

CR 9526 Skene Annex A – Exemptions

Section 22

Section 22 is engaged where, prior to the submission of an FOI request, there is already an intention to publish the relevant material. There was such an intention in this case, and therefore the exemption was engaged. However as a qualified exemption information can only be withheld where the public interest in disclosure is outweighed by that in favour of nondisclosure. There is a clear public interest in ensuring that the public are provided with information which enables them to meet IPS requirements for passport photos. It is with this in mind that IPS publish the template and other related information on their website.

However it is not in the public interest to disclose such templates before they have been approved and formally adopted by IPS. This would lead to IPS putting potentially inaccurate information and guidance into the public domain, which could ultimately lead to the public submitting passport photos which do not actually meet the agency's requirements. Therefore I conclude that it would, at the time of the request, have been appropriate to cite section 22(1) and refuse access to the new template until such time as it was approved, adopted, and published.

Sections 31(1)(a) and (e)

IPS do not require all applicants to attend in person for their applications for passports. In part they rely on a series of processes, checks and balances as well as technological advances to minimise disruption on the public. One of these technological advances is that of facial recognition (biometrics). The effectiveness of this process relies on IPS being able to isolate and measure specific features of each individual face supplied with passport applications. The security and integrity of this process requires that these exact measurement criteria are not publicised, as doing so would aid those wish to abuse this system. For these reasons both sections 31(1)(a) and 31(1)(e), relating to the prevention and detection of crime, and the effective operation of immigration controls, are engaged.

However as section 31 is a qualified exemption it can only be applied where the public interest in disclosure is outweighed by that in favour of nondisclosure. In order to obtain good quality photos/images IPS need to ensure the public and photographic industry understand what they require and how to achieve it. For this reason they publish tailored sets of information on their website (one for the general public and a separate one for industry), as it is clearly in the public interest to do so. This ensures the industry and public are well informed regarding IPS processes whilst retaining the security and integrity of their systems.