



Live Facial Recognition Policy

This document is part of North Yorkshire Police policy to which all Chief Constable personnel are required to adhere to.

Policy Statement

This policy aims to:

- provide NYP personnel and members of the public with information about NYP's present strategic, operational and technology objectives for the overt use of LFR, such that it enables NYP to achieve its law enforcement purposes and is compliant with key recommendations (the Objectives).
- establish the governance structure for the Deployment of LFR, ensuring that NYP use of LFR is appropriately governed and legally compliant.

This policy should be read in conjunction with the APP provided by the College of Policing on Live Facial Recognition. A number of documents are available to supplement this policy and these include but are not limited to:

- NYP LFR Procedure
- NYP LFR Data Protection Impact Assessment (DPIA)
- NYP LFR Legal Mandate
- NYP LFR Equality Impact Assessment

LFR Overview

Live Facial Recognition (LFR) is used by NYP as a precision crime-fighting tactic to locate people who are wanted by NYP and/or the Courts. It helps us protect the most vulnerable in our community.

LFR also helps us locate those on a Watchlist, by monitoring facial images of people within a Zone of Recognition. Images from specially placed cameras are searched against a Watchlist of Candidate Images of people who are wanted or based on intelligence are suspected of posing a risk of harm to themselves or others. Watchlists composition is normally restricted to individuals suspected to be in the proximity of an area, and therefore there is some possibility or likelihood of an individual passing through an LFR Deployment.

LFR works by analysing key facial features to generate a mathematical representation of them. This representation is then compared against known faces in a database in order to identify Possible Matches against persons of interest to Law Enforcement Agencies. Where the LFR application identifies a Possible Match, the LFR system flags an Alert to a trained member of personnel who then decides as to whether any further action is required. In this way, the LFR application works to assist NYP personnel to make identifications rather than acting as an autonomous machine-based process devoid of user input.

LFR and North Yorkshire Police

NYP uses LFR technology supplied by West Yorkshire Police (WYP). This can be through mutual aid, where the technology is operated by WYP, but under the authority, direction and control of NYP, or the loan of the technology itself, operated by trained NYP staff.

LFR has been trialed by WYP over a period of six months. Whilst WYP is its own law enforcement entity, we are aware of the results of these trials, and NYP believes that LFR is a valuable precision policing tool that can assist NYP to keep the public safe and to meet its common law policing duties, which include the prevention and detection of crime, the preservation of order, and bringing offenders to justice.

Strategic Intention, Objectives and Use Case

LFR Deployments must be run under a Written Authority Document that complies with the following strategic intentions and operational objectives.

Strategic Intentions – NYP will:

- Use overt LFR technology in a responsible way to locate offenders in accordance with NYP's common law policing powers. This includes targeting those wanted for criminal offences, those who pose a risk of harm and those wanted by the courts.
- Comply with the common law and statutory safeguards in delivering its policing operational duties and relies on the common law to discharge a number of its duties. LFR can assist with NYP's duties to protect life and property, preserve order and prevent threats to public security, prevent and detect crime, bring offenders to justice, and uphold national security. This includes targeting those wanted for offences. It also includes using LFR technology to protect the public, reduce crime and help safeguard vulnerable persons.
- Strengthen and develop LFR technology capability to protect the public, reduce serious crime, to help safeguard vulnerable persons, and to make North Yorkshire the safest place to live, visit and work in the U.K.
- Build public trust and confidence in the development, management and use of LFR by taking account of privacy concerns and maximising transparency.
- Maintain good governance through a command structure that incorporates strategic, operational and technical leads for the deployment of LFR, with clear decision making and accountability.
- Ensure that the deployment of LFR is used in compliance with all applicable legal requirements, and that it meets the oversight and regulatory framework as presently outlined in England & Wales by the Biometrics and Surveillance Camera Commissioner, the Information Commissioner and NYP LFR Documents.
- Transparently identify, manage and mitigate reputational and organisational risk to NYP.
- Be recognised as a progressive, responsible and ethical organisation.

- NYP will ensure that LFR is used ethically in order to protect the tactic from reputational harm for national policing.

