

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 January 2024

Public Authority: Chief Constable of Northamptonshire Police
Address: Wooton Hall
Northampton
NN4 0JQ

Decision (including any steps ordered)

1. The complainant requested information from Northamptonshire Police (the public authority) about appeals concerning Live Facial Recognition (LRF) at the 2023 Formula 1 British Grand Prix.
2. The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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.

Request and response

5. On 14 July 2023, the complainant wrote to the public authority and requested information in the following terms:

"We write to you under the Freedom of Information Act 2000 ("FOIA") to request information.

You announced on 6 July 2023 that Live Facial Recognition ("LFR") would be in operation at the 2023 Formula 1 British Grand Prix ("2023 F1") circuit on 8 and 9 July 2023. You said the technology would be used for "the sole purpose of fighting crime and protecting people attending the circuit's showcase event". It was reported that, according to you, the technology would be used to stop those who pose a "risk of danger to the wider public" which could include "unlawful protest". On 10 July 2023, you hailed the policing operation at the 2023 F1 a success.

We would like to enquire further about the LFR used at the 2023 F1 (the "Deployment"). Please answer the following questions:

1. Please provide any documents showing your rationale for the Deployment. In particular, please provide any documents which explain the purpose of targeting "unlawful protest" through LFR.
2. In your 6 July 2023 announcement you explained that "the technology works by scanning faces with a camera to match biometrics against those held on a watchlist. This list is generated by the police and focuses on those who pose the greatest risk of danger to the wider public in attendance. The watchlist includes suspects who are wanted for offences or have an outstanding warrant for an arrest issued by the courts, those who pose a risk of harm to themselves or others and vulnerable missing people". Please provide **all** the specific categories of individuals included on the watchlist for the Deployment (the "Watchlist"). In particular, please confirm whether any category related to protesters or individuals anticipated to be at the 2023 F1 to protest.
3. Please provide the definitions applied to each category for the purpose of creating the Watchlist.
4. Please specify what sources were used to compile the images included in the Watchlist. Please confirm whether any non-police originated images were used, from where, and whether and by whom this was authorised.

5. Please provide information regarding the safeguards applied to who can be on a watchlist for a LFR deployment, and where LFR can be deployed. Please provide any policy or guidance documents which specify these safeguards, and point to the specific parts of these documents with the safeguards.

6. Please provide information regarding the safeguards applied in this instance to ensure that the Watchlist contained only those individuals relevant to the location of the Deployment.

7. Please provide a copy of the post deployment evaluation assessing the operational effectiveness of the Deployment.

8. Please provide the following in relation to the Deployment:

a) total number of individuals and the total number of images included in the Watchlist;

b) total number of facial images detected in the video stream that were of sufficient quality for searching against the Watchlist;

c) total number of LFR application-generated alerts;

d) total number of alerts that did not result in an engagement;

e) total number of alerts where a decision was taken to engage an individual;

f) total number of alerts that were confirmed as true alert;

g) total number of alerts that were confirmed as a false alert;

h) total number of correct alerts that resulted in an engagement that did not require any further police action; and

i) outcome of each case where police action was instigated following an alert.

9. Please provide documents or other evidence to demonstrate that you complied with the Public Sector Equality Duty under s149 of the Equality Act 2010 in respect of the Deployment.

10. Was any data collected during the Deployment shared with any other bodies or private companies? With whom and under what circumstances?"

Reasons for decision

6. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

7. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

8. On 19 December 2023, the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

11. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. 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.
13. 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

Roger Cawthorne
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