



South Wales Police / Gwent Police Standard Operating Procedure for the use of Retrospective Facial Recognition Technology (RFR)

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Terms & Definitions: Capitalised terms used within this RFR SOP shall have the meaning given to them in section 3 of the RFR Policy Document unless otherwise defined.

1 Introduction

- 1.1 This Standard Operating Procedure (SOP) explains the standard procedures to be adopted when using Retrospective Facial Recognition (RFR) technology in support of policing operations. Compliance with the SOP will help ensure a consistent response to the use of this policing tool.

2 Application

- 2.1 All South Wales and Gwent police officers and police staff, including the extended police family and those working voluntarily or under contract to the Commissioners must be aware of, and are required to comply with, all relevant SWP/ GWP policy and associated procedures.
- 2.2 This SOP applies in particular to officers and staff in the following roles: -
 - a) All operational officers and police staff, both uniform or detective, and their supervisors involved in the request and use of RFR technology; and
 - b) All police officers and police staff involved in any subsequent investigation resulting from the use of RFR technology; and
 - c) RFR Operators and Facial Recognition Technology (FRT) System Engineers.

Note: This list is not intended to be exhaustive.

3 Terminology

- 3.1 This SOP focuses exclusively on RFR. Terminology relating to RFR is defined in the SWP/GWP RFR Policy Document.

4 Use of RFR

- 4.1 The Submission of images for RFR can be made by any SWP/ GWP officer or member of staff however they must ensure that the purpose of the submission is identified, and all safeguards have been considered. The review of the necessity for submission will form the general duties of their supervisor.
- 4.3 Before any processing is undertaken, the RFR Operator:-
 - a) must consider the legitimate aim of the use and the legal powers that are being relied upon to support the use; and
 - b) means that the RFR Operator is satisfied that the use complies with SWP/GWP RFR Documents, or is otherwise authorised; and
 - c) must, from a Human Rights Act 1998 perspective, understand (i) how and why the use is necessary (and not just desirable), and (ii) is proportionate to achieve the legitimate aim of the use; and

- d) must, from a Data Protection Act (DPA) 2018 perspective, articulate that it is strictly necessary for the SWP's/GWP's law enforcement purposes; meaning there is a 'pressing social need' and it is not reasonably viable to address this through less intrusive means, either because less intrusive tactics have been tried, or it is reasonably believed that those tactics are unlikely to be effective; and
 - i. Necessary on at least one of the following grounds (the ground(s) to be confirmed by RFR Operator)
 - ii. Necessary for SWP's/GWP's lawful policing purposes¹ for reasons of substantial public interest; and / or
 - iii. Necessary for the administration of justice; and / or
 - iv. Necessary for the safeguarding of children and/or of individuals at risk; and
 - v. Necessary notwithstanding any expectations people may have pursuant to their Article 8 Human Rights Act regarding the respect of private and family life, as well as other human rights considered by the RFR Operator; and
- e) must understand that the RFR Operator has given regard to the safeguards proposed for the use and the safeguards contained within the SWP/GWP RFR Documents, and considers that the use in question is a proportionate use of policing powers when considering their use, and balancing them in the context of considerations relating to the Human Rights Act 1998 and the DPA2018; and
- f) is satisfied that all reasonable steps have been taken to ensure that the composition of the Reference Image Database and Probe Image complies with SWP/GWP RFR Documents.
- g) must have received SWP RFR training as per the SWP/GWP RFR Documents; and
- h) considers that the use is proportionate with the benefits anticipated from the use of RFR outweighing the concerns and impacts there may be in relation to people's human rights and rights relating to equalities; and
- i) is satisfied that the control measures in the Data Protection Impact Assessment (DPIA), and Equality Impact Assessment have been reviewed and considers them to be appropriate mitigants for the use.

5 Image Reference Database

- 5.1 This section covers the generation and management of the Reference Image Database to be used in RFR. The Image Reference Database for use with RFR must have a defined policing objective.