Operational Objectives – NYP will:

- Use LFR technology to enable NYP to discharge its common law policing powers. This includes the need to tackle our foremost operational priorities.
- Adopt a robust and proportionate approach in engaging and pursuing individuals identified on an LFR Watchlist, using human decision-making. Officer oversight is active and involved, with the officer retaining full control and making the decision on whether or not to take action;.
- Engage with and provide reassurance to communities, listening and responding to concerns.
- Continually identify and review risks relevant to the LFR technology, mitigate those risks, and maintain a response plan should mitigation fail.

Technological Objectives – NYP will:

- Ensure all LFR technology is fit-for-purpose and deployed effectively in line with strategic intentions and operational objectives.
- Ensure that the force providing the technology provide ongoing technical oversight and evaluation into the effectiveness of the technology as a policing tactic to bear down on violent crime and other imprisonable offences.
- Look to technological improvements whilst keeping the NYP LFR SOP under review. Where appropriate we will trial alternative providers of facial recognition software and hardware in parallel with our current provision of using WYP assets. This helps to ensure that the best possible service is sought and we are able to proactively develop improved working methodologies and accuracy. The outcomes of any parallel trial will be captured with the same key performance metrics that are gathered when deploying LFR to ensure the findings are suitable for direct comparison and analysis. All detailed retention periods will remain unaffected.

Use of LFR

This policy relates to the use of LFR in an overt capacity to help NYP protect the public. NYP will keep the use of LFR under review to ensure LFR continues to be used as an effective crime fighting tool.

LFR helps NYP use its resources more efficiently. NYP considers that LFR is better than humans at recognising persons from a large dataset (generally hundreds to low thousands) and quickly linking a Possible Match, whilst providing information that indicated why they may be of interest to NYP.

The use of LFR also helps minimise information sharing, as LFR offers an alternative to social media campaigns, or the sharing of information with external agencies. (It is acknowledged that considerations regarding data protection should not be considered as an absolute barrier to information sharing).

Locations for the deployment of LFR will be kept under strict review, with LFR being deployed into areas where it has the greatest potential to assist NYP in discharging its operational duties.

The decision to deploy LFR will always be supported by a rationale that explains why a location was selected for LFR use in accordance with the principles set out in the Legal Mandate and other NYP LFR Documents.

Given that LFR requires a member of police personnel to review every Alert in real-time for a decision as to whether any further action is required, NYP will always deploy LFR in a way that is operationally effective and allows NYP to act on any Alerts as they are generated. LFR will not be used indiscriminately.

Governance, Oversight and Impact Assessments

Following consultation, the following stipulations have been proposed and accepted by NYP:

- The overall benefits to the public must be balanced with public confidence of our use of LFR.
- It can be evidenced that the technology itself will not result in unacceptable gender or racial accuracy variance into policing operations.
- Each Deployment must be appropriately assessed and authorised, demonstrating both necessary and proportionate for a specific policing purpose.
- LFR Operators are trained to understand the risks associated with use of the LFR application, including how potential injustices may be caused through inappropriate responses, and that they are accountable for their actions.

NYP will develop and maintain robust governance and oversight arrangements that balance the technological benefits of LFR with their potential intrusiveness. These arrangements will meet the Home Office Biometric Strategy's requirement for transparency, whilst taking into account guidance from the Surveillance Camera and Biometric Commissioner. The arrangements will also focus on implementing a transparent and visible internal inspection, audit, and compliance enforcement regime.

NYP LFR Documents address the stipulations detailed above. Governance and oversight of the use of the technology is approached in three stages, as follows:

- Pre-Deployment
- Operational Deployment
- Post-Deployment

Pre-Deployment

Authority to deploy LFR is an operational one, where the NYP Authorising Officer (AO) rank is set at Superintendent or above. In exceptional cases of urgency, an officer below the rank of Superintendent, but not below the rank of Inspector, may authorise the Deployment of LFR.

Where an officer below the rank of Superintendent provides authority, an officer of the rank of Superintendent or above must be informed as soon as practicable. It is for the Superintendent or above to then authorise the deployment to continue, making changes to the authority where they believe necessary, or direct that it must stop.

Prior to AO authorisation and the Deployment of LFR in public spaces, a number of documents must be completed, and an NYP officer of COT rank (or police staff equivalent) must be engaged by the AO. Consultation at this level exists to expose the proposed deployment to an elevated level of strategic thinking, whereby issues are taken into account as much as possible. This affords Chief Officer Team (COT) the opportunity to scrutinise the deployment and to ask the AO to consider what mitigation is required to address concerns at hand.

