

20 December 2024

IC-347414-P2W0

## Request

"I understand from email correspondence with the ICO press team that the commissioner is engaged in "a programme of work with stakeholders" on facial recognition technology that involves "meetings and roundtables" with participants including the Home Office.

Please provide:

1. A list of stakeholders involved in this work programme.
2. Dates of all meetings and roundtables held in 2024 and the organisations present.
3. Minutes of all meetings and roundtables held as part of this work programme."

We received your request on 28 November 2024.

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

## Our response

We hold information in scope of your request.

Facial recognition technology (FRT) was discussed at the following in 2024:

26 February – briefing meeting for Parliamentarians  
17 May – meeting with Home Office  
11 July – meeting with Home Office  
16 July – meeting with City of London Police  
20 August – meeting with Isle of Wight and Hampshire Police  
12 September – Isle of Wight and Hampshire Police site visit to see deployment of live facial recognition technology  
4 October – meeting with Metropolitan Police Service  
24 October – meeting with Equality and Human Rights Commission  
11 November – meeting with British Transport Police  
12 November – meeting with South Wales Police and Gwent Police  
14 November – meeting with Home Office

26 November - meeting with South Wales Police and Gwent Police

The notes from the 26 February [briefing meeting for Parliamentarians](#) were disclosed in response to a previous request. The information is technically withheld under section 21 of the FOIA. This exemption relates to information available to the applicant by means other than a request under the FOIA. Some personal data was redacted from the meeting note. This information is withheld under section 40(2) of the FOIA. For an explanation of this see our response to the previous request on the link above.

We have withheld the minutes to all of the other meetings listed above under sections 31 and 44 of the FOIA.

#### **FOIA section 44**

Some of the information was provided to us by the stakeholders in question and is withheld under section 44 of the FOIA. Section 44 places prohibitions on disclosure. It is an absolute exemption, which does not require a consideration of the public interest test.

Section 44(1)(a) of the FOIA states;

“(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment”

The enactment in question is the Data Protection Act 2018 and specifically section 132(1) of part 5 of that Act. This states that:

“A person who is or has been the Commissioner, or a member of the Commissioner’s staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner’s functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority.”

Section 132(2) lists the circumstances in which a disclosure can be made with lawful authority, however we find that none of them apply here. As a result the information is exempt under the FOIA and withheld from our response.

### **FOIA section 31**

We consider that the some of the information held in the meeting notes is exempt from disclosure under section 31(1)(g) of the FOIA. This section states:

“Information... is exempt information if its disclosure under this Act would, or would be likely to, prejudice – (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)”

The purposes referred to in sections 31(2)(a) and (c) are:

“a. the purpose of ascertaining whether any person has failed to comply with the law

c. the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise”

These purposes apply when the Information Commissioner is considering a data controller’s obligations as laid out in data protection legislation.

The exemption at section 31 is not absolute, and we must therefore consider the prejudice or harm which may be caused by disclosure of the information, as well as applying a public interest test by weighing up the factors in favour of disclosure against those in favour of maintaining the exemption.

Disclosing details of our ongoing discussions with stakeholders about their use of FRT would be likely to prejudice our regulatory work. It is likely that disclosure would harm our relationship with stakeholders and discourage them from engaging with us openly in the future.

With this in mind, we have considered the public interest test for and against disclosure.

We recognise that there is a strong public interest in disclosure of information about FRT. FRT involves the processing of large amounts of sensitive data and its use by law enforcement is a matter of public concern affecting a large number of

people. There is a strong public interest in transparency about the work we are undertaking with stakeholders in this area.

However, there is also a strong public interest in not disclosing information about our engagement with organisations while discussions are ongoing. If information is disclosed at this stage it would harm our ability to continue discussions openly, which in turn would be likely to impact on our wider regulatory work. There is a strong public interest in organisations being afforded the ability to engage with us fully and candidly without fear of premature disclosure on this matter and others in the future.

We consider that, at this stage, the public interest in withholding the information outweighs the public interest in disclosing it. However, this may change in the future when our engagement with stakeholders has concluded.

### **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



Information Access Team  
Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
[ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

Please consider the environment before printing this email  
**For information about what we do with personal data  
see our [privacy notice](#)**