Image Reference Database: -

¹ This being defined as "is necessary for the exercise of a function conferred on a person by an enactment or rule of law" in the Data Protection Act 2018. This will typically be the ground relied on to support SWP uses of RFR since this recognises the policing powers conferred on a Constable.

- a) must only contain where SWP/ GWP are reasonably satisfied that the images are lawfully held by SWP/GWP; and
 - b) must only use images where all reasonable steps have been taken to ensure that the image is of a person intended for inclusion in the Image Reference Database.
- 5.2 Given the potential for System Factors relating to age, specific regard needs to be had to the importance of identifying those aged under-18 on a risk-based approach in line with the SWP/ GWP Documents, with a particular focus on ensuring the necessity case is fully made out.
- 5.3 If RFR is to be used to identify person aged under 13-years-old, specific regard should be had to anticipate FRT System performance issues. Specific advice must (at this time) be sought from the Identification (ID) Manager.
- 5.4 Examples of images that may be deemed appropriate for inclusion within an Image Reference Database include: -
 - a) Custody images of individuals
 - b) Images of missing persons

6 RFR Probe Images

- 6.1 This section covers the generation and management of Probe Images to be used in RFR. Probe Images submitted to RFR must have a defined policing objective. Probe images can be a still image provided by police, a 3rd party or an image extracted from moving video by the FRT System.
- 6.2 Probe Images must only contain images lawfully held by SWP/GWP and must endeavour to use images where all reasonable steps have been taken to ensure that the image is of a person intended for RFR analysis.

7 SWP RFR Documents

7.1 Assessments: For RFR USE, the following assessments need to be created, reviewed, and amended where necessary: -

- (i) Data Protection Impact Assessment* (Review/Amend/Adopt); and
- (ii) Equality Impact Assessment* (Review/Amend/Adopt)

Note: *Any assessment listed above showing 'Review/Amend/Adopt' has already been created by the SWP/GWP FRT team. Each will require a case-by-case consideration to ensure the document remains appropriate and sufficient for each RFR operation.

8 Management of Risk

8.1 FRT System Engineers will be available to support RFR use as will members of the FRT Team within DSD.

8.2 All RFR Operators and staff involved in a RFR use must receive RFR training prior to use.

9 RFR Operational Roles

9.1 RFR Operators will: -

- a) receive detailed training prior to using the FRT System.
- b) ensure the legality and necessity of the submission of Probe Images and video.
- c) review Possible Matches generated by the FRT System and determine if a Match has been made
- d) Inform the submitting officer/ Officer in case of the Match
- e) ensure all key performance metrics are recorded accurately.

9.2 Investigating Officer:- On receipt of a Possible Match, prior to arrest or other intervention, the Investigating Officer will:-

- a) Review the Match to corroborate it is accurate; and
- b) Review other evidence that has been obtained as part of the investigation for corroboration

9.3 The Investigating Officer must consider all of the evidence available and follow up all reasonable enquiries as in any normal investigation, even if these enquiries lead them away from the person identified by RFR.

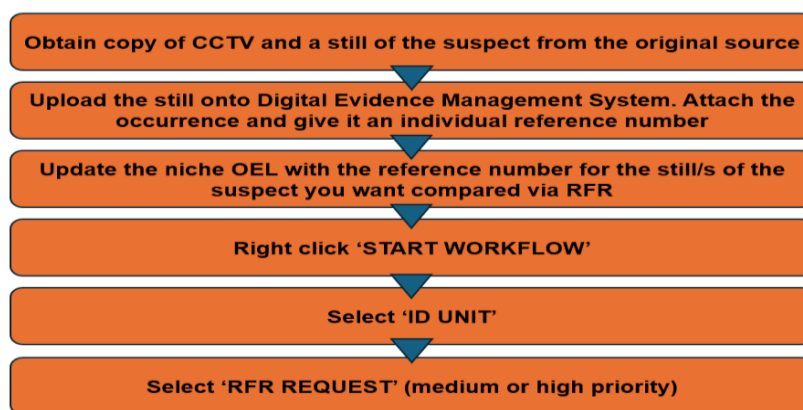
9.4 The fact that a Match has been made does not replace the necessity for the Investigating Officer to form reasonable grounds to suspect the person identified is responsible for the commission of an offence and that necessity exists to justify an arrest. This is also the case in respect of consideration of whether to arrest or consider less intrusive means to achieve the requirements of the investigation (i.e. Voluntary Attendance)

