

19 August 2024

Case reference: IC-321353-J9H5

We are now in a position to respond to your information request of 23 July.

Request

"Please can you let me know whether the ICO has received complaints or referrals about the use of Amazon's "Rekognition" facial recognition technology by law enforcement, including local and national police forces. Can you please also let me know whether any action has been taken in response to any such complaints or referrals. Please limit your search period from 1 Jan 2020 - present day."

We have handled your request for recorded information under the Freedom of Information Act 2000 (FOIA).

Our response

We have considered the cost of complying with your information request and unfortunately it exceeds the 'appropriate limit' as set out in section 12 of the FOIA. Further details on this are provided below.

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that £450 would equate to 18 hours work.

Complaints

You have asked if we have received complaints or referrals about the use of Amazon Rekognition facial recognition technology (FRT) by law enforcement, including local and national police forces.

We receive a large number of data protection complaints each year from members of the public who have concerns about how an organisation has handled their personal data. Our [annual reports](#) provide information on the total number of complaints we deal with each financial year.

Whilst we may have received complaints about the use of Amazon Rekognition FRT by law enforcement, we are not able to search our casework management system for key words within the correspondence held on complaint cases. We can filter our records by the organisation that has been complained about.

In line with our retention schedule, we hold casework records for a period of two years. Following a search of our records, we hold 264 data protection complaint cases about Amazon and its subsidiaries. In addition, we hold 4,126 data protection complaint cases for the sector of 'Justice'. This covers police forces, as well as other public bodies and agencies in the justice sector.

The only way we could identify whether any of these complaints were about the use of Amazon Rekognition FRT by law enforcement would be to manually review the details we hold on each complaint case. Given the large number of cases involved, the time it would take to search these records would be well in excess of the section 12 appropriate limit (18 hours).

Referrals

Whilst we are not able to respond to your information request as it is over the appropriate limit at section 12, we can confirm that we do not hold information within scope of your request for 'referrals'.

We have consulted with relevant teams within the ICO who conduct regulatory work, which is separate to our complaints handling. This covers areas that deal with our intelligence, enforcement and stakeholder engagement activities.

Action taken

We publish details of our enforcement action on our website [here](#). For individual complaints, we publish [datasets](#) of our completed casework which includes the case outcome (decision).

Advice and assistance

You could consider narrowing the scope of your request to bring it within the appropriate limit, such as a search for a shorter timeframe, a particular subsector within the justice sector or named organisations. Our casework [datasets](#) include the subsectors within the justice sector where we hold complaints.

Please note that FOIA exemptions may apply to the information within scope of a refined request. Such as, the contents of correspondence provided to us by members of the public on their data protection complaints.

You may find the following information useful in your area of interest.

Amazon Rekognition is referenced in the following 2021 document available on our website: [ICO opinion on the use of live facial recognition in public places](#).

In 2019, we published details of our investigation into the use of facial recognition technology by the police on our website [here](#).

This concludes our response to your request. We hope you found the above information helpful.

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 [here](#).

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