



Home Office

Baroness Williams of Trafford
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The Rt Hon Norman Lamb MP
Chair of the Science and Technology Committee (Commons)
House of Commons
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Dear Norman,

28 MAR 2018

Further information following evidence session on the Biometrics Strategy and Forensic Services, 6 February 2018

Following your hearing on 6 February I would like to provide some further information and clarify some points. I hope it will assist the Committee in its deliberation.

Oversight arrangements for facial recognition technology

We discussed the Government's plans to improve independent oversight and governance arrangements for police use of Automatic Facial Recognition (AFR) technology and retention of custody images. We will create a Board including the three relevant regulators (the Biometrics Commissioner, Surveillance Camera Commissioner and Information Commissioner) and police representatives. This will allow for high-level and co-ordinated representation of police operational interests, simplify interaction between regulators and police, reduce duplication of effort by different forces and provide greater assurance that policing is complying with guidance.

Use of Automatic Facial Recognition at high profile events

Facial recognition software deployments, for which the Home Office has reviewed Privacy Impact Assessments, compare images of members of the public captured by surveillance cameras with a pre-determined set of people. The pre-determined set is often referred to as a "watch list" and may include those who are banned from

attending the event, known criminals that operate in a crowded space or individuals on warrant for arrest.

The police have a well-established capability for manually recognising wanted individuals in crowded spaces – which sometimes involves ‘super recognisers’. AFR is an evolution of that approach that can help the police keep communities safe, where there is a clear public protection and law enforcement rationale for deployment. Its deployment must also address necessity and proportionality considerations. If there is a match via AFR this is reported to a police operator who will confirm its accuracy before any action is taken. People are not arrested solely on the basis of matches made by facial recognition software.

For example I have been informed that at the two Notting Hill Carnivals and the Remembrance Day event at the Cenotaph, the watch lists were populated with images of individuals forbidden from attending the events, as well as individuals wanted by police who it was believed might attend to commit offences. In the case of the Carnival, this specifically included people involved in gang violence, theft and sexual assault. The images collected during these deployments are deleted if there is no match and at the end of each deployment of this technology, the watch list created for the event was also deleted.

Retention of custody images

The Custody Image Review, published in February 2017, makes clear that people not convicted of an offence have the right to request that a custody image is deleted from all police databases, with a general presumption that it must be removed. Custody images of convicted persons should be automatically reviewed by the police in line with scheduled review periods set out in the College of Policing's Authorised Professional Practice (APP). The Review directly considered the issues raised in the RMC¹ case.

We are currently compiling figures from police forces on the deletion of custody images from police databases and will keep you informed once we have additional and complete information.

Violent and Sex Offender Register ('ViSOR') system

I promised to follow up on the issue of images held on the ViSOR system and the relationship between these images and the Custody Images Review process for deletion.

As well as the biographical details on ViSOR, the system also holds an individual's image. These images are manually uploaded by ViSOR users and may be taken from custody images or from other sources such as prison images. When a request for deletion of a custody image is successful, it would require the manual deletion of that corresponding image from ViSOR as well as other police databases.

¹ R (RMC & FJ) v Commissioner Of Police Of The Metropolis & Ors [2012] EWHC 1681 (Admin)

Biometrics and EU databases

The Committee enquired to what extent the biometrics databases that are currently used in the UK for policing and border control are administered or jointly managed with EU agencies, and what may happen to the UK's ability to access these databases following our exit from the European Union.

Extensive evidence was provided to the Home Affairs Committee hearing on 23 January, where my colleague Nick Hurd reiterated the Government's intention to not only maintain and preserve existing mutual capability on data and information sharing, but to also work towards creating an ongoing strategic partnership with the EU.

Nevertheless it is worth noting that the UK uses, and benefits from, a range of international information-sharing tools in the area of security and law enforcement, which are by no means limited to European Union mechanisms but include bilateral and other multilateral channels including Interpol and the Council of Europe. Of these, the second generation Schengen Information System (SIS II) makes use of biometric data and enables participating member states to share information on persons and objects of interest. The Eurodac database is used to store the fingerprints of asylum seekers and certain illegal migrants and supports the UK's asylum process. Both SIS II and Eurodac are administered by the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA).

Whilst it is too early to speculate on the nature of our future arrangements with the EU, The Prime Minister and the Home Secretary have been clear that strong cooperation on security and law enforcement are an important part of our future relationship with the EU, and will be a priority as part of the negotiations.

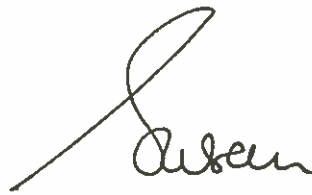
Review and deletion of facial images compared with DNA or fingerprints

At the hearing I mentioned the technical challenges in automating the deletion of facial images from police databases, compared with DNA or fingerprints. The Custody Image Review introduced a regime of deletion on request. This is different to the regime governing the retention of fingerprints and DNA under the Protection of Freedoms Act 2012 (PoFA). Records on the DNA and police fingerprint databases are held in only one place and are linked to information on the Police National Computer (PNC) about case outcomes and conviction status. They are assigned a unique number – an identifier – making it possible to filter records relating to unconvicted persons automatically.

However custody images are first stored on the policing system of the arresting force (of which there are 43 in England and Wales) and copied from these to the Police National Database (PND). These records are structured around a person's contacts with the police, rather than conviction status and so there may be multiple images across several systems relating to a particular individual. If a record is deleted from a local custody system it will also be deleted from the PND. However deletion from PND will not lead to an automatic deletion from the local police system as there is no link back from PND to local systems. In order to delete custody images automatically, it would be necessary to upgrade all 43 local systems and the PND.

Thus, the deletion of images relating to unconvicted persons would need to be done manually and be a much more complex exercise than deletion of DNA and fingerprints. Custody images can only be linked to outcomes (i.e. whether there has been a charge, no charge, acquittal, or conviction) manually. Thus any weeding exercise will have significant costs and be difficult to justify given the off-setting reductions forces would be required to fund it. We expect the new platform being delivered by the National Law Enforcement Data Programme to resolve this in the medium term by enabling a considerably more flexible approach to automatic deletion than is possible at present.

I trust this addresses the Committee's concerns.

A handwritten signature in black ink, appearing to read 'Susan', with a long, sweeping underline that extends to the left.

Baroness Williams of Trafford