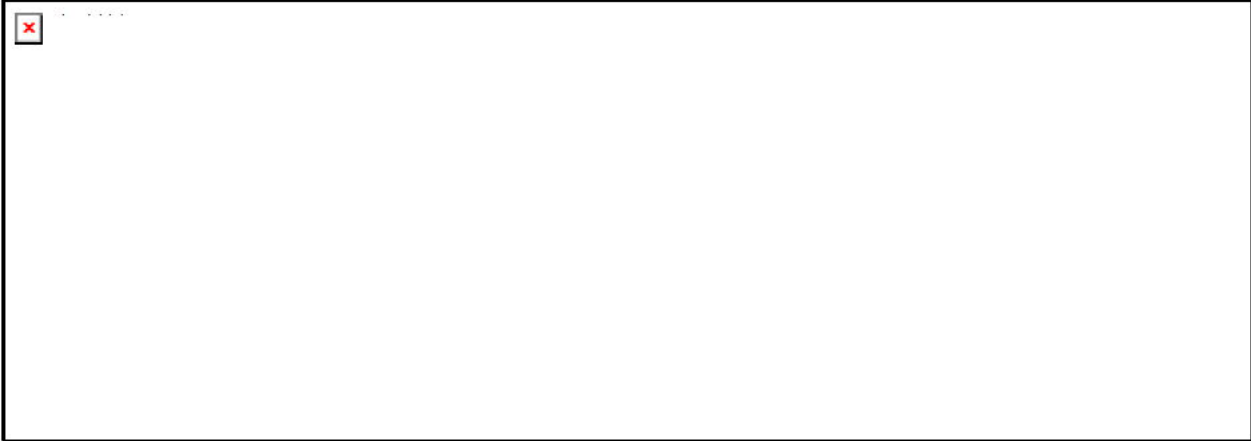
To: Emma.Bate <Emma.Bate@ico.org.uk>; [Redacted]

Cc: Jacob.Harris <jacob.harris@ico.org.uk>; Dave Murphy <David.Murphy@ico.org.uk>; Tom.Parkman <Tom.Parkman@ico.org.uk>

Subject: Re: Urgent letter

External: This email originated outside the ICO.
Dear Emma

Just to confirm we have deleted any material showing the ICO logo and the wording objected to. We are now showing this on our website and will ensure we only use words from Mr Bonner's blog if we post in future:



I hope this is acceptable and once again apologise.

Kind regards



From: Emma.Bate <Emma.Bate@ico.org.uk>

Date: Tuesday, 16 May 2023 at 15:00

To: [Redacted]

Cc: Jacob.Harris <jacob.harris@ico.org.uk>, Dave Murphy <David.Murphy@ico.org.uk>, Tom.Parkman <Tom.Parkman@ico.org.uk>

Subject: Urgent letter

Please see letter attached.

Kind regards
Emma Bate



Emma Bate
Director of Legal Services (Regulatory Advice & Commercial)

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

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From: [REDACTED]
Sent: 29 March 2023 17:31
To: Sally Anne Poole <SallyAnne.Poole@ico.org.uk>; [REDACTED]
[REDACTED]
Cc: Claire Walker <Claire.Walker@ico.org.uk>
Subject: Re: ICO correspondence

External: This email originated outside the ICO.
Dear Sally,

Thank you for bringing this matter to a conclusion. We all feel the investigation has helped us to achieve our goal of achieving and maintaining the highest standards for the lawful use of our technology.

We will reflect on the recommendations in your letter and keep you updated on their implementation.

Thank you for sight of your draft blog on which I comment as follows.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards

[REDACTED]

[REDACTED]



From: Sally Anne Poole <SallyAnne.Poole@ico.org.uk>

Date: Tuesday, 28 March 2023 at 16:08

To: [REDACTED]

Cc: Claire Walker <Claire.Walker@ico.org.uk>

Subject: ICO correspondence

[REDACTED]

As discussed, please find attached a letter confirming conclusion of our investigation into Facewatch. I have also attached a copy of a blog intended for publication on Friday 31 March 2023.

We are providing you with an embargoed copy of our blog to check for factual accuracy. We request you respect this embargo and not make any public comment

regarding the conclusion of the investigation until we have published the blog to our website.

I would be grateful if you could provide your response by 12 noon, Thursday 30 March 2023.