9.5 ID Unit Manager: - The ID Unit manager is responsible for ongoing quality assurance of RFR comparisons, use of the RFR system and recording processes undertaken by the RFR

Operators. The ID Unit Manager will work with the FRT Lead to ensure that training compliance is maintained, FRT guidance is disseminated to the RFR Operators, and that RFR outcomes are properly recorded. The ID Manager will also support periodic and full annual audits of RFR use. The ID Unit Manager will also have responsibility for ensuring that any identified data protection concerns or breaches are reported and supporting the FRT lead in implementing any remedial actions necessary to address the concern or breaches.

- 9.6 BCU/ LPA Performance Managers: These individuals will be Officers and staff who will ensure that responses to RFR possible matches are consistent across SWP/ GWP. These individuals will be able to provide operational guidance to frontline officers in regard to using FRT products in investigations.

10 Image Submission Process



11 Urgent Submissions

- 11.1 Urgent Submissions outside of the standard office hours of 0700-2200 will require authorisation from the relevant Force Incident Manager (FIM) and will be conducted by trained staff in South Wales Police Public Service Centre (SWP PSC).

12 RFR System Security

- 12.1 The FRT System includes a number of physical and technical security measures. These include: -
- a) Submission can be made via a Niche workflow, secure email, evidence management system or encrypted USB drive to the SWP Identification (ID) unit.
 - b) the FRT System is secured according to South Wales Police procedures and accessed via active directory permissions.
 - c) role based access controls with limited user permissions are implemented on the FRT System; and
 - d) the Dashboard and RESTful API are secured with SSL and TLS by default; and all connections are directed through HTTPS; and

- e) a full audit is maintained of all user initiated actions undertaken during the course of a use; and
- f) technical issues with the FRT System are always dealt with by FRT System Engineers within SWP ICT with assistance from the FRT Project team.

13 Data Retention & Data Management

- 13.1 SWP/ GWP must ensure that the processing of any data associated with RFR is conducted in a lawful way and in compliance with the SWP RFR Documents. The retention periods that apply to the FRT system, specific to RFR are:
 - a) Image of the Subject ('Probe Image') - MOPI retention of personal information
 - b) Biometric Template of Probe Image - immediately deleted in the FRT system at the conclusion of the RFR comparison.
 - c) Image Reference Database Candidate Images and Biometric Template (held on FRT System) – mirror MOPI retention periods for NICHE RMS
 - d) All outcomes of RFR comparisons are recorded on Occurrence log of the Occurrence to which they relate.
- 13.2 Retention periods specific to Source System (MOPI) – Niche Record Management System

Please refer to Home Office Review of the Use and Retention of Custody Images published February 2017 (recommendation 4)

Non-conviction – upon request

- Group 1 or 2 (Public Protection Matters & sexual, violent or other serious offences respectively) – 10 years upon request then review
- Group 3 (all other offences) – 6 years upon request then review
- Group 4 (missing persons) – 6 years then review

All other personal data will be stored in accordance with MOPI standards.

- Group 1 - subject is 100 years the review
- Group 2 – 10 year clear period then review
- Group 3 – 6 year clear period
- Group 4 (missing persons) – 6 years then review

- 13.3 To support compliance the FRT System has a full audit capability.
- 13.4 Data relating to historical searches is retained no longer than is operationally necessary.
- 13.5 The loss or theft of any FRT hardware or other data, irrespective of whether or not protected by encryption, must be reported immediately to the SWP Data Protection Officer.

14 Contact Information

- 14.1 The SWP/GWP RFR team can be contacted using the following email address; FRT@South-wales.police.uk.

14.2 The ID Unit who have primacy for RFR searches are contactable on PROMAT@South- Wales.police.uk.