



# Minutes

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|-------------------------|---|---|---------------|
| <b>Title of meeting</b> | Law Enforcement<br>Facial Images and<br>New Biometrics<br>Oversight and<br>Advisory Board |   |               |
| <b>Date</b>             | 29 <sup>th</sup> November 2018  | <b>Time</b>   | 9:30-11:30    |
| <b>Venue</b>            | London SW1  |   |               |
| <b>Chair</b>            | CC Mike Barton  | <b>Secretary</b>  | Carl Jennings |
| <b>Attendees</b>        | Mike Barton (MB) (Chair)  | Chief Constable, Durham<br>Constabulary   |               |
|                         | Christophe Prince (CP)  | Director – Data and Identity,<br>Home Office  |               |
|                         | Teresa Ashforth (TA)  | Operational Communications in<br>Policing, Home Office                                      |               |
|                         | Ivan Balhatchet (IB)  | Metropolitan Police (MPS) (non-<br>member)  |               |
|                         | Nigel Ball (NB)   | Digital, Data and Technology<br>(DDaT), Home Office   |               |
|                         | Lucy Bradshaw-Murrow (LBM)  | Office of the Biometrics<br>Commissioner  |               |
|                         | Sean Byron (SB)   | National Law Enforcement Data<br>Service  |               |
|                         | Neil Cohen (NC)   | Defence Science and<br>Technology Laboratory  |               |
|                         | Brendan Crean (BC)  | Home Office Biometrics<br>Programme (HOB)   |               |
|                         | Ian Daft (ID)   | National Crime Agency (non-<br>member)  |               |
|                         | Gary Dodds (GD)   | Department of Justice, Northern<br>Ireland  |               |
|                         | Dr Nina Hallowell (NH)  | Biometrics & Forensics Ethics<br>Group (BFEG), chair of sub-<br>group on facial recognition |               |
|                         | Richard Hartell (RH)  | Police Forensics and Biometrics<br>Policy Team, Home Office (non-<br>member)                |               |

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| Jake Hawkins (JH)   | Digital, Data and Technology (DDaT), Home Office (non-member)          |                                       |
| Carl Jennings (CJ)  | Police Forensics and Biometrics Policy Team, Home Office (Secretariat) |                                       |
| Jeremy Jones (JJ)   | Police Forensics and Biometrics Policy Team, Home Office (non-member)  |                                       |
| Judith Jones (JuJ)  | Information Commissioner's Office                                      |                                       |
| Scott Lloyd (SL)    | South Wales Police (SWP) (non-member)                                  |                                       |
| Alex Macdonald (AM) | Head of Identity Policy Unit, Home Office (non-member)                 |                                       |
| Johanna Morley (JM) | Metropolitan Police (MPS) (non-member)                                 |                                       |
| David Munro (DM)    | Police and Crime Commissioner, Surrey                                  |                                       |
| Andrena Murray (AM) | Department of Justice, Northern Ireland                                |                                       |
| Tony Porter (TP)    | Surveillance Camera Commissioner                                       |                                       |
| Darryl Preston (DP) | Association of Police and Crime Commissioners (APCC)                   |                                       |
| David Shaw (DS)     | Home Office Biometrics Programme (HOB)                                 |                                       |
| Gill Tully (GT)     | Forensic Science Regulator   |                                       |
| Ruth Winkler (RW)   | Scottish Government  |                                       |
| <b>Apologies</b>    | Elaine Hamilton  | Scottish Government                   |
|                     | Umar Hussain   | South Wales Police (SWP) (non-member) |
|                     | Paul Wiles   | Biometrics Commissioner               |

## Welcome and opening remarks

1. MB welcomed attendees to the third meeting of the Board.

## Item 1: Minutes of and actions from previous meeting

2. The minutes were agreed in principle. Actions from the previous meeting were dealt with under the appropriate items; a list of outstanding actions is included at the end of these minutes.

**Action: any final comments should be submitted to CJ, who will publish them.**

## Item 2: Work in progress

3. As Ch Supt Galopin had moved on, a new Chair would be appointed for the Cross Business Area Working Group.

**Action: MB and SB to consider who should be the next Chair of the Working Group. [Note: Umar Hussain (SWP) has been appointed.]**

4. MPS evaluation. JM said MPS had conducted an interim evaluation. A full evaluation would be carried out once all 10 pilot tests had been completed. CP suggested that further interim reports should be provided.

5. Cardiff University evaluation of SWP pilots. SL provided an overview of this study. Since circulation to members, a final version had been published. TP said the evaluation was useful and increased the body of knowledge available to the Board. BC said MPS should find it helpful with their evaluation. JM agreed it would assist MPS, though there were likely to be some differences in their approach. DM said evaluation should take account of ethical considerations. It was agreed there would be an item on the agenda of the next meeting to discuss this evaluation. SL suggested that Martin Innes of Cardiff University might be invited to the Board.

6. Existing projects. The Board noted the information provided. MB and CP stated that it was important that this list should be comprehensive and include projects where forces provided data for use of AFR by the private sector.

**Action: Board to notify CJ of any projects that were not shown in the list.**

7. MB noted concerns over wider circulation of papers submitted to the Board, particularly when they were only in draft form. He considered that it would assist frank and informed discussion for draft and/ or sensitive papers to be circulated, as long as handling requirements were made clear.

**Action: Secretariat to specify handling and circulation requirements when papers are circulated.**

8. HO Biometrics plans for image retention. SB said policing were concerned about a proposal for HOB to hold duplicates of the images held in the national custody image collection in future, after the collection had been migrated from the Police National Database (PND) to the Law Enforcement Data Service (LEDS) platform. It was bad practice to hold duplicate collections for data management, audit, and access control. There was particular concern about access to images of persons who could be under threat. DM, JuJ and others shared these concerns. BC said the HOB proposal was intended to support the National Law Enforcement Data Programme (NLEDP) who were developing LEDS. NLEDP were currently replanning their approach and this could affect the proposal. He said HOB would apply appropriate controls to any data they held. He was keen to meet any concerns about managing data effectively, and that there were precedents for this situation. He would welcome the Board's views and offered to provide a technical presentation. CP said he was happy for his team to advise on how legislation and regulations applied.

**Actions: SB and BC to discuss next steps. Board to raise any further concerns with SB.**

9. Oral update on Trafford Centre pilot. SB explained this had involved Greater Manchester Police (GMP) supplying images of wanted and vulnerable people to Intu who managed the

Trafford Centre. Intu had used a watch list comprising these images and other images supplied by Intu themselves. The pilot was currently suspended. TP and SB had liaised separately with GMP and Intu and advised them of further steps they needed to take if they were to restart it. TP said police involvement meant it fell within his remit. There had been 18 million visits to the centre during the pilot period. The issue of proportionality needed to be considered. Looking at how this question is considered in using ANPR would assist.

10. MB had spoken to the Deputy Chief Constable to emphasise the need for senior level involvement. NC said that police input to a commercial system was more likely to be used in future than a purely police system. MB said that there needed to be further consideration of how a watchlist is made as some vulnerable people may not want to be found. TA asked whether GMP were using AFR in other shopping centres – SB confirmed they were not. JuJ said that the commercial side was of great interest and that the ICO will be looking at law enforcement in public spaces in detail. ID said this raised the issues, which also arose in other contexts, of the interface between police and commercial sector.

11. Oral update on the person recognition/ missing persons project. This would be discussed at the next meeting.

12. Oral update on the Data Quality Dashboard. TA explained that this dashboard showed how forces were managing information assets, including custody images. This assisted with planning migration of images from PND to LEDS, and in assessing whether forces were conforming with the guidance in the Custody Image Review. She noted that this work had shown that some forces' custody images were not of sufficient quality to be used for searching on PND. This was partly an issue of the cameras used, and partly an issue of how officers were trained to use the cameras. BC said lessons could be learned from the standards set by immigration. JuJ said image quality was an important issue in data protection terms and the ICO had worked with the private sector on this.

**Action: TA to discuss with CJ what further information on this could be presented to the next meeting of the Board. CP to report to the next meeting of the Board on the timescale for the next Custody Image Review.**

13. Oral update on voice analytics. ID provided a brief update. CP asked that where police are looking to pilot any new technology that the Board is alerted.

