

EQUALITY IMPACT ASSESSMENT

STEPS 1 TO 7

STEP 1. Aims and purpose of the proposal / policy

GUIDANCE

Retrospective Facial Recognition (RFR) technology is an operational tactic that helps the MPS to effectively and efficiently investigate offences where facial imagery is held and helps find dangerous people who are wanted for criminal offences. It helps keep Londoners safe.

The MPS is implementing a modern RFR search capability to enable a more effective use of images and image frames from video data across all types of investigations. Nationally and within the MPS, there are a number of technical, operational support tools already in use that assist the MPS to detect criminality and discharge its common law policing duties. These include the Police National Database (PND), automated number plate recognition (ANPR), close circuit television (CCTV) and body-worn video (BWV) (this list is not exhaustive). The MPS RFR system is an additional operational support tool that brings its own distinctive benefits to policing.

RFR can assist with the MPS's duties to protect life and property, preserve order and prevent threats to public security, prevent and detect crime, bring offenders to justice, uphold national security and target those wanted for offences. It also includes using RFR technology capability to protect the public, to reduce crime and to help safeguard vulnerable persons.

Key Benefits:

- ✓ The effective use of RFR technology will be able to assist in the prevention and detection of crime and significantly increase police efficiency and MPS effectiveness in meeting set policing priority challenges. Specifically it will help:
 - **Accelerating crime investigations** – RFR will be used to detect faces in video footage or images and match them against known faces within a reference database.
 - **Developing targeted intelligence** by, for example, analysing media obtained from open source platforms that feature activities of gang members.
 - **Help mitigate an imminent threat to public safety** - such as following terrorism, and protecting the public through the disruption of those seeking to commit terrorist offences. In these circumstances, there is a need to swiftly and accurately review media to seek to promptly make identifications at a time of threat.
 - **Finding missing persons** – e.g. police could submit a reference photo provided by a missing person's family and use RFR to search images obtained from relevant and intelligence led CCTV footage.
 - **Identify and find exploited children** – isolating the appearances of specific individuals in still images or moving media sequences can help accelerate the investigation of child exploitation cases.
 - **Help to identify persons** who are unwilling to identify themselves or appear to be using someone else's identity or false identity where powers to take fingerprints are not available
 - **Help identify a deceased persons** or a person who is incapacitated or otherwise unable to identify themselves.
 - **Linking faces across different videos**, even though no reference images are available. This will help with investigation of crimes happening repeatedly in the same location or in a number of locations but with the same method of operation.
 - **Safeguarding staff, officer, detainees and others** who are within the custody environment. This tool will potentially allow the MPS to use data we hold on a detained person in a much quicker and more efficient way.
- ✓ RFR will assist officers where traditional policing methods can struggle to yield results.
- ✓ Frees up pre-existing staffing capacity from core policing portfolios to focus on other policing priorities
- ✓ Increases effectiveness to assist in identifying wanted nominal' s from 'Outside Police Forces' and therefore, increasing the effectiveness of Cross Border Law Enforcement collaboration
- ✓ Assist with an effective response to Critical Incident Management

Through effective planning and consultation, the MPS has designed the MPS RFR Documents and the delivery plan proposal to provide a lawful framework within which RFR may be used.

NOT PROTECTIVELY MARKED

The purpose of this Equality Impact Assessment (EIA) is to assess this proposal for equality impact against staff and service users effected by the proposal's implementation. Conducting this assessment aims to identify disadvantages suffered by any individual and/or group safeguarded by a protected characteristic, and by those who are not (for example, 'socio-economic' groups).

- The aim is to mitigate any identified disadvantage by eliminating the impact, reducing the impact or accepting the impact. If elimination and/or reduction is not possible the MPS are required to implement a positive action strategy or provide a justification rationale for not doing so under the criterion of 'Proportionality, Legality, Accountability and Necessity' (P.L.A.N). This has been captured within the MPS RFR Legal Mandate.

The purpose of conducting EIAs is to meet the legal requirements set out in the 'Public Sector Equality Duty (PSED), and specifically, in relation to the **3 Aims** and **3 Specific Duties** under section 149 of the Equality Act 2010 (the Act).

The 3 Aims:

In summary, those subject to the PSED must, in exercising their functions, have due regard to the need to:

- ✓ Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who do not.
- ✓ Foster good relations between people who share a protected characteristic and those who do not.

The Three Specific Duties:

The Act explains that having due regard for advancing equality involves:

- ✓ Removing or minimising disadvantages suffered by people due to their protected characteristics.
- ✓ Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- ✓ Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

This EIA aims to demonstrate the MPS's commitment to demonstrating 'due regard' and 'real consideration' and meeting the PSED's 3 Aims and 3 Specific Duties.

