



Freedom of Information Request Reference N^o: FOI 000390-19

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 24 January 2019 which you sought access to the following information:

“Why did Suffolk police choose to use Promat instead of Viper for their facial recognition device/ biometric device?”

Response to your Request

The response provided below is correct as of 19 February 2019

Suffolk and Norfolk Constabularies have considered your request for information and the response is below.

The Constabularies hold no information in relation to your request with regards to the overt use of Promat for facial recognition or biometric data. Promat is used to support identity parades.

Norfolk and Suffolk Constabularies can **neither confirm nor deny** whether it holds any other information, relevant to your request regarding the covert use of such technology, by virtue of the following exemptions:-

Section 24(2) – National Security

Section 31(3) – Law Enforcement

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused by the confirmation or denial of whether any other information is held, as well as carrying out a public interest test.

Harm for the partial NCND

Any disclosure under the Freedom of Information Act (FOIA) is a release to the public at large and not only to the person requesting the information. Whilst not questioning the motives of an applicant, confirming or denying whether any other information, relating to the covert use of facial recognition software, would show criminals what the capacity, tactical abilities and capabilities of the forces are. This would allow them to target specific areas of the UK to conduct their criminal/terrorist activities.

Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of facial recognition, this would lead to an increase in harm to covert investigations and would compromise law enforcement. This would 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.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorist cannot be ignored. It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a sustained threat from violent terrorists and extremists. Since 2006 the UK Government have published the national threat level based upon current intelligence. Further information can be found via the link below:-

<https://www.mi5.gov.uk/threat-levels>

The current threat level to the UK from international terrorism is 'severe' which means an attack is highly likely.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counter criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any other information is or isn't held, relating to your request, would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. Not only would the local criminal fraternity be better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of such tactics are or are not being deployed. This would be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations and this would ultimately compromise police tactics, operations and future prosecutions.

Any information which identifies the focus of policing activity could be used to the advantage of those involved in criminal and terrorist activity. Information that undermines the operational integrity of policing would adversely affect public safety and have a negative impact on National Security and Law Enforcement.

Section 24 – Factors favouring confirmation or denial of whether any other information is held

The public are entitled to know how public funds are spent and what security measures are in place to counter terrorist activity. Confirming or not whether any other information is held, regarding the use of covert technologies, would lead to a better informed public and result in more accurate public debate. The public may be more vigilant in reporting suspicious activity.

Section 24 – Factors against confirmation or denial of whether any other information is held

To confirm or deny whether any additional information is held, by Norfolk or Suffolk Constabularies, would allow inferences to be made regarding 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 therefore the confirmation or denial would be damaging to national security.

Confirming or denying whether any other information is or isn't held would render security measures less effective. This would lead to the compromise of any ongoing or future operations to protect the security and infra-structure of the UK. This would increase the risk of harm to the public.

Section 31 – Factors favouring confirmation or denial of whether any other information is held

Confirming or denying whether any other information is or isn't held, regarding the use of covert technologies, would provide an insight into the Police Service. This would enable the public to have a better understanding of law enforcement tactics, the effectiveness of the Police and how evidence is gathered. It would greatly assist the quality and accuracy of public debate which could otherwise be steeped in rumour and speculation.

There is a public interest in accountability and transparency where the use of public funds, to detect crime, is concerned.

Section 31 – Factors against confirmation or denial of whether any other information is held

Confirming or denying whether any other information is held, relevant to your request, would have the effect of compromising law enforcement tactics. This would hinder any current or future investigations.

It has been recorded that FOIA releases are monitored by those involved in criminal and terrorist activities. Therefore to confirm or deny whether any other information is or isn't held, concerning specialist covert tactics, would lead to the Constabularies law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any tactics employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

Balance Test

The security of the Country is of paramount importance and the Police Service will not divulge whether any other relevant information is or isn't held, if to do so, would place the safety of individuals at risk, undermine National Security or compromise law enforcement.

There is a public interest in the transparency of policing operations, and providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by various groups and individuals. There is also a very strong public interest in safeguarding the integrity of police investigations and operations.

As much as there is a public interest in knowing that policing activity is appropriate and balanced, this will only be overridden in exceptional circumstances. It is therefore our opinion that for these reasons, the balancing test for confirming or denying whether any other information is or isn't held, is not made out.

No inference should be taken from this response as to whether any other information is or isn't held.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700