

Date: 22 November 2023

IC-266000-V6Y0

Request

You asked us:

"I am requesting information relating to the ICO's correspondence with police forces in relation to the use of live facial recognition, in light of the Commissioner's comments to the Science, Innovation and Technology Committee session on 25th October 2023: "we work with police forces who are trialling those [live facial recognition surveillance] technologies to ensure risks are identified and they are trialled in a responsible way".

1. Has the ICO had correspondence with Essex police regarding the force's use of live facial recognition on 24th and 24th October 2023? If yes, please provide copies of the correspondence.

2. Has the ICO had correspondence with Northamptonshire police regarding the force's use of live facial recognition on 8th and 9th July 2023? If yes, please provide copies of the correspondence.

3. Has the ICO received Data Protection Impact Assessments from either Essex or Northamptonshire police forces in relation to the above deployments? If yes, please provide copies."

We received your request on 25 October 2023. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

For ease of reference, I have addressed each of your points below using the numbering that you have used in your request above.

In relation to the first point of your request, I can confirm that we do hold information in scope of your request. I have attached our correspondence with

Essex Police about their live facial recognition trial. I have redacted some personal data, but the information is otherwise complete. I rely on s.40(2) FOIA to redact the personal data. Further information has been included below my response.

In the correspondence, Essex Police highlighted that it had considered relevant data protection legislation, the Bridges judgement, our published [opinion on the use of LFR by law enforcement in public places](#), [College of Policing's Authorised Professional Practice on LFRT](#), as well as lessons learned from other trials conducted by South Wales Police, the MET Police, and Northants Police.

The correspondence also provided us with access to a series of documents, which included two stages of a DPIA, which I have addressed further below.

In relation to the second point of your request, I can confirm we do not hold information in scope of your request.

The third point of your request has two parts. In relation to whether we hold a DPIA for Northamptonshire Police, I can confirm we do not hold any information in scope of your request.

In relation to whether we hold a DPIA for Essex Police, I can confirm that Essex Police shared a link to a page on their website which contained a series of documents relating to live facial recognition, including two DPIAs (a 'stage 1' document and a 'stage 2' document).

I have stopped short of confirming whether we hold it to explain that just because we hold a link to the document does not mean that we hold the document, nor would viewing it online-only; it would, however, be held if we downloaded and kept the document. Having conducted reasonable searches to establish if we downloaded the document, I can confirm we do not hold a copy of the DPIA, as the document was viewed online.

Despite this, I can confirm that the DPIAs are online and publicly available. You can access them on Essex Police's website here: [Live facial recognition | Essex Police](#). Essex Police confirmed to us that their DPIA did not assess any high-risk processing issues. As such, the requirement for Prior Consultation with the ICO was not engaged on this occasion.

We are aware that police forces are currently in the process of deploying live facial recognition technology. We continue to monitor adoption and will proactively engage where necessary.

This concludes our response. I hope that you find the information helpful.

FOIA section 40(2)

You will see that some third party personal data has been redacted in our response. It is exempt under section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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