



Home Office



# Minutes

<b>Title of meeting</b>	Law Enforcement Facial Images and New Biometrics Oversight and Advisory Board		
<b>Date</b>	25 July 2018	<b>Time</b>	13:30-15:30
<b>Venue</b>	Home Office, 2 Marsham Street, London SW1P 4DF		
<b>Chair</b>	CC Mike Barton	<b>Secretary</b>	Carl Jennings
<b>Attendees</b>	<div> <div>Mike Barton (MB) (Chair)</div> <div>Chief Constable, Durham Constabulary</div> </div> <div> <div>Christophe Prince (CP)</div> <div>Director – Data and Identity, Home Office</div> </div> <div> <div>Teresa Ashforth (TA)</div> <div>Operational Communications in Policing, Home Office</div> </div> <div> <div>Nigel Ball (NB)</div> <div>Digital, Data and Technology (DDaT), Home Office</div> </div> <div> <div>Jonathan Bamford (JB)</div> <div>Information Commissioner's Office</div> </div> <div> <div>Lucy Bradshaw-Murrow (LBM)</div> <div>Office of the Biometrics Commissioner</div> </div> <div> <div>Sean Byron (SB)</div> <div>National Law Enforcement Data Service</div> </div> <div> <div>Neil Cohen (NC)</div> <div>Defence Science and Technology Laboratory</div> </div> <div> <div>Eileen Coulter (EC)</div> <div>Department of Justice, Northern Ireland</div> </div> <div> <div>Brendan Crean (BC)</div> <div>Home Office Biometrics Programme (HOB)</div> </div> <div> <div>Ian Daft (ID)</div> <div>National Crime Agency (non member)</div> </div> <div> <div>Bernie Galopin (BG)</div> <div>Metropolitan Police (MPS) (non member)</div> </div> <div> <div>Carrie Golding (CG)</div> <div>Home Office Biometrics Programme (HOB)</div> </div> <div> <div>Dr Nina Hallowell (NH)</div> <div>Biometrics &amp; Forensics Ethics Group (BFEG), chair of sub-</div> </div>		

group on facial recognition

Liam Hopley (LH)	Digital, Data and Technology (DDaT), Home Office (non member)
Umar Hussain (UH)	South Wales Police (SWP) (non member)
Carl Jennings (CJ)	Police Forensics and Biometrics Policy Team, Home Office (non member)
Scott Lloyd (SL)	South Wales Police (SWP) (non member)
Alex Macdonald (AM)	Head of Identity Policy Unit, Home Office (non member)
Rebecca Masters (RM)	Metropolitan Police (MPS) (non member)
Peter Merrill (PM)	National Crime Agency (non member)
Johanna Morley (JM)	Metropolitan Police (MPS) (non member)
Tony Porter (TP)	Surveillance Camera Commissioner
Darryl Preston (DP)	Association of Police and Crime
Toby Smith (TS)	Digital, Data and Technology (DDaT), Home Office (non member)
Gill Tully (GT)	Forensic Science Regulator
Paul Wiles (PW)	Biometrics Commissioner
Ruth Winkler (RW)	Scottish Government

## **Welcome and opening remarks.**

1. MB said he had agreed to chair this Board in his capacity as NPCC lead on facial images. It was generally agreed by policing and other stakeholders that there was a need to establish this body, to maximise public protection and operational benefit, and build public trust in the area of law enforcement use of facial images and other new biometrics.
2. Any use of facial images by policing should be proportionate, reasonable, justifiable and within the law. He expected any live trials relating to facial images to be considered by this Board. Any force conducting such trials should also continue to engage with the public locally. He had discussed current live trials with MPS and SWP.
3. CP said that as Home Office Director responsible for policy in this area, he thanked MP for agreeing to chair the Board, and other colleagues for attending.

## **Item 1: Consideration of work in progress.**

4. BG gave an overview of MPS trials. Five had been carried out so far, including two at Notting Hill Carnival, and one each at the Cenotaph and Westfield Stratford. MPS have also been supporting trials by Humberside Police at Hull. An MPS oversight board had been established and they had engaged with stakeholders, the public and the media, and planned to expand this engagement. The Mayor's Office for Policing and Crime (MOPAC) had produced an interim report on the conduct of the trials. MPS had agreed its recommendations and planned to implement them by the end of July. MB congratulated MPS on progress but noted they had not yet implemented a court judgement on image retention made some time ago. BG said MPS had a plan for implementing the judgment which they would supply to this Board.

## **Action: BG to let the Board have sight of MPS' plan for implementing the judgment.**

5. Board members asked for details of the watch lists compiled for the trials. JM said a separate watch list was compiled for each deployment and the size was dependent on the operational need, for example there were 450 people on the watch list for the Carnival and 50 for the Cenotaph event. SL confirmed that SWP had produced bespoke watch lists for the trials it had carried out. MB asked TA to bring together SWP and MPS learning on this subject. BC asked to be involved.

