



# OFFICE OF THE BIOMETRICS AND SURVEILLANCE CAMERA COMMISSIONER

Tony Eastaugh CBE  
Biometrics and Surveillance Camera  
Commissioner  
2 Marsham Street  
London SW1P 4DF

19 December 2023

<https://www.gov.uk/government/organisations/biometrics-and-surveillance-camera-commissioner>

To: [redacted]

Our Ref: BSCC-FOI-1523-FG

## Letter by email

Dear [redacted]

I write in response to an email received from you to my office on 11 December 2023 in which you ask for an internal review of your recent FoI request “particularly on the points about not holding correspondence that may exist on Professor Sampson's work phone or personal email account.” You asked that I “seek to obtain any information held in scope on Professor Sampson's work device, or personal private account as I am aware that OBSCC business may have sometimes used other email addresses, as these sources of information are both subject to the Act and I ask that they are disclosed on review.” Your inquiry has been forwarded for an internal review, the response to which is below:

Dear [redacted]

## **BSCC-FOI-1523-FG - Correspondence With Facewatch**

Thank you for your e-mail of 11<sup>th</sup> December 2023, in which you ask for an internal review into the handling of your Freedom of Information (FOI) request – Correspondence with Facewatch where you requested.

- a copy of all correspondence between for [sic] former commissioner, Prof Fraser Sampson, and Facewatch in 2023. This should include any correspondence for official purposes on personal email addresses and phone numbers, in addition to emails from Prof Sampson's work account.

I enclose for information.

- Your original FOI request is at Annex A.

- The Office of the Biometrics and Surveillance Camera Commissioner's original FOI response is at Annex B where we provided the available information requested.
- Your request for review of the FOI response is at Annex C.

Home Office Science have now completed the FOI response internal review. This review included a review of the steps we had taken in the original search of the information held by the Office of the Biometrics and Surveillance Camera Commissioner including all information held in the office that was in scope include the accounts of the team supporting the Commissioner and available personal information in email accounts or mobile devices. During the exercise we did complete some additional searches of information held by the team but the result of these as well as a check of the information previously searched was that no further relevant correspondence was found in addition to the information that was supplied to you for the original reply.

Our conclusion is that the OBSCC's original response to your request was correct.

This completes the internal review process by Home Office Science. If you remain dissatisfied with the response to your FOI request, you have the right of complaint to the Information Commissioner. The website of the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) includes information on how to make a complaint.

Yours sincerely,

Science Support FOI  
[sciencesupportfoi@homeoffice.gov.uk](mailto:sciencesupportfoi@homeoffice.gov.uk)

Kind regards,



Tony Eastaugh CBE  
Biometrics and Surveillance Camera Commissioner  
Email: [enquiries@obsc.org.uk](mailto:enquiries@obsc.org.uk)

Annex A

**From:** [redacted] <[redacted]@bigbrotherwatch.org.uk>  
**Sent:** 07 November 2023 13:41  
**To:** Enquiries <enquiries@obscc.org.uk>  
**Subject:** FOI 7/11/23 - Correspondence With Facewatch

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Dear Sir/Madam

### **Freedom of Information Act 2000 Request**

I am writing to request the following information relating to correspondence with Facewatch

- A copy of all correspondence between for former commissioner, Prof Fraser Sampson, and Facewatch in 2023.
  - NB - This should include any correspondence for official purposes on personal email addresses and phone numbers, in addition to emails from Prof Sampson's work account.

I would like all document sent electronically please. Under Section 16 of the Act I also ask that if this request cannot be fulfilled under the legislation, that you offer advice and assistance to help the request comply with the act. I look forward to your response within 20 working days.

Best Wishes

**[redacted]**

# **BIG BROTHER WATCH**

Annex B



OFFICE OF THE BIOMETRICS  
AND SURVEILLANCE  
CAMERA COMMISSIONER

Tony Eastaugh  
Biometrics and Surveillance Camera  
Commissioner  
2 Marsham Street  
London SW1P 4DF

5 December 2023

<https://www.gov.uk/government/organisations/biometrics-and-surveillance-camera-commissioner>

To: [redacted]

Reference: BSCC-FOI-1523-FG

**Letter by email**

Dear [redacted]

I write in response to an email received from you to the Office of the Biometrics and Surveillance Camera Commissioner on 7th November 2023 in which you ask for:

*a copy of all correspondence between for [sic] former commissioner, Prof Fraser Sampson, and Facewatch in 2023. This should include any correspondence for official purposes on personal email addresses and phone numbers, in addition to emails from Prof Sampson's work account.*

Your request has been handled as a request for information under the Freedom of Information Act 2000.

