



<b>Meeting</b>	<b>Policing Performance Committee</b>
<b>Date</b>	<b>10 December 2024</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Live Facial Recognition</b>
<b>Presented By</b>	<b>ACC Andy Freeburn, Organised Crime, Counter Terrorism &amp; Intelligence</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Yes: Appendix A - Tactical LFR Working Group Terms of Reference Appendix B - Tactical LFR Working Group Phase 1 Roadmap</b>

**PURPOSE**

The purpose of this report is to inform members of the initial work of the Police Scotland (PS), Scottish Police Authority (SPA) and Scottish Biometrics Commissioner (SBC) tripartite Live Facial Recognition (LFR) tactical Short Life Working Group (SLWG).

Members are invited to discuss the proposed key objectives of the tactical LFR SLWG.

## **1. BACKGROUND & TIMELINE**

- 1.1 As announced at the Scottish Biometrics Conference in June 2024, SPA Chair Martyn Evans, made a commitment to consideration and consultation on the use of Live Facial Recognition within a Scottish Policing context.
- 1.2 A strategic meeting, led by SPA, was held on 16 August 2024, to plan the approach for a tri-partite LFR SLWG.
- 1.3 It was agreed the SLWG would draft and propose a LFR policy, within 12 months. In-keeping with SPA and SBC stakeholder and consultation responsibilities, the work of the SLWG, including the proposed policy, will be primarily PS led.
- 1.4 A draft Terms of Reference for an LFR Tactical group was shared to SPA and SBC SLWG members and subsequently approved by ACC Freeburn on 26 September 2024.
- 1.5 Work began to identify PS tactical group members and the first session of the SLWG was held on 25 October 2024.
- 1.6 A meeting of the PS Chief Constable, the Scottish Biometrics Commissioner and the SPA Chair was held on Monday 25 November 2024 and an agreement reached to introduce a strategic steering group led by DCC Smith, to oversee the work of the SLWG as well as providing a forum for continued strategic discussion.

## **2. SLWG - PHASE 1**

- 2.1 The aim of Phase 1 is to draft a policy for the strategic LFR Steering Group, either having found sufficient evidence of how LFR can support policing in a legal and ethical way, or a recommendation to the contrary.
- 2.2 If relevant, the remit of the group may extend to subsequent phases encompassing the Rights Based Pathway, Data Ethics Triage, wider public and stakeholder consultation, etc., but only if there is a clear, supported and evidence-based policy to be considered.
- 2.3 Ideally, the policy proposal will be available earlier than the 12-month timescale, however, the SLWG is not a dedicated or resourced project, with members asked to participate in addition to their substantive roles and responsibilities.

- 2.4 A copy of the SLWG Terms of Reference is provided at Appendix A.
- 2.5 At the first session, it was agreed work would be delivered via 3 sub-groups, namely 'Use Cases & Benchmarking', 'Legal and Ethical Considerations' and 'Comms & Engagement', as outlined at Appendix B.
- 2.6 The key priority of Phase 1 is a strategic risk assessment of LFR, via the identification of policing Use Cases. This should be a combination of benchmarking with forces already deploying LFR in the UK, as well as proposals for bespoke use in Scotland at the earliest opportunity. Some of this work has already been captured by the PS Digital & Transformation Innovation Team.
- 2.7 Members will work to capture and consider the legal and ethical implications of LFR. Currently, there is no legal framework underpinning the use of facial matching in Scotland. There is no statutory legislation in relation to the use of Scottish arrestee images, however the SBC Code of Practice make provisions to mirror existing legislation where legislation is currently silent. (i.e. S18-19C CP(S)A95 Arrestee DNA and Fingerprints)
- 2.8 To ensure transparency and consistent messaging, PS Corporate Comms are represented on the SLWG and aim to deliver an LFR Comms Strategy. The group is also working to establish a stakeholder directory and engagement schedule.

### **3. FURTHER UPDATE**

- 3.1 It is also worthy of note that there is continuing political debate on the topic and on 14 November MPs debated the use of LFR with a view to regulating it with specific laws. A strategic listening exercise/UK national conversation on LFR with key stakeholders, regulators and civil society is being arranged, with representation from the Scottish Biometrics Commissioner's office.
- 3.2 The SLWG will continue to monitor these developments and ensure that this is joined up with the Scottish context.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications in this report.

### **5. PERSONNEL IMPLICATIONS**

- 5.1 There are no personnel implications in this report.

**6. LEGAL IMPLICATIONS**

6.1 There are no legal implications in this report.

**7. REPUTATIONAL IMPLICATIONS**

7.1 There are no reputational implications in this report.

**8. SOCIAL IMPLICATIONS**

8.1 There are no social implications in this report.

**9. COMMUNITY IMPACT**

9.1 There are no community implications in this report.

**10. EQUALITIES IMPLICATIONS**

10.1 There are no equality implications in this report.

**11. ENVIRONMENT IMPLICATIONS**

11.1 There are no environmental implications in this report.

**RECOMMENDATIONS**

Members are invited to discuss the proposed key objectives of the tactical LFR SLWG.

