

## **Public Interest Test –**

### **Overall Harm for the NCND**

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information relating to the covert practice of facial recognition would show criminals what the capacity, tactical abilities and capabilities of the force are, thus allowing 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 would lead to an increase of harm to covert investigations and 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 threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government has published the threat level, based upon current intelligence and that threat is currently categorised as 'substantial' - see below link.

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

The UK continues to face a sustained threat from violent extremists and terrorists. Any information identifying the focus of policing activity could be used to the advantage of these criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both National Security and Law Enforcement.

### **S24 Factors Favouring Confirmation or Denial**

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

The public are entitled to know how public funds are spent and what security measures are in place, and by confirming or denying whether any other information regarding the covert use of facial recognition is held, would lead to a better informed public.

### **S24 Factors Against Confirming or Denying**

By confirming or denying whether any other information is held regarding the covert use of facial recognition would render security measures less effective. Criminals/terrorists would be able to gain a greater understanding of the police's methods and techniques, enabling them 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. In addition to the criminal organisations now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. It could result in the identification of location specific

operations, which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them. This would lead to the compromise of ongoing or future operations to protect the security of infrastructure of the UK and increase the risk of harm to the public.

### **S31 Factors Favouring Confirmation or Denial**

Confirming or denying whether any other information is held regarding the covert use of facial recognition technology would provide an insight into the police service. This would enable the public to gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

### **S31 Factors against Confirming or Denying**

Confirming or denying that any other information is held regarding the covert facial recognition would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

By confirming or denying whether any other information is held would hinder the prevention or detection of crime. The police service would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and result in more crime/terrorist incidents being committed, placing individuals at risk.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics would lead to law enforcement being undermined. The police service is reliant upon all manner of techniques during operations, therefore confirmation would prejudice the ability of the police service to conduct similar investigations.

### **Balance Test**

Whilst there is a public interest in the transparency of policing operations and providing assurance that West Midlands Police force is appropriately and effectively engaging with the threat posed by various groups of individuals, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

Though there is a public interest in knowing that policing activity is appropriate and balanced, this will only be overridden in exceptional circumstances. The areas of police interest referenced above are sensitive issues that reveal local intelligence. The security of the country is of paramount importance and West Midlands Police force will not divulge whether any other information is or is not held, if to do so would place the safety of an individual at risk, compromise law enforcement or undermine National Security.

No inference can be taken from this refusal that any further information relevant to your request does or does not exist.