The AO must notify the Deputy Mayor for York and North Yorkshire (or designated staff member) prior to any deployment, unless operational objectives would be hampered by the delay in notification.

The NYP Ethics Committee is an independent source of advice. Their terms of reference include the provision of advice and independent oversight of NYP on ethical matters, and the promotion of ethical considerations within a legal and regulatory framework. In continuing to monitor and develop our provision of this policing tactic, the Ethics Committee will be fully engaged and consulted.

Operational deployment

Arrangements must be made to accurately record and log the dates, times and location of the Deployment.

The Silver Commander must ensure that arrangements are made to keep the use of LFR under review throughout the duration of the deployment. The Silver Commander needs to be content:

- that the use of the LFR remains necessary and proportionate for the policing purposes identified in the Written Authority Document; and
- that the safeguards identified in the written approval remain effective.
- that the level of officer support committed to the deployment is enabling Alerts to be responded to effectively.
- that the Subject, System and Environmental Factors are such that the use of the LFR application remains effective for realising the policing purpose identified in the written approval.

Circumstances may arise that mean that there is a need to curtail or postpone the deployment. Examples may include occlusion resulting in those sought not being presented to the camera in cases of high crowd flow, adverse weather / lighting conditions or operational events changing the resources needed in the area. The Silver Commander must be empowered and have absolute discretion to suspend or terminate the deployment. Further details are provided within the LFR SOP.

During the deployment the timing and frequency of reviews is determined by the Silver Commander. A suitable period should be determined in the context of the deployment. This review should address the continued legality, necessity and proportionality of the deployment, as well as providing some analysis on LFR application performance and the engagements undertaken.

In any event the Silver Commander must conduct and record a review of the activity at suitable intervals.

Post-Deployment

The use of LFR should be subject to debrief and review. This will help ensure that future deployments reflect learning identified from each deployment, and that the use of LFR remains an effective and proportionate policing tool. The structure and form of each review should aim to achieve a degree of independence from the Gold Commander and address the efficiency and efficacy of the deployment.

Each deployment should be subject of an authority cancellation, once no longer required. The LFR Deployment Record is submitted to the AO to ensure that appropriate senior oversight is maintained. Such reports should typically be produced and submitted within 31 days.

The outcome of LFR deployments are subject to evaluation, which in turn should feed into oversight and scrutiny processes.

Post-Deployment, NYP must ensure that the processing of any personal data associated with LFR is conducted in a lawful way in compliance with NYP LFR documents. This includes that:

- Where the LFR system does not generate an Alert that a person's biometric data is immediately automatically deleted.
- The data held on any encrypted USB memory stick used to import the Watchlist is deleted as soon as practicable, and in any case within 24 hours, following the conclusion of the deployment.

Where the LFR system generates an Alert all personal data is deleted as soon as practicable and in any case within 24 hours.

All CCTV footage generated from LFR deployments is deleted within 31 days, except where retained:

- in accordance with the Data Protection Act 2018, MOPI and the Criminal Procedures Investigations Act 1996.
- in accordance with NYP's complaints / conduct investigation policies.

Oversight Bodies and Regulatory Framework

Within NYP, the senior internal oversight body for LFR is the NYP Ethics board, which in-turn will provide Trust, Confidence and Legitimacy to the use of LFR and is overseen by officer/s within the NPCC ranks. In addition, The York and North Yorkshire Combined Authority also provide an external oversight and scrutiny perspective.

The NYP LFR Legal Mandate sets out the legal framework for North Yorkshire Police's use of LFR technology, whilst this LFR Policy Document and the NYP LFR Standard Operating Procedure supports implementation and effective use.

Nationally, the NPCC 'Facial Recognition Technology Board' provides oversight for the operational uses of facial recognition within UK Law Enforcement.

