



## Freedom of Information Request 676/20

*Response date: 7<sup>th</sup> October 2020*

**Please can you let me know if South Wales Police has used Facial recognition technology, including facial recognition cameras, for policing, or for testing purposes, during 2019-20.**

**If so:**

- a) What dates was the technology used?**
- b) What was the purpose of using the technology?**
- c) Was the technology used in relation to policing a particular public event or protest**
- d) Please provide me with the name(s) of the companies which have provided the force with facial recognition technology**

### **RESPONSE**

#### Questions a – c

As this information is available in the public domain, we are therefore not obliged to provide this information as the following exemption applies:

#### **Section 21 – Information Accessible by Other Means.**

This is an absolute, class based exemption which means that a public authority is not required to consider the public interest in disclosure.

Under Section 16, the duty to advise and assist – please see below link that provides the information relating to AFR:

<http://afr.south-wales.police.uk/>

#### Question d

The facial recognition technology that South Wales Police utilises is supplied by NEC.

In addition, South Wales Police can neither confirm nor deny that it holds any other information with regard to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

#### **Section 24(2) National Security Section 31(3) Law Enforcement**

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Section 24 and Section 31 are both qualified exemptions and as such there is a requirement to evidence any harm confirmation or denial that any other information is held as well as consider the public interest.

### Harm in confirming that any other Information is held

The definition of national security encompasses a wide spectrum and it is our duty to protect the people within the UK. Public safety is of paramount importance to the policing purpose and must be taken into account in deciding whether to disclose whether the information is or is not held.

Furthermore, confirming if particular tactics are used and confirming policing methods which are not in the public domain may prejudice the use of this method by allowing criminals to adopt counter measures.

To confirm or deny whether we hold any further information relating to the covert practise of facial recognition, would allow interested parties to gain an upper hand and awareness of policing policy and decisions used to safeguard national security.

To confirm or deny that any other information is held or provide details relating to what may or may not be held may be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public, and this would also impact upon any current investigation.

### Public Interest Test

#### Section 24

#### Factors favouring confirming or denying that any other information is held

Confirming or denial that any other information exists relevant to the request would lead to a better informed public and the public are entitled to know how public funds are spent.

#### Factors against confirming or denying that any other information is held

To confirm or deny whether South Wales Police hold any additional information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure on the UK and increase the risk of harm to the public.

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### Section 31

#### Factors favouring confirming or denying that any other information is held

Confirming or denying whether any further information is held would allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent.

#### Factors against confirming or denying that any other information is held

By confirming or denying whether any further information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Security arrangements and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists. These security arrangements and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

#### Balancing Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve.

The security of the country is of paramount importance and the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine National Security.

Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both National Security and the integrity of the police in knowing that policing activity is appropriate and balanced in matters of National Security; this will only be overridden in exceptional circumstances.

It is therefore our opinion that for these issues the balancing test for confirming or not that any other information is held, is not made out.

No inference can be taken from this refusal that any other information does or does not exist.

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