### **Item 3: Response to commissioners' paper**

14. NPCC response to the commissioners' paper put to the 24 September meeting. TA said NPCC did not agree that the PoFA model was appropriate for custody image retention because of the different uses to which images were put, and because the current technical infrastructure did not support it. However, NPCC considered that forces should manage images more proactively, and in particular should delete more legacy images. She said there was a case for carrying out the next Custody Image Review (CIR) sooner than the 2020 date envisaged in the 2017 review. LBM said if forces could carry out wider deletion than envisaged in the CIR, there could be quick wins. JuJ said she will look at the proposal and was happy to provide advice. DM wanted more consideration to be given to operational use when considering proportionality, as had been done with stop and search. JM said she would like to comment on the commissioners' paper and thought there was need to clarify the terms used. CP said consideration needed to be given to the sources of images.

**Action: Board to comment further on the commissioners' paper and the NPCC response for further discussion at the next meeting.**

#### **Item 4: Guidance on AFR**

15. SCC guidance to forces. TP said he and his office had led on drafting this and it also reflected input from the other regulators; he would welcome further input from the Board. MB said that the guidance was useful. SL agreed and said their counsel in the judicial review litigation also took this view. GT welcomed the guidance and had input to it but thought we should be careful not to describe it as representing a joint view. TP asked JuJ to consider this further off-line.

**Action: TP and JuJ to discuss the guidance further.**

16. Live Facial Recognition guidance. JM, SB, SL and Geoff Whitaker (DSTL Forensics and Identity Team) had produced draft guidance. SB said this was work in progress. JM said it complemented the SCC's guidance as its focus was on operational issues rather than regulation. CP welcomed this guidance and said HO could contribute. BC said it would be helpful for those taking forward pilots to have early sight of this guidance. DM said the guidance should refer to the legal basis of use. MB said necessity needs to be at the forefront of consideration of AFR use.

**Action – Board to raise any issues arising from the guidance with the authors.**

#### **Item 5 – Flowchart on taking R&D to market – amendment to cover AFR**

17. Forensic Regulator – amendment to the flowchart on taking R&D to market to cover AFR. GT said that she would be happy for views to be fed back.

**Action – Board to raise any issues with GT.**

#### **Item 6: Future of Face workshops**

18. Paper on 'the Future of Face' presented to IMORCC (NPCC Information Management and Operational Requirements Co-ordination Committee). SB said that recommendations are being prioritised as resourcing will be the main issue. GT said clarification was needed on how the various boards mentioned fitted together.

**Action – TA to supply the secretariat with the NPCC structure to circulate to the Board.**

#### **Item 7: Any Other Business**

19. JuJ said she and Steve Wood of ICO were carrying out an investigation of the use of AFR by law enforcement, looking at which forces were using it and how, so forces should expect contact from ICO. MB asked JuJ to discuss emerging issues with himself, CP and CJ.

20. CJ asked whether the Board was content that meetings should take place quarterly. The Board agreed.

21. IB said that Big Brother Watch has suspended its judicial review until MPS has completed the ten planned pilots and their evaluation. IB also said that MPS had accepted

the recommendations in ICO's report on the Gangs Matrix though they did not accept that discrimination had occurred.

22. ID asked whether HO was sighted on work carried out on FR and other new biometrics by other government departments outside the law enforcement space. BC said that HO was reasonably well sighted on other areas.

23. NC asked if all four recommendations in the IMORCC paper were being taken forward. SB said they were, he was happy to discuss outside the meeting.

24. SL provided an update on the judicial review of South Wales Police use of AFR. The Equality and Human Rights Commission are considering whether to intervene in the case.

25. CP said that in line with the commitment in the Biometrics Strategy, his team are reviewing the governance and oversight of biometrics in the areas for which the Home Office has policy responsibility.

26. CJ reminded the Board of the commitment to publish its minutes on GOV.UK – it was hoped to do so shortly.

**Outstanding actions from previous meetings – reports to be provided to March 2019 meeting.**

MPS to report to the Board on how it will apply weeding to custody images to implement the RMC judgment.

BFEG Working Group to provide the Board with its report.

CJ to provide the Board with a report on the legal framework.