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Justice Sub-
Committee Clerks
Room T2.60
The Scottish
Parliament
Edinburgh,
EH99 1SP



Duncan Sloan
T/Assistant Chief Constable
Tulliallan Castle
Kincardine
FK104BE
Tel: 01259 733163

ACCMajorCrimeandPublicProtection@scotland.pnn.police.uk

Dear Convener,

Facial Recognition: how policing in Scotland makes use of this technology

I refer to the above report, published by the Justice Sub-Committee on Policing on 11 February 2020. Thank you for the opportunity to respond to the report and for your time when I gave evidence to your Sub-Committee on 16 January 2020.

On behalf of Police Scotland I welcome the work of your Sub-Committee and the report you have published. Police Scotland also welcome the subsequent passing of the Scottish Biometrics Commissioner (Scotland) Bill 2020 on 10 March 2020 and look forward to working with the Biometrics Commissioner, when appointed. We also welcome the scrutiny and focus that your work has provided, the learning derived from this debate and we trust that the Commissioner will ensure that this focus is maintained in the long term.

Facial Recognition Recommendations

Paragraph 271: It is extremely important to reiterate that while acknowledging the references to live facial recognition technology in the Policing 2026 strategy, Police Scotland do not currently use live facial recognition technology, nor do we have any plans to do so at this time.

Paragraph 272: Police Scotland recognise the current technology's lack of accuracy. I would therefore wish to reiterate that Police Scotland stand ready to undertake any work necessary to ensure safeguards are in place prior to introducing the use of this technology.

Paragraph 273: Any investment by Police Scotland in either the development or use of such technology would have to be subject to the safeguards recommended.

Paragraph 274: Police Scotland accept that the technology has to be fit for purpose and that any implementation will be agreed through the collaborative work of interest groups, experts and relevant scrutiny bodies.

Paragraph 276: As in my response to Paragraph 274 above, Police Scotland agree that the impact of the use of live facial recognition technology should be fully understood before such technology is introduced.

Paragraph 278, Bullet Point 1: The Policing 2026 Strategy, states, "This strategy was jointly and collaboratively developed by the Scottish Police Authority (SPA) and Police Scotland". Police Scotland recognise that we have a significant role to play in addressing the recommendations and that it is essential that we work with the Scottish Police Authority to address this recommendation and those in bullet points 2 and 3.

Paragraph 278, Bullet Points 7, 8 and 9: Policing in this country is fundamentally undertaken with and through the consent of the public and I fully appreciate the concerns expressed about any future moves to introduce such technology. In particular I recognise the potential impact on the private lives of citizens, and how this may undermine the public trust and confidence required for consent. As such, I can reassure the Sub-Committee that Police Scotland will not use this technology without all the necessary impact assessments having been undertaken and safeguards met and that a key part to any consideration of the introduction of live facial recognition technology must be through consultation and an assessment of the impact on the legal and human rights of citizens, with suitable plans put in place to mitigate any relevant risks identified.

Paragraph 280: I would take this opportunity to reassure you that Police Scotland only use retrospective facial recognition technology through the UK-wide Police National Database (PND) and only upload photographs of individuals charged with a crime or offence. We would welcome the opportunity to be part of a discussion relating to the legal, human rights and data protection requirements of this use of PND.

Paragraphs 282 and 283: Police Scotland wish to maintain the trust and confidence of the public and as such, as stated above, we are keen to be involved in a discussion regarding the use of PND and as detailed below, can confirm that work is ongoing in relation to legacy IT systems.

Paragraph 285, Bullet Point 3: As I explained in my evidence to your Sub-Committee, we have made significant progress in removing images held on our legacy systems, including the deletion of over 400,000 custody images last year. However, there is more work to do and we are fully committed to this. As I explained at that time, some of these issues are technical. We have scoped the

legacy systems, however, some do not readily lend themselves to the removal of specific parts of the data, such as images. Our ICT Department will need to develop solutions to these issues that will permit the deletion of any images we should no longer hold, without loss of information which remains vital to our policing purpose. I would be happy to keep your Sub-Committee updated as this work progresses.

Paragraph 285, Bullet Point 4: As your report explains, our access to retrospective facial recognition technology forms part of the UK wide software that utilises the Police National Database. We would welcome advice and guidance on the retention of images and remain ready and committed to participate in a shared assessment of when and for how long such images are retained and for what purpose they are used. It is important that we do not make any ill-informed decisions about the deletion of data that might be vital to the investigation of serious crimes. This goes to the core of my earlier point, the decisions we collectively make must balance safety and privacy.

Paragraph 289: I can reassure the Sub-Committee that Police Scotland will not use this technology without all the necessary impact assessments having been undertaken and safeguards met. Indeed, without pre-empting the decision of the Information Commissioner, I think this work presents a further opportunity for an Ethics Panel to consider this specific development.

I trust the foregoing is of assistance and provides reassurance to you and members of the Justice Sub-Committee on Policing.

Yours sincerely

Duncan Sloan
T/Assistant Chief Constable
Major Crime and Public Protection