Further oversight opportunities may arise in relation to the Law Enforcement Facial Images and New Biometrics Oversight and Advisory Board. This is co-chaired by the NPCC and the Home Office Data and Identity Department and involves representatives of the Information Commissioners Office and the Biometric & Surveillance Camera Commissioners office. More detail on these roles:

- Biometrics & Surveillance Camera Commissioner (BSCC); The role of the Biometrics and Surveillance Camera Commissioner is to provide independent oversight of police use of DNA, fingerprints, and surveillance cameras (CCTV) in England and Wales. Established by the Protection of Freedoms Act 2012, the role ensures technology is used proportionally, legally, and transparently to protect citizens' rights, rather than spy on them.
- Any usage of an LFR system by North Yorkshire Police will need to comply with the Surveillance Camera Code of Practice and the twelve guiding principles. This guidance document seeks to apply those principles. See Biometrics and Surveillance Camera Commissioner - GOV.UK
- Information Commissioner's Office (ICO); The ICO upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

- The Data Protection Impact Assessment must comply with Sections 35 – 40, (Principles 1 – 6) and Section 64 Data Protection Act 2018 and should be shared with the ICO. See Information Commissioner's Office.

Engagement

Public engagement should be supported by the use of online resources available to the public, which subject to the provisions around this contained within the Standard Operating Procedure, should be underpinned by a press and media strategy giving advance notice of deployments.

At and around the location of deployments, notices providing information, including details of the Privacy Notice, should be distributed and feedback via email should be sought.

Operational briefings delivered to officers and stakeholders prior to deployments should promote openness with the public and transparency about the use of LFR.

Officers should be encouraged to engage with the public to increase awareness of how LFR helps keep the public safe and how it helps bring offenders to justice. It is also helpful for officers to be in possession of information leaflets that can be handed out to the public. Such information leaflets should deliver important key messages aimed at promoting trust and confidence through improved understanding.

The force Equality and Diversity lead should be consulted prior to any deployment.

NYP will seek to engage a community stakeholder group in advance of any deployments of LFR to gauge any community tension, concerns and worries and to allow NYP to take steps to address this and reassure our community if required. Further details on public and community engagement can be found in the NYP LFR engagement strategy.

In advance of deployments we will ensure that:

- Consideration is given to LFR Deployments being notified to the public using the NYP website and other appropriate communication channels (including social media). This should be standard practice, unless the AO decides that for operational reasons doing so in advance of the deployment would jeopardise the effectiveness of the policing purpose of the deployment.
- LFR awareness raising measures (e.g. signs and/or leaflets) are prepared to support LFR Deployment in line with NYP LFR SOP.
- Literature is prepared for persons who may be engaged (to include information outlined within a privacy notice).
- Officers are briefed on their powers and the limits thereof. In particular, it must be made clear that there is no power to require an individual's cooperation in having their image captured, unless either the threshold for arrest has been reached, or an Inspector or above has authorised the exercise of the power under section 60AA of the Criminal Justice and Public Order Act 1994 for a Constable in uniform to require a person to remove anything that conceals their identity.
- External engagement is considered in discussion with the NYP LFR SPOC – currently an officer from within the force protected services. It may be appropriate to pursue engagement opportunities with a number of stakeholders, including local authorities, and

public consultative or ethical review bodies. It is important that engagement is coordinated and so the LFR SPOC must be consulted prior to this kind of activity.

During Deployments we will ensure that:

- Awareness raising measures are used in line with the NYP LFR SOP to ensure that the policing presence is overt such that the public can establish that LFR is being used and understand the nature of the data being processed
- Notices with a brief explanation of LFR and reference to the NYP website are available to hand out to the public on request;
- Information is offered to persons engaged by officers in accordance with the standard operating procedure referred to above.

After Deployments we will ensure that:

- Information about the deployment, including location, time, date, number of Alerts, engagements, arrests, and any other information considered helpful and suitable for disclosure, is published on the NYP website. Care must be taken to ensure that no personal data is published.
- External engagement is considered in discussion with the NYP LFR SPOC. Again, it may be appropriate to pursue engagement opportunities with a number of stakeholders, including local authorities, and public consultative or ethical review bodies. It is important that engagement is coordinated and so the LFR SPOC must be consulted prior to this kind of activity.
- Engagement with representatives from the Information Commissioner's Office will be ongoing. This may be facilitated by NYP or by West Yorkshire Police as the force supplying the LFR capability.

Linkages

Definition of Special Terms:

[Glossary and Special Terms](#)

[Technical Appendix](#)

Other Documents:

[Protection of Freedoms Act 2012](#)

[Biometrics and Surveillance Camera Commissioner - GOV.UK](#)

[Information Commissioner's Office](#)

[Equality Impact Assessment Form](#)