



Dear

Gloucestershire Constabulary Freedom of Information request 2023.00238

On 24/02/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am writing to request information under the Freedom of Information Act 2000.

I would like to know if your police force has used facial recognition software in the last year, when and for what reasons.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

I can confirm that the Constabulary has not used Overt Live Facial Recognition (LFR) in either the last year.

The Constabulary can neither confirm nor deny if it has used Covert Real-Time Facial Recognition Surveillance (CRFRS).

Gloucestershire Constabulary can neither confirm nor deny that it holds any information in relation to this part of your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 23(5) Information supplied by or concerning certain Security Bodies
Section 24(2) National Security
Section 31(3) Law Enforcement

Section 23 is a class based absolute exemption and there is no requirement to evidence harm or consider the public interest

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to evidence the prejudice (harm) in disclosure and consider the public interest to ensure neither confirming or denying that information is held is appropriate.

Overall Harm

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information relating to the covert practise of facial recognition would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. Confirming or denying the specific circumstances

in which the Police Service may or may not deploy covert facial recognition would lead to an increased risk of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the threat level: <https://www.mi5.gov.uk/threat-levels>. The UK continues to face a sustained threat from violent extremists and terrorists and based upon current intelligence the threat level is set at Substantial. It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any information is or isn't held relating to covert facial recognition would limit operational capabilities as criminals, including terrorists would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to map where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both National Security and Law Enforcement.

Public Interest Test

Section 24 - Factors favouring confirming or denying that any other information is held

Confirming or denying that any other information exists relevant to the request would lead to a better-informed public and the public are entitled to know how public funds are spent. The information simply relates to national security and disclosure would not actually harm it.

Section 24 - Factors against confirmation or denying that any other information is held

To confirm or deny whether Gloucestershire Constabulary hold any additional information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security. By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Section 31 – Factors favouring confirming or denying that any other information is held

Confirming or denying whether any further information is held would allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent.

Section 31 - Factors against confirmation or denying that any other information is held

By confirming or denying whether any further information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Security arrangements and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists. These security arrangements and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both National Security and the integrity of the police in knowing that policing activity is appropriate and balanced in matters of National Security; this will only be overridden in exceptional circumstances.

Therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding these techniques is not made out.

None of the above can be viewed as an inference that the information you seek does or does not exist.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary