

Data Protection Office

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

Tel: 01772 413203 / 412144 / 413050

Email: FOI@lancashire.police.uk



Adam Harkens

Date: 8th November 2022

Dear Adam Harkens

FREEDOM OF INFORMATION APPLICATION REFERENCE NO: FOI2022/00069

Thank you for your request for information received by Lancashire Constabulary on 12th October 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 tools including:

1. *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.

2. *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.

3. **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.*

SPECIFIC INFORMATION REQUESTED

My specific information requests are listed and numbered below. Please provide information related to tools by your police force.

To help reduce the resources needed to respond to my numbered requests, you may limit your responses to *ten* tools. If your organisation has deployed *more* than ten tools in total, please respond to the numbered requests for the ten *most recently* deployed;

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

1. Supply the *name(s)* of each tool.

2. 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).

3. 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.

4. 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)?

5. 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?

6. 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?

7. 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.

8. Indicate the *date(s)* when each tool was first deployed (and when its use was ended, if applicable).

Clarification received -

I am not asking for this information from each individual department of the force - but rather the force as a whole.

If necessary, I can specify particular areas of the force, in order to narrow the request further - however I do not have information which breaks down the force into its respective areas. If you need further refinement, could I ask what you mean by areas? And what these areas may be

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 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 held, however it is not easily retrievable via a simple search of our systems and therefore it is not possible to complete this request.

Your request relates to the ten most recently deployed “digital decision tools”, Lancashire Constabulary does not have a central ICT asset list which contains deployment dates and the details you are requesting.

We have checked with the department responsible for Data Protection Impact Assessments and can confirm that Lancashire Constabulary does not have any DPIAs that cover systems utilising “Automated Decision Making”.

Our Information Security team holds a list of ICT platforms, this contains over 150 items (please note one platform on the list might be associated with several applications /tools) The purpose of this Information Security list is not to record how data is used within systems / platforms but rather to ensure data is secure therefore in isolation this list will not provide a response to your request, it has been estimated that it would take 10 minutes per item to determine whether the platform/ system might be relevant to your request.

Due to the lack of a central list of ICT systems / deployment dates, in order to determine whether any “digital decision tools” have been deployed and when, we would need to contact all departments, to understand whether they utilise “digital decision tools” and if they do, when they were deployed. Once this initial information has been collated, we can determine if any departments are using “digital decision tools” and request from those with the most recently deployed to provide the information required to respond to your request.

Due to the manual nature of the activity outlined above 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 if you were able to submit a new refined request containing a list of named "digital decision tools" we may be able to determine whether Lancashire Constabulary uses the tools. Any future response would be subject to relevant exemptions.

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 at the bottom of this letter.

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/make-a-complaint/foi-and-eir-complaints/>

Yours sincerely

Information Access Team

Data Protection Office

LANCASHIRE CONSTABULARY

FREEDOM OF INFORMATION ACT 2000

FOI COMPLAINTS PROCEDURE



Introduction

Lancashire Constabulary is committed to delivering an open, transparent and accountable service whenever possible and it is our intention to commit to the principles of openness embodied in the Freedom of Information Act 2000 (the Act). The Constabulary will endeavour to meet its obligations and duties under the Act and its associated Codes of Practice, respond to all applicants who request information in a helpful and timely manner.

We will release information to the greatest extent possible, consistent with the public interest, but we may withhold information if we consider its release would subsequently cause significant harm. We therefore recognise that there might be occasions when an applicant is not content with the Constabulary's response or the content of our Publication Scheme.

What can I complain about?

The complaint may concern any aspect of the way in which your request has been dealt with. If you are not satisfied with the way we have handled your request or with the reasons we have given for refusing to provide information, you have the right to appeal.

How do I complain?

Any dissatisfaction expressed in writing with regards to the way in which your request has been handled will be treated as a complaint and an internal review of the response will be conducted. As such please be advised that any complaints must be made in writing within 40 working days of receiving your FOI Response. In order that your complaint will be dealt with as quickly as possible, it will help if you can give us as much information as you can about the original request made and the reason for your complaint. It should detail:

- What the original request was
- The nature of the complaint
- Why you feel you should have received more information - should that be the case

Please forward details of your complaint to:

The Data Protection Office, Lancashire Constabulary Headquarters, PO Box 77,
Hutton, Preston, PR4 5SB

foi@lancashire.police.uk

If you have any further questions about the complaints process, please contact the Data Protection Office on 01772 413329 or use the email address above.

What happens to my complaint?

Once the complaint has been received, you will receive an acknowledgement confirming receipt of your appeal.

The complaint will be passed to the Data Protection Officer for attention.

Arrangements will then be made for the complaint to be considered by a Panel comprising of at least two of the following persons:

- Data Protection Officer
- Deputy Data Protection Officer
- Information Compliance Data Protection Advisor
- Information Access Team Leader

At least one member of the Panel will not have been party to the original decision.

In reviewing the response, the Panel will consider the information relating to the decision, what/if any information has been provided, and the grounds of the complaint(s). Where necessary the Panel may seek information/ clarification from the decision taker/ information holder.

The final decision will be recorded and the applicant will be notified of the outcome in writing. If the original decision is reversed, or an issue is identified with regard to how the request was dealt with, appropriate consideration will be given to request handling procedures.

How will I be notified?

You should normally receive a final response within 20 working days. If it is not possible to meet this deadline, you will be notified of the new deadline, usually not longer than 40 days.

If our original decision to withhold information is over-turned on appeal we will send you the additional information immediately. If we believe that our original response was correct we will let you know, and inform you of your options.

What if I'm still not satisfied?

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/make-a-complaint/foi-and-eir-complaints/>