

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 June 2015

**Public Authority:** Commissioner of the Metropolitan Police Service

**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

### Decision (including any steps ordered)

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1. The complainant has requested information about facial recognition from the Metropolitan Police Service (the "MPS"). This was initially refused on the grounds of costs and refined by the complainant on two further occasions at the MPS's suggestion. To date she is yet to receive a substantive response.
2. The Commissioner requires the MPS to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA. The MPS must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

### Background

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3. The request can be followed on the "What do they know?"<sup>1</sup> website.
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<sup>1</sup> [https://www.whatdotheyknow.com/request/details\\_of\\_the\\_facial\\_recognitio#outgoing-441884](https://www.whatdotheyknow.com/request/details_of_the_facial_recognitio#outgoing-441884)

## Request and response

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4. On 12 March 2015, the complainant wrote to the MPS and requested information in the following terms:

*"Under the Freedom of Information Act please can you supply the following information:*

*With reference to comments Metropolitan Police Commissioner Sir Bernard Hogan-Howe made in his interview on the 9th March 2015: <http://www.lbc.co.uk/put-cctv-in-all-hom...>*

*"...so over the last year as facial recognition software has got better it means we can apply the software to the images of burglaries or robberies whatever, so we can compare those images with the images we take when we arrest people. So when we arrest people, we arrest about a quarter of million people a year and everybody we arrest we take their fingerprints, their DNA and their photograph and what we need to be able to do is compare that photograph with the images we've got of people who commit crime."*

*1) Does the Metropolitan Police have a facial recognition system specific to the Metropolitan Police or are the Metropolitan Police using the Police National Database facial recognition system, or both or any other system?*

*2) If the database is specific to the Metropolitan Police please advise how many images are stored or used on it.*

*3) Please advise the manufacturer/company that supplied the facial recognition system the Metropolitan Police are using.*

*4) Does the facial recognition system access the Metropolitan Police database images or are images from Metropolitan Police database transferred to the facial recognition system.*

*5) Are images stored or kept on the facial recognition system that are not from custody/arrested persons images.*

*6) Please advise if the Metropolitan Police carried out a privacy impact assessment for this facial recognition system and provide a copy.*

*Out of the quarter of a million people the Metropolitan Police arrest every year; (answer in percentages if easier)*

*7) Are all images of a quarter of a million people arrested each year used by the facial recognition system? (If not please advise how many are used and reasons for inclusion/exclusion)*

*8) Please advise how many of the quarter of a million people arrested each year are not found guilty of a crime.*

*9) Are these innocent people's images used with the facial recognition database?*

*10) How long are innocent people's images stored before being taken off the Metropolitan Police's facial recognition database or any other databases?*

*11) Please advise how and where the facial recognition system is run. i.e. through custody suite images, access to private or public CCTV/ IPTV, body worn cameras, police evidence gatherers, etc.*

*12) Can the facial recognition system be run in a real time scenario? For example, a police officer is using a worn video device in public; images are relayed to the facial recognition system and identification of an individual made and conveyed to the police officer, or running through CCTV/IPTV cameras to identify persons of interest.*

*13) Please advise when the Metropolitan Police started using the facial recognition system.*

*14) How successful has the facial recognition system been to the Metropolitan Police? I.e. how many facial recognition searches have been done, how many people has it positively identified, of people positively identified how many of these people have been arrested, how many of those arrested resulted in a criminal conviction.*

*Some parts of this request may be easier to answer than others and in such case please could you release available data as soon as possible rather than delay the entire request.*

*If you are not fully certain of what it is I am asking then I look forward to contact from you as soon as possible to clarify what it is I am requesting in order to meet your obligations under the law.*

*If the costs of processing this request exceed the limit in the Act, please advise on what information you are able to supply within the cost limit".*

5. On 24 April 2015, outside the 20 working day limit, the MPS issued a refusal notice under section 12 of the FOIA, the cost limit. It explained that part 14 of the request was the element which meant the limit would be exceeded. The complainant agreed to the narrowed scope and asked the MPS to deal with parts 1 to 13 instead. The MPS then advised that it would respond to the narrowed request within 20 working days.
6. On 30 April 2015, the MPS advised the complainant that her request would still exceed the cost limit, this time on the basis of parts 8a and 8b. Accordingly, on 7 May 2015, the complainant again narrowed her request to also remove these elements.
7. To date no response has been provided.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 9 June 2015 to complain about the way her request for information had been handled, specifically the second narrowed request made on the 7 May 2015.
9. The Commissioner has considered this and his analysis is below.

### **Reasons for decision**

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#### **Section 10 – time for compliance**

10. Despite the complainant's attempts to narrow her request in line with suggestions made by the MPS, it has still failed to respond to her request for information.
11. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
12. From the information provided to the Commissioner in this case it is evident that the MPS did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

### **Other matters**

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13. The delays will be logged for monitoring purposes.

## Right of appeal

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14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**