In answer to your request, I am pleased to say that we are disclosing the content of all the documents falling in scope of your request and which were held either on Professor Sampson's work account, or by the office, and these are annexed to this letter. We do not hold correspondence that may or may not have been on his personal email addresses or his work phone. Please note that, where redactions have been made, they are made under section 40(2) relating to personal information. It is the policy of the Home Office to withhold the names of officials below the level of Senior Civil Servant and, as an arms-length body of the Home Office, OBSCC also follows this policy. I can confirm that the redactions relate to names and email addresses that would confirm the identity of the individual, or where additional open-source research could provide the identity of the individual (for example, where a person's position or role is disclosed).

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference BSCC-FOI-1523-FG. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Mark Greenhorn  
14<sup>th</sup> Floor Lunar House Building  
40 Wellesley Road, Croydon  
CR9 2BY  
e-mail: [Sciencesupportfoi@homeoffice.gov.uk](mailto:Sciencesupportfoi@homeoffice.gov.uk)

As part of any internal review, our handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'A Eastaugh', written in a cursive style on a light-colored background.

Tony Eastaugh CBE  
Biometrics and Surveillance Camera Commissioner  
Email: [enquiries@bsc.org.uk](mailto:enquiries@bsc.org.uk)

## Annex of information held

**From:** Enquiries <enquiries@obscc.org.uk>  
**Sent:** 16 March 2023 10:49  
**To:** [redacted]@facewatch.co.uk>  
**Cc:** [redacted]@SSAIB.co.uk>; [redacted]@ssaib.co.uk>; [redacted]@ssaib.co.uk>  
**Subject:** Certification of Surveillance Camera Systems - Facewatch Limited

### Letter from the Biometrics and Surveillance Camera Commissioner to the Chief Executive of Facewatch Limited.

Please bring the attached letter from the Biometrics and Surveillance Camera Commissioner to the attention of the Chief Executive.

Contact may be made with these offices should you require any further information in respect of these matters.

Kind regards,  
[redacted]

Office of the Biometrics and Surveillance Camera Commissioner  
[redacted]



OFFICE OF THE BIOMETRICS  
AND SURVEILLANCE  
CAMERA COMMISSIONER

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**From:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Sent:** 04 May 2023 14:36  
**To:** [redacted]@homeoffice.gov.uk; [redacted]@homeoffice.gov.uk  
**Subject:** Fwd: Response to [redacted] from Rt Hon Chris Philp MP, Minister of State for Crime, Policing and Fire

FYI

Fraser  
Sent from [Outlook for iOS](#)

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**From:** [redacted]@facewatch.co.uk  
**Sent:** Thursday, May 4, 2023 1:14:43 PM  
**To:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Subject:** FW: Response to [redacted] from Rt Hon Chris Philp MP, Minister of State for Crime, Policing and Fire

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Dear Fraser  
Great letter from the police minister which I'm sure you'll be interested to see.  
Kind regards  
[redacted]



The leader in facial recognition

**From:** Minister for Crime and Policing <[redacted]@homeoffice.gov.uk>

**Date:** Thursday, 4 May 2023 at 11:58

**To:** [redacted]@facewatch.co.uk

**Subject:** Response to [redacted] from Rt Hon Chris Philp MP, Minister of State for Crime, Policing and Fire

Dear [redacted],

Please find attached a written response from Rt Hon Chris Philp MP, following your letter of 12<sup>th</sup> March 2023.

Best wishes,

[redacted]

Private Office - Minister of State for Crime, Policing and Fire

**Home Office**

2 Marsham St, London, SW1P 4DF

**M:** [redacted]



**Rt Hon Chris Philp MP**  
Minister of State for  
Crime, Policing and Fire

2 Marsham Street  
London SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

[Redacted]  
Facewatch Ltd  
13/14 Buckingham Street  
London  
WC2N 6DF

4<sup>th</sup> May 2023

Dear [redacted],

Thank you for your letter of 12th March 2023 following our meeting on 8th March 2023. I was pleased to hear of the ICO's recent decision to lift their assessment notice, with no further action towards Facewatch. As we discussed in our meeting, the Data Protection and Digital Information (No.2) (DPDI) Bill was reintroduced to Parliament on 8th March 2023. The Bill will seize our post-Brexit opportunity to create a new UK data rights regime and build on the high standards we already have for personal data use, as well as strengthening and modernising the regulator (the ICO). I am grateful for the suggestions you have made in relation to the Bill.

