| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-3227  Responded to: 03 April 2024 |
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Your recent request for information is replicated below, together with our response.

**I am writing to request the following information relating to your use of facial recognition database searches, for each of the Police National Database, passport database, DVLA database, immigration database and EU Settled Status Database:**

In relation to facial recognition database searches, in common with all other UK police forces, we use facial matching technology provided through the Police National Database (PND). The database is proven technology and an extremely useful tool in helping officers to identify those who commit crimes. Police Scotland has access to the Police National Database (PND) and the response to your questions below refer to this database only.

In relation to the other databases requested, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

* **A copy of the legal mandate for facial recognition searches against each of these databases**

The Code of Practice On the Operation and Use of the Police National Database states the following:

The PND is to be used solely for policing purposes. The Police National Database Codes of Practice (2010) defines policing purpose as;

* Protecting life and property
* Preserving order
* Preventing the commission of offences
* Bringing offenders to justice
* Any duty or responsibility arising from common or statute law

As such, Facial searches on the PND must be for a policing purpose and be compliant with any other legal obligation including a) the Data Protection Act 1998; b) the Human Rights Act 1998; and c) the common law duty of confidence and d) the Scottish Biometrics Commissioner’s Code of Practice.

We are satisfied that the Codes are sufficient on that basis.

Please be advised that the Police National Database Codes of Practice (2010) is publicly available.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

I can confirm that the information requested is available through the gov.uk website. I have attached a direct link to the relevant document below:

[Code of Practice On the Operation and Use of the Police National Database (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/243554/9999102808.pdf)

* **A copy of any data protection impact assessment made for searching each of these databases**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 27(1) exemption applies:

“Information is exempt information if it is held with a view to its being published at a date not later than twelve weeks after the request for the information is made”.

The National Police Chiefs’ Council (NPCC) has committed to publishing this information on the NPCC website as soon as possible in 2024.

I believe it is reasonable in all the circumstances that the information be withheld from disclosure at this time, and that maintaining the exemption outweighs any public interest in disclosure.

* **A copy of any document setting out the threshold [e.g indictable offence, notifiable offence] before these databases can be searched**

As noted in the answer to question 1 of your request, the PND codes of practice directs searches can only be made for a policing purpose.

**The name of the manufacturer of the software used in each search, if known**

The software manufacturer in question is COGNITEC

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.