

Data Protection Office

Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB

Tel: 01772 413203 / 412144

Email: FOI@lancashire.police.uk



Adam Harkens

Sent via email to: request-874591-c7a7d5d0@whatdotheyknow.com

Date: 6th October 2022

Dear Adam Harkens

FREEDOM OF INFORMATION APPLICATION REFERENCE NO: DPO/FOI/002128/22

Thank you for your request for information received by Lancashire Constabulary on 29/06/2022 which was as follows:

I am writing under the Freedom of Information Act 2000, to make a request for information relating to your organisation's development and/or use of digital decision tools for policing and law enforcement.

By digital decision tools, I mean any technology that uses software algorithms to process digital data and generate outputs either to (a) *support* policing decisions, by providing information or recommendations to a human police officer, who retains discretion in making the final decision; or (b) *automatically* trigger a policing or law enforcement decision based on the generated output(s).

By 'policing and law enforcement decisions', I mean any decisions taken by police officers in carrying out their duties to detect and prevent crime, to protect the public and reduce harm, to maintain public order, to enforce the law, and to bring offenders to justice. This may include (but is not limited to) decisions concerning the imposition of enforcement notices (e.g., speeding fines), case/complaints-handling, resource allocation, criminal investigations (particularly those concerning whether to pursue inquiries in relation to specific persons, and what action(s) to take, such as arrest or questioning, stop and search etc.), and decisions made at the pre-trial stage about individuals, including detention and charging decisions.

EXAMPLE TOOLS OF INTEREST

To help with my inquiry, examples of the kinds of tools I am requesting information on include:

1. *Digital dashboards*: any tool which processes and organises data sets to generate data visualisations to assist policing work. For example, they might provide information about ongoing and/or recently reported incidents, the analysis of crime patterns, workload and resource allocation, and data shared with public agencies such as the emergency services. These dashboards might, for instance, be used to improve emergency response times, assist officer decision-making, resource management, and so on. For example, QlikSense.

2. *Individual risk assessment tools*: any tool which processes data to generate predictions about the 'risk' posed by an individual relating to an undesirable outcome, such as their risk of committing a serious violent crime in the future, risk of general recidivism, risk of self-harm, or risk of becoming a victim of harm. For example, the London Gangs Matrix or the Harm Assessment Risk Tool ('HART') that has previously been used by Durham Constabulary.

3. *Geospatial crime 'hotspot' mapping tools*: any tool which processes historical crime data to identify patterns indicating potential crime 'hotspot' areas (i.e., geographical locations where crime is predicted to be most likely to occur within a given time period). For example, PredPol.

4. *Automated biometric analysis tools* (including live facial recognition systems): any tool

which processes biometric data for the purposes of identifying individuals ‘of interest’ (i.e., according to s.205 of the Data Protection Act 2018: biometric data is data relating to the physical, physiological, or behavioural characteristics of a person, such as facial images, fingerprints, or retina scanning). For example, NeoFace Watch.

*5. *Any other tool to assist policing and law enforcement work*: any other tool that uses software algorithms to generate outputs to help inform policing decisions made by your organisation, or to automatically trigger decisions based on those outputs (e.g., Automated Number Plate Recognition (ANPR) systems, social network analysis, case ‘solvability’ analysis, and so on).*

SPECIFIC INFORMATION REQUESTED

My specific information requests are listed and numbered below.

*To help reduce the resources needed to respond to my numbered requests, you may limit your detailed responses to *ten* tools, and then simply list the name(s) and policy purpose(s) of any other tools.*

*If your organisation has deployed and/or developed *ten or fewer* tools in total (including those currently deployed, in development, being piloted or formerly developed or piloted but never deployed), please skip straight to the numbered requests below.*

*If your organisation has deployed and/or is developing (or has developed) *more* than ten tools in total, please follow the guidance below to identify which ten tools to provide information about, in response to the numbered requests:*

*? If *more* than ten tools have been deployed for *operational* use by your organisation, please respond to the numbered requests for the ten *most recently* deployed (including those no longer in use) and merely list the name(s) and policy purpose(s) for any other tools that have been deployed or developed (including ones currently in development);*

*? If your organisation has deployed *fewer* than ten tools for operational use (or none at all), please respond to the numbered requests in relation to any other tools that your organisation is (or was formerly) *developing or piloting,* until you have reached a total of ten tools. Again, please respond for those tools *most recently* put into development or piloted until you reach the limit of ten tools in total, and then simply list the name(s) and policy purpose(s) for any remaining tools.*

FOR EACH RELEVANT TOOL (UP TO TEN IN TOTAL), CAN YOU PLEASE:

*1. Supply the *name(s)* of each tool, including any tool(s) which are no longer used (or were developed and/or piloted but never deployed).*

2. Please specify the stage of maturity of each tool in terms of the following three possibilities (i) currently in operational use or formerly deployed for operational use (ii) currently under development or was developed in the past but never deployed (iii) currently being piloted or was piloted in the past, but never deployed.

*3. Explain the *reason(s)* why your organisation decided to develop and/or deploy each tool, including the intended *policy purpose(s)* of the tool (e.g., to reduce criminal offending by aiming to improve the identification of potential victims of a criminal offence or to identify individuals ‘of interest’ to police, using the automated analysis of digital data).*

4. Identify the data sources used as ‘inputs’ to the tool and indicate whether this data has been collected from internal police data sources (e.g., crime data), external public-sector data sources (e.g., data held by local authorities), or external data sources made available by private-sector organisations (e.g., mobile communications data). Please further indicate

whether the tool is updated with new data on a manual basis, by a human user responsible for inputting data (including how frequently this usually occurs), or if it is updated on a real-time basis using an automated live data feed.

*5. Identify the ***output(s)*** that each tool produces/produced in order to serve its intended policy purpose, and what these outputs are taken to ***indicate or signify.*** For example: an individual risk assessment tool may produce a 'risk classification' for each assessed person (e.g., 'high', 'medium' or 'low risk'). What is it, specifically, that each person is at 'high risk' or 'low risk' of, in this scenario (e.g., being arrested under suspicion of having committed a serious offence within the next two years)?*

*6. Indicate the kind(s) of ***decision(s)*** each tool supports/supported or triggers/triggered and about ***whom or what*?** For example: who to stop and search? Where to send police patrols? Should an arrested person be retained in police custody?*

*7. Identify the ***intended user(s)*** of each tool. For example: does/did the tool provide information to a front-line officer on patrol, a duty officer in a custody suite, both, or someone else?*

*8. ***List*** and provide electronic copies of any ***additional documents*** or information relating to each tool, including:*

? Any training manuals or materials for staff, promotional materials, briefing papers, reports, or records of performance evaluations and other technical documents that provide overviews or summary information about each tool.

? Any impact assessments (e.g., data protection or human rights impact assessments), or risk assessments, that have been undertaken in relation to the tool or tools indicated.

? Any legal documents relating to the assessment or statement of the legal authorisation/legal basis for using each tool.

FOR TOOLS **CURRENTLY OR **FORMERLY** IN OPERATIONAL USE ONLY, CAN YOU PLEASE:**

*9. Please indicate whether in relation to each tool, users receive any ***training*** about tool-use, indicating what that training consists (or consisted) of, who provides this training (including whether this is in-house or external), and who receives training.*

*10. Indicate the ***time-period*** during which each tool was, or had been, in operational use, identifying the ***date(s)*** when each tool was first deployed (and when its use was ended, if applicable).*

*11. If your organisation later decided to ***stop*** the tool's operational use, can you please further explain your reason(s) for doing so, and indicate when that decision was made?*

FOR TOOLS CURRENTLY UNDER DEVELOPMENT OR PILOTING (OR FORMERLY UNDER DEVELOPMENT OR PILOTED, BUT NEVER DEPLOYED) ONLY, CAN YOU PLEASE:

*12. Indicate the ***time period*** during which development or piloting for each tool took place/has been taking place, including when development or the pilot began, the ***expected/planned launch date*** for tools still under development, and whether the launch will be on a pilot basis or for operational use.*

*13. If your organisation later decided to ***abandon the development*** of a tool or decided ***not to deploy*** that tool for operational use following a pilot period, can you please further explain your reason(s) for doing so, and indicate when that decision was made.*

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities.

Unless exemptions apply, the first duty at s1(1)(a) is to confirm whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact; b) specifies the exemptions in question and c) state (if that would not otherwise be apparent) why the exemption(s) applies.

Unfortunately, it is not possible to provide a response to this request as although held this information is felt to be exempt from disclosure under the Freedom of Information Act 2000 by virtue of the following listed exemption:

- **Section 12 (1) – Fees Regulations**

Please be advised that the information you have requested is not easily retrievable via a simple search of our systems and therefore it is not possible to complete this request. To determine the requested information would require us to carry out extensive searches across our entire force systems.

Using the definition of dashboards provided:

“Any tool which processes and organises data sets to generate data visualisations to assist policing work”

This broadens this ask to consider everything across our differing systems, which have data processing and visualisation built in.

If we were to just consider one department's use of dashboard products alone, there are 108 products on this server, plus a number of products that are no longer used.

At a very conservative estimate of 10 minutes per record to analyse each product, this would take up to the 18 hours allowed under FOI legislation, just for this department alone.

In addition to this, other departments have a number of other standalone products which sit on a different server, and these would also need to be individually analysed.

The same exercise would then need to be undertaken for any ICT systems that “processes and organises data sets to generate data visualisations” as well as anyone else in the organisation that may have products or dashboards locally doing the same.

Therefore, in order to capture all products in use across the force it will require engagement with all operational departments to determine what is used, how it is used and when it was implemented.

Due to the vast amount of time it would take to address these questions it would significantly exceed the 18 hours allowed under FOI.

As such, the task cannot be completed within the 18 hour ‘Appropriate Limit’ (as defined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004). As a result, Section 12 of the Freedom of Information Act 2000 applies and regrettably this task cannot be undertaken at this stage. This letter serves to act as a refusal notice for this request, as per S.17 (5) of the Act.

As per Section 16 in order to provide advice and assistance I can advise that our information is set up and searchable for our policing purpose and I regret I am unable to offer advice as to how this request could be refined to provide the information you require.

Please accept our sincere apologies for the delay in providing this response.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to the Data Protection Officer, Data Protection Office, Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB or alternatively send an email to FOI@lancashire.police.uk. Details of the Constabulary's Freedom of

Information Complaint Procedures can be found attached to this email.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted via the following link:

<https://ico.org.uk/global/contact-us/> or by telephone on 0303 123 1113.

Yours sincerely

Information Access Team

Data Protection Office