## Live Facial Recognition – Tactical SLWG

### Phase 1 – Exploration

### Terms of Reference

Purpose	<p>A Live Facial Recognition (LFR) Short Life Working Group to drive a national conversation on LFR, and to establish a policy position on the use of LFR and under what circumstances, <b>if any</b>, it could be deployed in Scotland.</p> <p>Through its reporting (see section 2), the Group will be required to demonstrate its consideration of a range of ethical, legal, and societal aspects of LFR to enhance public trust and confidence in the <b>potential</b> future use and governance of biometric data and potential use of LFR.</p> <p>Group members will work together, recognising organisational responsibilities, roles and areas of expertise, to allow the Group to achieve its aims. This Terms of Reference does not convey any legal powers or responsibilities, but all members agree to operate within its terms.</p>
Reports To	LFR Strategic Steering Group
Chair	Chair: PS SCD Intelligence
Frequency	Minimum – Monthly (or more frequently based on demand)
Members	<ul style="list-style-type: none"> <li>▪ PS CDO - Data Science Co-ordinator</li> <li>▪ PS CDO - Data Ethics Lead</li> <li>▪ PS Digital / Policing in a Digital World</li> <li>▪ PS Digital / Policing in a Digital World</li> <li>▪ PS SCD Biometrics - Biometrics Data Lead</li> <li>▪ PS SCD Intelligence</li> <li>▪ PS Local Policing</li> <li>▪ PS Local Policing</li> <li>▪ PS Strategy, Insight &amp; Engagement – Strategic Engagement &amp; Collaboration Manage</li> <li>▪ PS Corporate Comms - Corporate Communications Executive Lead</li> <li>▪ PS Digital &amp; Transformation Innovation Team (TBD)</li> <li>▪ Scottish Biometrics Commissioner - Director</li> <li>▪ Scottish Biometrics Commissioner – Operations Manager</li> <li>▪ Scottish Police Authority - Strategy Research Performance Policy Change Advisor</li> <li>▪ Scottish Police Authority – Change &amp; Improvement Lead</li> </ul>
Critical Friends, Learning & Benchmarking	<ul style="list-style-type: none"> <li>▪ MPS</li> <li>▪ South Wales</li> <li>▪ Essex Police</li> <li>▪ Academia, SBC Advisory Group members, Scottish Institute of Policing Research (SIPR), etc.</li> </ul>

**OFFICIAL**

Member Responsibility	Ensure attendance, or alternative representation, as well as timely updates across each organisation, constructive contribution to SLWG objectives and the pro-active delivery of allocated actions. Ensure updates are disseminated, as required, within each organisation.
Phase 1 - Governance (Objectives)	<p>Create and present a timeline of activity to drive a national conversation on LFR, ensuring discussions are underpinned by respective organisation values. This includes, but is not limited to:</p> <ul style="list-style-type: none"><li>▪ <b>PRIORITY:</b> Gathering use-case evidence and data to support the potential benefits of LFR to assist PS in keeping people safe, and to support the wider criminal justice community.</li><li>▪ Ensure consistent messaging is available for via Corp Comms due to likely increased media interest</li><li>▪ Increased discussion, understanding and awareness of LFR within policing.</li><li>▪ Increased discussion, understanding and awareness of best practice, ethical and legal considerations associated with LFR.</li><li>▪ Undertake stakeholder engagement, considering Ethical dilemmas, academia input, research, etc. and review the findings of commissioned SBC/SPA public polling (to include a specific LFR question)</li><li>▪ Reach a proposed policy position, including proposed business area ownership, and long-term collaborative partnerships required if approved for implementation.</li></ul>
Subsequent SLWG Phases ( <u>only</u> in the event of a positive decision taken to move forward with LFR)	
<ul style="list-style-type: none"><li>▪ Phase 2 - Scoping technical &amp; £ requirements, functionality testing, etc.</li><li>▪ Phase 3 - Data Ethics Triage / Rights Based Pathway / Public Consultation.</li><li>▪ Phase 4 - (If approved) Pilot implementation and corporate communications</li></ul>	

# Live Facial Recognition – Tactical SLWG Phase 1

To support the aim of the group to present a proposed policy on LFR:

- Document the Scottish and wider legal framework to underpin the proposed policy. Consider the benefits of running an LFR Ethical Dilemma session and assess the main considerations under the PS Data Ethics framework.

- Schedule stakeholder engagement sessions, considering academia, human rights advocates, PIRC, COPFS, HMICS, SBC advisory group, etc. and prepare a draft Comms Strategy. Consider the findings of planned SBC and SPA polling which includes an LFR question.

Use Case  
Review

Legal & Ethical  
Considerations

Benchmarking

Engagement  
& Comms

Policy  
Proposal

## Conclusion & Recommendation

- Gather evidence and 'use cases' that demonstrate the value and benefits of LFR when used for a policing purpose, e.g. from existing UK or international police forces already deploying LFR as well as identifying areas of potential use within Scottish policing.

- Collate an "LFR" in policing library of materials to support discussion and increase understanding. Engage with UK forces already deploying LFR to increase procedural knowledge, understand lessons learned, gain insights into legal challenges, judiciary reviews, governance gaps (if any), etc.

- Present proposed LFR policy to the Biometrics Oversight Board for PS executive decision and wider tripartite discussion.