The Government wants to ensure the ICO can regulate in a way that encourages responsible data use, allowing businesses, like yours, to confidently adopt and invest in digital technologies, which have the potential to have a huge impact across all sectors, including crime prevention.

A key part of this are the changes we are making to the ICO's framework of strategic objectives and duties to help prioritise its activities and equip the ICO to better consider areas that interact with, and are impacted by, its regulatory regime. The DPDI Bill introduces a number of duties the ICO must take into account when exercising its functions as the data protection regulator. This includes the need to consider the desirability of

promoting innovation and competition, as well as the importance of the prevention, investigation, detection and prosecution of criminal offences and the need to safeguard public security and national security.

The ICO duty to consider public security and national security has been drafted in order to ensure a broad interpretation for those areas, and to remove the public security element risks narrowing that scope. In addition, the duty to consider public safety – which I agree has a different meaning to ‘public security’ – is covered under the duty to consider the importance of the prevention, investigation, detection and prosecution of criminal offences.

There is already an existing duty to consider the desirability of promoting economic growth provided by the Deregulation Act 2015. Furthermore, new accountability requirements will require the ICO to set out how it will meet its new duties in a published, forward-looking strategy, and report on what has been done to comply, including for its existing economic growth duty. I hope that this will reassure you that the Government’s aims are aligned with your own in ensuring that the societal benefit arising from the use of technology and data in these important areas is considered.

These reforms also introduce a number of processes and safeguards to ensure that the actions of the ICO are more robust, transparent, proportionate and accountable. This includes, for instance, requiring increased consultation between the ICO and key stakeholders impacted by their work to ensure that their products and actions are high quality and well informed.

As you know the ICO issued an Opinion on commercial use of live facial recognition in 2021. The Opinion says that the Commissioner may update or revise this Opinion based on further findings from their regulatory work and practical experience. In light of their welcome decision to lift Facewatch’s assessment notice, it seems to me that there is a strong case for them to amend that Opinion accordingly to reflect the learning from your case. The ICO also issues codes of practice under the Data Protection Act 2018, and the Secretary of State is already able to instruct them to produce codes on additional specific data protection issues. I will consult with colleagues to explore the possibility for the ICO to amend its Opinion and/or develop a code of practice. In the slightly longer term the Bill will introduce new consultation requirements on the ICO when they produce new codes, such as the need to consult a panel of experts on the content of a code of practice.

You may also want to consider the existing code of conduct provisions under Article 40 of the UKGDPR, which allow trade and representative bodies to develop sector-led guidance on data protection issues to improve best practice within the private sector, which are then subject to approval by the ICO. I trust this response is helpful and reassures you the Government is committed to supporting effective use of new technologies and ensuring the regulator is better equipped to deal with the increasingly important and complex challenges we see within our data-driven society. As a Minister, I want to do everything possible to promote the widespread but careful use of passive and active facial recognition to prevent and detect crime and will continue to push this agenda forwards.

Yours sincerely,

**Rt Hon Chris Philp MP**  
Minister of State for Crime, Policing and Fire



**From:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Sent:** 25 August 2023 15:50  
**To:** [redacted]@facewatch.co.uk  
**Cc:** [redacted]@facewatch.co.uk; [redacted]@facewatch.co.uk  
**Subject:** Re: Facewatch discussion

6 September all day clear at this stage  
7 September clear in the afternoon

Fraser

Sent from [Outlook for iOS](#)

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**From:** [redacted]@facewatch.co.uk  
**Sent:** Friday, August 25, 2023 3:43:39 PM  
**To:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Cc:** [redacted]@facewatch.co.uk; [redacted]@facewatch.co.uk  
**Subject:** Re: Facewatch discussion

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Thanks Fraser, would that also apply week commencing 4 September also?  
[redacted]

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**From:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Sent:** Friday, August 25, 2023 3:35:48 PM  
**To:** [redacted]@facewatch.co.uk  
**Cc:** [redacted]@facewatch.co.uk; [redacted]@facewatch.co.uk  
**Subject:** Re: Facewatch discussion  
[redacted]

Tues, Weds or Thursday afternoons are best for me?

Thanks

Fraser

Sent from [Outlook for iOS](#)

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**From:** [redacted]@facewatch.co.uk  
**Sent:** Friday, August 25, 2023 2:59:23 PM  
**To:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Cc:** [redacted]@facewatch.co.uk; [redacted]@facewatch.co.uk  
**Subject:** Re: Facewatch discussion

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Thanks Fraser, please let us know slots when you are free and we will fit in.  
Kind regards

6

[redacted]

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**From:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Sent:** Friday, August 25, 2023 2:52:52 PM  
**To:** [redacted]@facewatch.co.uk  
**Cc:** [redacted]@facewatch.co.uk; [redacted]@facewatch.co.uk  
**Subject:** Re: Facewatch discussion  
Hi [redacted]

Thanks for this.

Taking them in reverse order, my office will be submitting a formal response to the consultation and it will be useful to share thoughts. On the second (your first) point, this is interesting particularly in light of the future direction for guidance vs regulation.

I have some flexibility next week if there are any specific dates that suit at your end?

Best wishes

Fraser

Sent from [Outlook for iOS](#)

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**From:** [redacted]@facewatch.co.uk>  
**Sent:** Friday, August 25, 2023 1:50:36 PM  
**To:** Fraser Sampson <Fraser.Sampson@obscc.org.uk>  
**Cc:** [redacted]@facewatch.co.uk; [redacted]@facewatch.co.uk  
**Subject:** Facewatch discussion

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Hi Fraser,

I hope you are keeping well.

[Redacted] have asked that we have a quick call to discuss Facewatch's approach to two issues –

1. We became aware of this from ICO minutes regarding Facewatch and more generally an ICO desire to assess the "broader LFR Eco System including Facewatch subscribers" as a result of an FOI request the ICO forwarded to us for redactions.

ICO: "For businesses in the retail sector that are considering purchasing LFR services, we could provide key data protection considerations they need to make before purchasing or deploying the technology."

We are considering making an approach to the ICO to offer assist them to develop those key data protection considerations based on our sector experience, and secondly to state we will work with (including audit) each of our subscribers to ensure their processing is in line with the guidance produced.

2. The ICO consultation on Biometrics Guidance

<https://ico.org.uk/about-the-ico/ico-and-stakeholder-consultations/ico-consultation-on-the-draft-biometric-data-guidance/>

Please let me know when you are free to join a call on this.

Kind regards

[redacted]

Annex C

**From:** [redacted] <[redacted]@bigbrotherwatch.org.uk>  
**Sent:** 11 December 2023 16:31  
**To:** Enquiries <enquiries@obscc.org.uk>  
**Subject:** Re: FOI 7/11/23 - Correspondence With Facewatch

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Good afternoon,

Thank you for this response.

I am writing to ask the OBSCC to conduct an internal review particularly on the points about not holding correspondence that may exist on Professor Sampson's work phone or personal email account.

Any correspondence held on Professor Sampson's work phone must be held by the OBSCC, as it is a work device and is therefore subject to the Freedom of Information Act, any should any emails sent from his non-OBSCC email accounts concerning official business. As I am sure you are aware [guidance from the Information Commissioner in relation to "official information held in non-corporate communication channels"](#) outlines how public authorities must ensure that records in private message accounts, on devices, and in private email accounts must be retained as public records when they concern official business.

I therefore ask you to review this response and seek to obtain any information held in scope on Professor Sampson's work device, or personal private account as I am aware that OBSCC business may have sometimes used other email addresses, as these sources of information are both subject to the Act and I ask that they are disclosed on review.

Thank you in advance

[redacted]

# BIG BROTHER WATCH

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**From:** Enquiries <enquiries@obscc.org.uk>  
**Sent:** 05 December 2023 4:37 PM  
**To:** [redacted] <[redacted]@bigbrotherwatch.org.uk>  
**Cc:** Enquiries <enquiries@obscc.org.uk>  
**Subject:** RE: FOI 7/11/23 - Correspondence With Facewatch

Good afternoon, [redacted]

Please find attached a response to your FOI request of **7/11/23 - Correspondence With Facewatch**, to the Biometrics and Surveillance Camera Commissioner.

Kind regards,  
Office of the Biometrics and Surveillance Camera Commissioner  
✉ [enquiries@obscc.org.uk](mailto:enquiries@obscc.org.uk)



OFFICE OF THE BIOMETRICS  
AND SURVEILLANCE  
CAMERA COMMISSIONER

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