



Your reference:

Our reference: FOI_24_0635

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 26/07/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0635

On 02/07/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

- Has the force ever viewed information provided by Facewatch, either directly from the company or by third-parties such as retailers?
- Has the force ever tested or trialled information provided by Facewatch, either directly from the company or by third-parties such as retailers?
- Has the force ever used information provided by Facewatch, either directly from the company or by third-parties such as retailers?

If possible without exceeding the cost or time limit, please provide a breakdown of when each of the above took place and whether the Facewatch information was provided by the company/third-party

- In addition, if possible without exceeding the cost or time limit, please provide all correspondence containing the term Facewatch

Please limit the above searches to the period 10th June 2020 to the present day.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

Gloucestershire Constabulary can neither confirm nor deny that it holds any information in relation to Facewatch 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 24(2) National Security
Section 31(3) Law enforcement;

Overall Harm

Any disclosure under FOI is a release to the public at large. Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate and the applicants do not have any ulterior motives. Whilst not questioning the motives behind this specific request, confirming or denying that information is held regarding Facewatch, or any other likeminded third-party provider, would cause operational harm and affect our ability to fulfil our core function of law enforcement in the future.

Confirming or denying if a particular policing tool of this type (in this case Facewatch) is used, or has been trialled by Gloucestershire Constabulary is different from confirming if, in principle, commercial tools generally are used within the scope of facial recognition technology.

It is well established that police forces use publicly available data in order to counteract criminal or terrorist behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means. However, given the sensitive areas in which tools may be used, including within the sphere of counter-terrorism investigations, to disclose if any particular products or tools are trialled, or subsequently used would allow criminals and other adversaries to focus on evaluating the particular capabilities of such. With this knowledge it would allow criminals and other adversaries to take steps to counteract them – be it simply adjusting how they interact and present themselves to take advantage of any weaknesses or gaps in capability they identify. At a simple level, if a policing tool doesn't do something, such as search 'X' social media site or was unable to identify 'Y' format of images, and criminals can establish this, they will exploit this position. More sophisticated adversaries may be able to go further and take more proactive measures to undermine the tool and/or its provider, and a specific confirmation allows efforts to be focused accordingly.

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 disrupting policing functions throughout the UK will be able to 'map' where the use of certain tools, ergo tactics, may or may not be deployed. This can be useful information to those committing (or those intent on committing or planning) crime.

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

Factors favouring Confirming or Denying for Section 24 - The information, if held, only relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what measures are in place. By confirming or denying if business is conducted with Facewatch, or any other likeminded third-party provider, would lead to a better informed public.

Factors against Confirming or Denying for Section 24 - By confirming or denying whether any information is held would render policing and 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.

Factors favouring Neither Confirming or Denying for Section 31 - Confirming or denying whether business has been, or is conducted with Facewatch, or any other likeminded third-party provider, would provide an insight into the Police Service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police operate. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors against Confirming or Denying for Section 31 - Confirming or denying that any information is held regarding business with Facewatch, or any other likeminded third-party provider, would have the effect of compromising law enforcement tactics. It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny information is held concerning the use or trial of specific products or tools would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to perform the functions it exists to provide.

By confirming or denying that a business interest exists would hinder the prevention or detection of crime. The Police Service would not wish to reveal what products or tools, i.e. tactics, may or may not have been used as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance Test

The security of the country is of paramount importance and Gloucestershire Constabulary will not divulge whether any information is or is not held regarding business with any company, if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The use of technology can be a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is

held regarding the police, Facewatch, or any other likeminded third-party provider, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists 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.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary