



Home Office

Performance and Risk 020 7035 4848
Directorate (switchboard)
2 Marsham Street
London SW1P 4DF www.gov.uk

Ms Pippa King
Via email to: request-362434-18b2679a@whatdotheyknow.com

16 March 2017

Dear Ms King

Freedom of Information request (our ref: 41290): internal review

Thank you for your email of 6 December 2016 in which you asked for an internal review of our response to your Freedom of Information (FOI) request. Your request of 2 October 2016 asked for information about biometric data. Your request can be viewed in full at **Annex A**.

I have now completed the review and have assessed the substance of the response provided to you. I can confirm that I was not involved in the initial handling of your request.

The FOI response replied in full to your FOI request.

The review is based on the points you have raised in your internal review request, which can be found in full at **Annex C**.

You make the point that in questions 1a, 2a and 3a of your request you did not ask 'how' the report would be used, but 'if' it had been completed and/or published. In regards to question 3c of your request you have queried 'why' the Biometrics Strategy/ review of custody images has not been published.

I have carefully considered the points you have raised and consulted with the responding unit.

In regards to questions 1a and 2a of your request I can confirm that the strategy, which includes Biometric Accuracy Testing (BAT), has not yet been published. In regards to question 3a of your request, the strategy is still in its development stage and, as we explained in our original response, is due to be published in 2017.

In regards to question 3c of your request, I can confirm that the Biometrics Strategy is in the final stages of completion and will be published in due course.

It may be of interest to you that the review into how police forces use, store and delete custody photographs has recently been published. The review can be found at the following link:

<https://www.gov.uk/government/publications/custody-images-review-of-their-use-and-retention>

I hope this answers your remaining questions. This now completes the internal review.

Yours sincerely

S Mason

Information Rights Team

Switchboard 020 7035 4848

Email info.access@homeoffice.gsi.gov.uk

Annex A – FOI request

Dear Home Office,

Under the Freedom of Information Act

With reference to the Government's response to the recommendations of the Science and Technologies Committee inquiry of the Current and Future Uses of Biometric Data and Technologies in September 2015 <http://www.publications.parliament.uk/pa...>

Government's response to Recommendation 4 was "CAST are working with the Home Office Test and Design Consultancy Services to document the Home Office biometric accuracy testing approach to ensure consistency and transparency across the Home Office. It is expected that this document will be complete by the end of the year [2015]."

1a) Please advise if the Home Office's / Home Office Test and Design Consultancy Services report on biometric accuracy testing has been published.

2a) If it has been published please provide a copy or a link to the report.

3a) If it has not been published please advise why and when it will be published.

Government's response to Recommendation 5 was "The Home Office sponsors an ethics group to provide scrutiny, challenge and review of ethical issues raised by forensic science, focused on DNA. We are considering whether the same ethical oversight should be applied to the collection, use and retention of fingerprints and custody images."

1b) Please advise if the Home Office has, upon the Science and Technologies Committee's recommendation to "to facilitate an open, public debate around the growth of biometric systems", any plans to set up any ethical oversight and/or public debate on biometrics and how government uses/plans to use the public's biometric data.

2b) If the Home Office has set up such arena for debate/consultancy on biometrics please advise details.

3b) If the Home Office has not set up any ethical oversight or public debate on biometrics please advise why and when such oversight/debate is planned.

Government's response to Recommendation 11 was "As Lord Bates announced earlier this year, the Home Office is currently undertaking a policy review of the statutory basis for the retention of facial images, and consulting key stakeholders. Terms of Reference for the review were agreed following consultation with the Information Commissioner, Biometrics Commissioner and Surveillance Camera Commissioner. As part of that review, we are considering the role of the Biometrics Commissioner, the Government will of course publish the findings of the review and consult formally as appropriate."

1c) Please advise if the Home Office's consideration of the role of the Biometrics Commissioner has been undertaken.

2c) If it has been published please provide a copy or a link to the report.

3c) If it has not been published please advise why and when it will be published.

Some parts of this request may be easier to answer than others and in such case please could you release available data as soon as possible rather than delay the entire request.

If you are not fully certain of what it is I am asking then I look forward to contact from you as soon as possible to clarify what it is I am requesting in order to meet your obligations under the law.

If the costs of processing this request exceed the limit in the Act, please advise on what information you are able to supply within the cost limit.