## **Action: TA to bring together force learning on watch lists into a single guidance document, involving BC. CJ to supply contact details if necessary.**

6. NH said she understood that explanatory leaflets produced by MPS had not been handed out at Westfield Stratford during the recent trial there. BG said MPS had initially handed out leaflets but had run out, but a greater number would be provided in future. MPS also intended to create a website providing information by the end of the month.

7. JM said MPS is working with SWP, the National Physical Laboratory and the University of Essex on evaluation of the trials. GT asked whether evaluation would include the human element of the overall system. JM said it would. TP queried whether the trials were for evaluation purposes or whether they overlapped into operational use. TA said evaluation should look at how the watch lists were compiled. MB said the reference in the TOR to 'rigorous scientific methods' should read 'scientific methods', as these should always be rigorous. GT and JB said objective evaluation criteria needed to be worked out before the start of each trial. MB agreed.

**Action: JM will provide the Board with a paper on how evaluation is being carried out, in collaboration with SWP.**

8. BC said HO Biometrics Programme (HOB) work involved replacing the current face algorithms in the Police National Database and passport systems. Though these related to still images, HOB was working closely with SWP so they could understand the opportunities regarding moving images.

9. NH explained that she chaired the BFEG working group on facial recognition which intended to produce a short report by the end of October. This would take account of the MOPAC interim report referred to earlier. CP was the policy client for this report, however it could also be sent to this Board.

**Action: BFEG Working Group to provide the Board with its report by the end of October.**

10. PW said the Board should investigate the legal and governance basis for sharing biometrics between different arms of government and make recommendations which might include proposals for legislation. TP said there was a need for a clear legal opinion on the legal basis for use. CP said the Data Protection Act and the Surveillance Camera Code of Practice together provided a useful framework for considering this. While more sharing of biometrics entailed risks to privacy if not properly managed, it could also bring benefits by reducing the need to transfer personal data across systems and different media. MB said identity theft and the accuracy of police data were key issues.

11. TS described a project which HO DDAT were working on with policing colleagues. This involved using facial recognition to locate missing persons in busy public places such as transport hubs. Testing was currently under way with actors and their own team. Operational trials were planned for the autumn.

**Action: TS to liaise with TA re watch lists, and with JM re evaluation.**

12. NB said DDaT was also working on using facial recognition on the Child Abuse Image Database to see if there were multiple images of the same victim. It was agreed the public were likely welcome this use.

13. There was a general view that there was a need for a common simple language to describe facial recognition systems to improve communication with the public.

**Action: MPS and SWP to liaise on common language and put a paper to the Board.**

14. PW said the Board should consider to what extent it needed to develop common principles for all biometrics and to what extent particular biometrics needed to be treated differently. This issue was addressed in the Scottish advisory group report and Scottish government response. RW said the Scottish government was carrying out a consultation on these proposals.

**Action: Secretariat to circulate link to this consultation (done on 26 July)**

15. GT said she had published an appendix to her Codes on video and facial comparison. TP stated that he was working with GT, PW and the ICO to set up a regulators' group. His office was pulling together practice guidance which he would share with colleagues. JB welcomed the creation of this Board; the Information Commissioner regarded addressing facial recognition as a priority. The ICO has bilateral meetings with Police Forces. He considered there to be a need for national guidance particularly on evaluation.

## **Item 2: Terms of Reference**

16. AM introduced discussion of the TOR. GT and DP said they should state that the Board had no statutory power, but chief officers were encouraged to comply with its recommendations. PH asked whether the Board should support access to biometrics by researchers. GT said researchers should develop their own 'ground truth' data sets, because methods should be tested using ground truth (known source) data ahead of trials on live data. MB said there would be a need to consider legal and ethical issues. BC asked about the Board's relationship with use of facial images for passport and visa applications. CP said this was outside the Board's scope but we would look at how learning could be transferred between policing applications and these areas.

**Action: AM and CJ to consider what changes to the TOR might be necessary to reflect points made in discussion and confirm them with the next meeting of the Board**

## **Item 3: Forward Look**

17. ID proposed that the TOR should have something on advancing burden sharing and improving efficiency. AM said we would consider this.

## **Item 4: AOB**

18. TA noted that a Freedom Of Information request was being answered on the number of searches carried out on Police National Database. PW said the Board

should publish information regularly in the interests of transparency. CG said the Home Office Biometrics programme was publishing a number of reports. PW asked that the next Board should have a report on how the legal framework for use of new biometric applications is developing.

**Action: CJ to provide next Board with a report on the legal framework**

**Action: AM to consider what information the Board should regularly publish, as part of the ToR.**