



The Rt Hon Norman Lamb MP
Chair of the Science and Technology Committee (Commons)
House of Commons
London
SW1A 1AA

30 November 2017

Dear Chair,

**PUBLICATION OF THE HOME OFFICE BIOMETRICS STRATEGY AND
GOVERNMENT POLICY ON POLICE USE OF FACIAL RECOGNITION SYSTEMS**

As you know, when the Home Office's Chief Scientific Adviser attended the Committee's hearing on 17 October, you and members raised the issue of the timing of publication of the Government's Biometric Strategy.

I am conscious that publication has taken much longer than we originally indicated. A great deal of work has been done on the Strategy. It ranges across many areas of policy, some of which are developing rapidly. After reviewing it carefully, I have decided that it cannot be finalised until further work has been done in some of these areas, and so it will unfortunately not be possible to publish the Strategy until next year.

I recognize that this will be disappointing news, and that the Committee wants an urgent view from the Government on certain issues, particularly relating to police use of facial recognition systems. I thought it would be helpful if I outlined the Government's policy on this now, rather than waiting for the publication of the Strategy.

At events such as the Notting Hill Carnival, the police may use cameras to scan the crowds attending, to identify persons on a watch list. Our view is that facial searching plays an important role in the detection and prevention of crime. There is a clear need to strike a balance between protecting an individual's privacy and giving the police the tools they need to keep us safe. A decision to deploy facial recognition systems is an operational one for the police. Further, the retention and use of such images by police is governed by the Code of Practice on the Management of Police Information (MoPI), and accompanying guidance set out in the College of Policing's Authorised Professional Practice (APP).

I agree that independent ethical oversight of police use of biometrics is desirable, and for this reason we have extended the remit of the Biometrics and Forensics Ethics Group from DNA and fingerprints to all biometrics.

I note the Committee referred to a court case in 2012. This was the case of R (RMC and FJ) v Metropolitan Police Commissioner. Legislation provides that the police have the power to photograph anyone who has been arrested, but the legislation is silent about the length of time for which the image can be retained. The court held that the retention regime at the time for custody images taken from unconvicted persons was incompatible with Article 8 of the European Convention on Human Rights. The Court's reasoning was based on the lack of distinction between those who were and were not convicted (especially in the case of children) and the lengthy review periods set out in the APP for all images taken from persons who were not convicted to be retained indefinitely. The court did not rule that there was an issue with applying facial recognition software to images that were legitimately retained.

We carried out the Custody Image Review, which considered the issues raised in the RMC case and reported its findings in February 2017. In broad terms, this recommended that unconvicted persons have the right to apply for deletion of their image, with a presumption in favour of deletion (a strong presumption where the person was under 18 when arrested). However, the police have the right to retain the image if there is an exceptional reason to do so, such as the person posing an ongoing risk to the public. The APP Guidance has since been amended to reflect this.

A handwritten signature in black ink, appearing to read 'Susan', is centered on the page. The signature is fluid and cursive, with a large initial 'S'.

Baroness Williams of Trafford