Yours faithfully,

Pippa King

Annex B – FOI response

Dear Ms King,

Freedom of Information request – 41920

Thank you for your email of 02 October 2016 in which you asked for information regarding biometric information. Your request has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

I can confirm that the Home Office hold some of the information you have requested and is detailed below.

Government's response to Recommendation 4 was "CAST are working with the Home Office Test and Design Consultancy Services to document the Home Office biometric accuracy testing approach to ensure consistency and transparency across the Home Office. It is expected that this document will be complete by the end of the year [2015]."

1a) Please advise if the Home Office's / Home Office Test and Design Consultancy Services report on biometric accuracy testing has been published.

2a) If it has been published please provide a copy or a link to the report.

3a) If it has not been published please advise why and when it will be published.

The Home Office biometric accuracy and testing will form part of the procurement process for potential suppliers and published in early 2017.

Government's response to Recommendation 5 was "The Home Office sponsors an ethics group to provide scrutiny, challenge and review of ethical issues raised by forensic science, focused on DNA. We are considering whether the same ethical oversight should be applied to the collection, use and retention of fingerprints and custody images."

1b) Please advise if the Home Office has, upon the Science and Technologies Committee's recommendation to "to facilitate an open, public debate around the growth of biometric systems", any plans to set up any ethical oversight and/or public debate on biometrics and how government uses/plans to use the public's biometric data.

2b) If the Home Office has set up such arena for debate/consultancy on biometrics please advise details.

3b) If the Home Office has not set up any ethical oversight or public debate on biometrics please advise why and when such oversight/debate is planned.

The Home Office sponsors the National DNA Database (NDNAD) Ethics Group, an advisory non-departmental public body which provides independent advice on ethical issues relating to the operation of the NDNAD. The remit of this group will be extended to cover ethical issues relating to both forensics and biometrics.

Government's response to Recommendation 11 was "As Lord Bates announced earlier this year, the Home Office is currently undertaking a policy review of the statutory basis for the retention of facial images, and consulting key stakeholders. Terms of Reference for the review were agreed following consultation with the Information Commissioner, Biometrics Commissioner and Surveillance Camera Commissioner. As part of that review, we are considering the role of the Biometrics Commissioner, the Government will of course publish the findings of the review and consult formally as appropriate."

1c) Please advise if the Home Office's consideration of the role of the Biometrics Commissioner has been undertaken.

2c) If it has been published please provide a copy or a link to the report.

3c) If it has not been published please advise why and when it will be published.

Issues considered during the development of the Biometrics Strategy included the role of the Biometrics Commissioner. The Strategy will be published in due course, but no particular date for publication has been set.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 41920. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Rights Team
Home Office
4th Floor, Peel Building

2 Marsham Street
London SW1P 4DF
E-mail: [email address]

As part of any internal review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have the right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

Information Rights Team

Annex

If you remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Annex C – Internal review request

Dear FOI Requests,

Ref: Case ref 41290

Thank you for your response. Please could you clarify as per my original Freedom of Information questions.

With regards to questions 1a, 2a and 3a thank you for your reply however I did not ask 'how' you would use any biometric and accuracy testing [report] but I appreciate your response in this. I am asking, as per your statement to the Science and Technologies committee, 'if' said document/report has been completed and/or therefore published - which is unclear by your reply.

Accordingly, please advise, as per question 1a, if the completed document/report has been published and therefore, dependant on the affirmative/negative answer to 1a, then please provide copy or link to the completed document/report, as per question 2a.

And therefore, dependant on the affirmative/negative answer to 1a, please advise 'why and when it [completed document/report] will be published' as per question 3a. i.e. if there is any intent (or not) to publish the completed document/report and reason, which would be considered in the 'why' element of my question.

With reference to question 3c I asked 'If it (Biometrics Strategy/ review of custody images) has not been published please advise why and when it will be published'. Your answer to 'when' it was due to be published was "no particular date for publication has been set." But the reason 'why' the Biometrics Strategy/ review of custody images has not been published was not answered in your reply. Please advise the reason 'why' it has not been published, (explaining fully why) as per my Freedom of Information request.

As specified in my original FOIR I stated "If you are not fully certain of what it is I am asking then I look forward to contact from you as soon as possible to clarify what it is I am requesting in order to meet your obligations under the law." I hope this reply clarifies my FOIR requirements.

Thank you for your time on this.

Yours sincerely,

Pippa King

Annex D - Further complaint procedure

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your FOI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF