

Andrew Hill
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data.access@justice.gsi.gov.uk

24 April 2019

Dear Mr Hill

Freedom of Information Act (FOIA) Request – 190402022

Thank you for your request received on 2nd April 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

- 1. For the MoJ to share the Data Protection Impact Assessment (DPIA) and any associated documents for the facial recognition technology utilised in your prisons, specifically the DPIA for the recent facial recognition technology trials.**

Your request has been handled under the FOIA.

The state-of-the-art biometric technology allows prison staff to identify visitors using applications based around document validation, iris scanning and facial recognition software.

The machines highlight suspicious individuals, allowing staff to refuse entry and providing evidence that could be used in any subsequent Prison Service or police investigation. This will mean police and prison staff can better target the activity of those that seek to bring drugs into prison - disrupting their criminal networks.

I can confirm the MoJ completed a Data Protection Impact Assessment for the biometric technology trials conducted in HMP Hull, HMP Humber and HMP Lindholme.

Some of the information contained within the Data Protection Impact Assessment is exempt from disclosure under section 31(1) (a), (b), (c) and (f) of the FOIA and has been redacted.

Section 31(1)(a) of the FOIA provides that information is exempt if its disclosure would, or would be likely to, prejudice the prevention and detection of crime. Section 31(1)(b) of the FOIA provides that information is exempt if releasing the information would, or would be likely to, prejudice the apprehension or prosecution of offenders. Section 31(1) (c) of the FOIA provides that information is exempt if its disclosure would, or would be likely to, prejudice the administration of justice. Section 31(1)(f) of the FOIA, provides that information is exempt if its disclosure would, or would be likely to prejudice the maintenance of security and good order in prisons.

Section 31 is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- We recognise that disclosure in full would provide greater transparency and enable the public to be made aware of this technology and its use in prisons. This could increase the public's operational understanding of how establishments maintain good order and security in prisons.
- It is important that the public have confidence in the operation of the prison system and there is a public interest in ensuring that we are testing this equipment in a robust manner in compliance with formal operational standards and procedures.
- The public interest in maintaining public confidence in the high standards of security and good order of prisons is a key concern and one that is recognised by the MoJ. It is acknowledged that this might be enhanced by the release of the requested information insofar as this would broadly further interests of transparency and accountability.

Public interest considerations favouring withholding the information

- It is considered that on balance, the likely threat to the good order and security of prisons and the implications of this for prisoners and staff, favours non-disclosure of the full evaluation report.
- The data requested would reveal the detailed security workings of a prison and be likely to be used to subvert the effectiveness of our current counter measures. The information is also likely to prove invaluable to those engaged in criminality within prisons and information disclosed could have a detrimental impact on the security and safety for the same reasons.

On balance, I consider the public interest favours withholding the information at this time.

You can find out more about section 31 by reading the extract from the FOIA and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the FOIA, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/31> and further guidance <http://www.justice.gov.uk/guidance/foi-exemptions-guidance.htm>.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Disclosure Team, Ministry of Justice, 10.04 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

National Security Group
HM Prison and Probation Service