Sally



Sally-Anne Poole
Group Manager – High Priority Inquiries & Intelligence

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

T. 0330 414 6708 F. 01625 524510 ico.org.uk twitter.com/iconews

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Case reference

IC-228367-G3D4

From: icocamework@ico.org.uk
To: [REDACTED]
CC:
Subject: ICO Case Reference: IC-228367-G3D4
Direction: Outgoing
Date Sent: 19/05/2023 14:15

19 May 2023

Case Reference: IC-228367-G3D4

Dear [REDACTED]

The ICO has received a request for information under the Freedom of Information Act 2000 (FOIA). This is being handled by the ICO's Information Access Team.

The requester has asked for information about our investigation into Facewatch. I have attached a copy of the outcome letter which falls under the scope of the request.

As you are probably aware, the FOIA provides individuals with the right of access to information held by a public authority.

Although we are exempt from disclosing certain types of information, it is in the public interest that we are open, transparent and accountable for the work we do.

With that in mind, please let us know if any of the information you provided to us in the course of the investigation and which is included in the attached letter should not, in your view, be disclosed. If you wish for information to remain confidential we can disclose part of the letter with redactions.

Please let me know if you have any questions.

Yours sincerely,

Jennifer Wilkes
Senior Information Access Officer
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews

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**Redacted letter published
on ICO website**

[IC-230118-D2G8](#)

From: [REDACTED]
To: icocasework@ico.org.uk;
CC:
Subject: Re: ICO Case Reference: IC-228367-G3D4
Direction: Incoming
Date Received: 19/05/2023 16:24

External: This email originated outside the ICO.
Thank you Jennifer

I will discuss internally and get back to you ASAP.

Kind regards

[REDACTED]

[REDACTED]

Facewatch

[REDACTED]

Sent from phone so excuse brevity

From: [REDACTED]
To: icocasework@ico.org.uk;
CC:
Subject: Re: ICO Case Reference: IC-228367-G3D4
Direction: Incoming
Date Received: 22/05/2023 10:55

External: This email originated outside the ICO.

Dear Jennifer,

Case Reference: IC-228367-G3D4

Thank you for your email and for consulting with us prior to making disclosures under the FOI Act. I wasn't totally clear if you were only referring to the letter you attached to your email or to other information. However, on the assumption that it might also relate to disclosure of other documentation supplied by us and correspondence between us during the course of the investigation, I have replied setting our requested approach below.

If it is just the outcome letter you are proposing to disclose then I am of course happy to provide suggested redactions.

I acknowledge the critical role that the ICO plays in maintaining transparency, while upholding and protecting the rights of individuals and organisations alike. I firmly believe in the principles that underpin the FOI Act and respect the rights of individuals to request information.

However, I kindly request that the ICO considers refraining from disclosing any non-publicly available information concerning Facewatch, in accordance with the exceptions outlined in the FOI Act and set out reasons below:

[REDACTED]

[REDACTED]

3. In regards to the material supplied by Facewatch to the ICO, I make the following comments:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please keep me sighted on your conclusion and proposed disclosure once you have considered and applied relevant exemptions. I will then be in a position to advise you if your proposed disclosure is prejudicial to our commercial interests and of course if I can assist by suggesting redactions I would be very happy to do so.

Kind regards

[REDACTED]

[REDACTED]

signature_255481
6185

From: icocamework@ico.org.uk

To: [REDACTED]

CC:

Subject: Your email to the ICO - Case Reference IC-228367-G3D4

Direction: Outgoing

Date Sent: 24/05/2023 13:26

24 May 2023

Case Reference: IC-228367-G3D4

Dear [REDACTED]

Thank you for your quick response, and for providing your thoughts on the matter.

Just to be clear, the only document we are considering for disclosure is the final outcome letter.

I understand from your email that you wish for the information you provided to us to remain confidential. I can confirm that we will redact all information you have provided to us from the letter before disclosure.

Yours sincerely,

Jennifer Wilkes
Senior Information Access Officer
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: [REDACTED]
To: icocasework@ico.org.uk;
CC: [REDACTED]
Subject: Re: Your email to the ICO - Case Reference IC-228367-G3D4
Direction: Incoming
Date Received: 24/05/2023 14:01

External: This email originated outside the ICO.
Thank you Jennifer – we really appreciate you asking in advance.

Regarding the letter itself I think it is primarily the actions we have taken which are listed after “The ICO welcomes the below steps, which have already been, or will be, actioned by Facewatch:” and all begin with “Facewatch” that comprise our confidential material.

Kind regards

[REDACTED]
[REDACTED]

signature_325812
6478