

11 March 2025

IC-362698-C1M9

## **Request**

You asked us:

"I'm writing to request any sections of notes of the following meetings that relate specifically to use of the UK's passport and immigration databases for facial recognition:

17 May 2024 – meeting with Home Office  
11 July 2024 – meeting with Home Office  
14 November 2024 – meeting with Home Office"

We received your request on 11 February 2025.

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

## **Our response**

I can confirm that we hold some information which falls within the scope of your request.

The minutes from the meeting on 17 May 2024 contain a small amount of information which falls within the scope of your request.

This information is exempt from disclosure under section 44 of the FOIA, by virtue of section 132 of the Data Protection Act 2018 (DPA18). I have explained this exemption further below.

There is no relevant information contained in the minutes of the meetings on 11 July 2024 and 14 November 2024.

## Section 44

As stated above, the information you are requesting has been withheld under section 44 of the FOIA. Section 44(1)(a) 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. Section 132(1) of part 5 of that Act 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."*

We can confirm that:

- The information was provided to the Commissioner in order to carry out their functions.
- The information relates to an identifiable business, specifically the Home Office.
- The information is not, and was not previously, publicly available from other sources.

As a result we cannot disclose the information unless we have lawful authority.

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority. We have considered each circumstance individually and can confirm none of them apply here.

I note you believe the public interest lies with disclosure of this information. However, having considered it carefully, I do not consider it necessary or justifiable to disclose this information as there is no compelling public interest to do so.

The Commissioner and his staff risk criminal liability if they disclose information without lawful authority. The right of access under the FOIA is not sufficient to override these important factors and the information is therefore withheld.

This concludes our response.

### **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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