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Our Ref: IM-FOI-2022-1369
Date: 22nd July 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

- 1. Has your police force utilised facial recognition technology on a non-trial basis? If so, what was the first date of implementation?**
- 2. Please list every time facial recognition technology has been used by date (and if possible, the reason for its deployment)**
- 3. Please list how many people have been identified as “True positives” and please subdivide into ethnicity.**
- 4. Please list how many people have been identified as “False positives” and please subdivide into ethnicity.**
- 5. Please provide a percentage breakdown of the ethnicities that were identified as false positives as a total figure**

Following a clarification request you confirmed that by facial recognition you were referring to both overt Live Facial Recognition and overt Retrospective Facial Recognition.

In regards to all 5 questions I can confirm that Police Scotland does not utilise Live Facial Recognition technology and so, 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.

In regards to Retrospective Facial Recognition, consistent with all UK police services, Police Scotland utilises facial matching technology provided through the Police National Database (PND). Police Scotland uploads images to PND where a person has been charged with a common law crime or statutory offence in Scotland so that other UK forces can search the database to help identify and prosecute criminals. Images are retained in the Criminal History System for Scotland where an offence was dealt with by a conviction at court or where a conviction by a court predates an image that was taken for subsequent offending. In the event that there is no court conviction for the case an image was obtained for, or that predates the date a subsequent image was obtained, images are removed from the Criminal History System by Police Scotland which generates an automated update request for this removal.

All of our answers below relate to PND facial matching.

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- 1. Has your police force utilised facial recognition technology on a non-trial basis? If so, what was the first date of implementation?**

Yes, PND facial matching is used. Police Scotland began using this in April 2014.

- 2. Please list every time facial recognition technology has been used by date (and if possible, the reason for its deployment)**

The PND is run by the Home Office rather than Police Scotland and we do not hold the statistics you have requested. As such, 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.

To be of some assistance however, I can confirm that Police Scotland has used PND Facial Matching on 1,096 occasions in the last year (June 2021 to May 2022).

You may wish to request additional information from the Home Office in this regard and I have included a link to their FOI request details below:

<https://www.gov.uk/make-a-freedom-of-information-request>

- 3. Please list how many people have been identified as “True positives” and please subdivide into ethnicity.**
- 4. Please list how many people have been identified as “False positives” and please subdivide into ethnicity.**
- 5. Please provide a percentage breakdown of the ethnicities that were identified as false positives as a total figure**

PND facial matching does not identify a true or false positive and only a percentage of likelihood that the image used for comparison matches the image held on the PND Database. As such, 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.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.