

2 September 2024

IC-325056-P9X1

Request

You asked us:

"Under the Freedom of Information Act 2000, I would like to request the following information:

- The number of complaints received by the Information Commissioner's Office about the use of facial recognition technology in schools*
- The number of complaints received by the Information Commissioner's Office about the use of facial recognition technology in public sector organisations
If possible, please provide a breakdown of the type of public sector organisations and their proportion of complaints*
- The number of complaints received by the Information Commissioner's Office about the use of facial recognition technology in private companies*

- The number of reprimands issued by the Information Commissioner's Office about the use of facial recognition technology in schools*
- The number of reprimands issued by the Information Commissioner's Office about the use of facial recognition technology in public sector organisations
If possible, please provide a breakdown of the type of public sector organisations and their proportion of reprimands*
- The number of reprimands issued by the Information Commissioner's Office about the use of facial recognition technology in private companies*

- The number of enforcement actions issued by the Information Commissioner's Office about the use of facial recognition technology in schools*
- The number of enforcement actions issued by the Information Commissioner's Office about the use of facial recognition technology in public sector organisations
If possible, please provide a breakdown of the type of public sector organisations and their proportion of enforcement actions*

- The number of enforcement actions issued by the Information Commissioner's Office about the use of facial recognition technology in private companies

Please provide this data, separately, for 2024, 2023 and 2022. In the event that you exercise an exemption on any of the above data, please could you supply me with the total numbers."

We received your request on 9 August 2024.

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

Our response

Determining whether we hold information in scope of your request would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

This specifically relates to the number of complaints we have received regarding facial recognition technology. We receive a large number of data protection complaints every year. We publish the total number of complaints on our [annual reports](#), and you will note from our [2023/24 annual report](#) that we received 39,721 data protection complaints in that financial year alone.

We are able to run automated searches for cases with certain metadata. For an idea of the types of metadata associated with data protection complaints, please refer to our [data protection complaints datasets](#). These contain information about complaints, including the name of the organisation and the outcome of the complaint. Complaints are further categorised for the 'Decision primary reason,' which states the particular part of the legislation which was the basis for the complaint outcome.

Facial recognition technology is not listed as a reason for why we have assessed a complaint in the way we have, and complaints about facial recognition technology could fall under any number of legislative reasons depending on the nature of the complaint. As such, we are not able to run automated searches for complaints we have received which relate to facial recognition technology, and would need to undertake any such searches manually. Given the number of cases

involved, such searches would be well in excess of the section 12 appropriate limit (18 hours).

Advice and assistance

Whilst we are not able to respond to your information request as it is over the appropriate limit, we can provide some advice on other aspects of your request.

As well as a request for the number of complaints we have received regarding facial recognition technology, you have also requested information regarding the number of reprimands and other enforcement actions taken on this topic.

I can advise that we publish information on all enforcement action we take, including reprimands. This can be found on the [Action we've taken](#) section of our website, and can be filtered by type of action and sector.

The above link contains information on the regulatory action we've taken since 22 January 2022. Information older than this can be found via the UK Government Web Archive. [This page](#) contains instances of the enforcement action section of our website dating back to 2015.

Regarding your request for the number of complaints received on this topic, you may wish to consider narrowing the scope of your request to bring it within the appropriate limit. This can include narrowing the scope of the timeframe, or byasking for information about a specific subsector or organisation (our datasets also include subsectors, which may be helpful in making such a request).

However, it should be noted that any search of information for this kind is still likely to require manual searches, and may still exceed the appropriate limit depending on the nature of the refined request.

Finally, we have published a number of resources and news items regarding the use of facial recognition technology. Of note are the following:

- Our general [data protection guidance on facial recognition technology](#).
- Our [case study on North Ayrshire Council schools use of facial recognition technology](#).
- Our order of earlier this year to [Serco Leisure to stop using facial recognition technology to monitor attendance of employees](#).
- Our 2021 opinion on [The use of live facial recognition technology in public places](#).

- Our 2019 [ICO investigation into how the police use live facial recognition technology in public places](#).

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



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