NOTE: Terms & Definitions: Capitalised terms used in this MPS RFR EIA shall have the meaning given to them in the MPS RFR Policy unless otherwise defined in this MPS RFR EIA.

STEP 2. Screening process for relevance to diversity and equality issues

GUIDANCE

Each 'protected characteristic' in Section 5 has guidance as to what implications / issues you may need to consider.

Does this proposal / policy have any relevance to:		Internal, relevant to staff / or working practices	External, relevant to service delivery	Not relevant to either
A	Age	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
B	Deaf and disabled / Disability	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
C	Gender Reassignment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
D	Marriage and Civil Partnership (employment only)	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
E	Pregnancy and Maternity	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
F	Race	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes

NOT PROTECTIVELY MARKED

G	Religion or Belief	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
H	Sex	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
I	Sexual Orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
J	Other Issues	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes

STEP 3. If you have ticked yes to any protected characteristic box in Step 3, a full impact assessment is required.

GUIDANCE

Full assessment required? (If Yes, a full EIA is required.)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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STEP 4. Examination of available information

Legal Framework - section 149 of the Equality Act 2010 (the Act) – Public Sector Equality Duty (PSED)

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Section 149 of the Act sets out legal obligations for Public Sector Organisations known as the Public Sector Equality Duty. This legislation set out 3 Aims and 3 Specific Duties:

The 3 Aims

In summary, those subject to the PSED must, in exercising their functions, have due regard to the need to:

- ✓ Eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act.
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who do not.
- ✓ Foster good relations between people who share a protected characteristic and those who do not.

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Equality & Human Rights Commission - Public Sector Equality Duty – Technical Guidance



Meeting the Equality Duty in Policy and Decision Making



Technical Guidance Public Sector Equality

Meeting the Equality Duty in Policy and Decision Making

Key Learning Points:

- ✓ Impacted groups to consider include Internal Staff and External Service Users.
- ✓ The impact of protected characteristics individuals or groups within the above two categories.

- ✓ The analysis of diversity data/protected characteristics information on staff and service users affected the proposal.
- ✓ Requirement to make 'evidence-based' decisions.
- ✓ Data gathered must be quantitative and qualitative, based on current, accurate data sources.
- ✓ If data is unavailable the relevant body must demonstrate due regard in order to obtain it.

The Technical Guidance lists key Discriminatory Exceptions:

The basic presumption under the Act is that discrimination because of a protected characteristic is unlawful. However, the act recognises that not all people can be treated the same, and people with different protected characteristics can be treated differently to reflect their particular needs. The Act recognises that compliance with the duty may involve treating some people more favourably than others.

The Act achieves this in three main ways:

- ✓ By requiring people with some protected characteristics to be treated differently (e.g. making reasonable adjustments for disabled people)
- ✓ By setting out exceptions to the application of the Act's provisions, which apply to a specific protected characteristic in certain situations (e.g. allowing same-sex services in some situations)
- ✓ Allowing positive action in limited circumstances (e.g. implementing a 'trigger' policy for people with specific needs, under those specific circumstances)

The law requires that public authorities demonstrate they have had 'due regard' to the aims of the equality duty in their decision-making. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had 'due regard'. Due regard is demonstrated by the completion of this EIA.

Equality & Human Rights Commission Guidance - Employment Statutory Codes of Practice



Employment
Statutory Code of Pra

The Statutory Code of Practice provides further guidance on 'Positive Action':

- ✓ Any measures taken to help to alleviate any disadvantage experienced
- ✓ Justification must meet one or more of the 3 Aims / the 3 Specific Duties
- ✓ Decision making must be based on quantifiable evidence
- ✓ Positive action is not the same as positive discrimination, which is unlawful
- ✓ Positive action without continued justification may be deemed unlawful

Organisations need to consider:

- ✓ Is the action an appropriate way to achieve the stated aim?
- ✓ If so, is the proposed action reasonably necessary to achieve the aim?
- ✓ In all of the circumstances, would it be possible to achieve the aim as effectively by other actions that are less likely to result in less favourable treatment of others?

✓ Is the action proportionate, legal, accountable and necessary 'P.L.A.N'?

Equality and Human Rights Commission – Religion or Belief: a guide to the law

'Religion or belief: a guide to the law' provides an overview of the protections offered by the Equality Act 2010 and the Human Rights Act 1998 of people with or without a religion or belief. It answers commonly asked questions such as what is indirect discrimination and can it ever be justified, and how much employers are expected to know about religion or belief in order to fulfil their legal obligations.



religion-or-belief-gui
de-to-the-law.pdf

Equality and Human Rights Commission – Legal Framework regarding Protected Characteristics:

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#age>

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#disability>

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#reassignment>

<https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#sex>

MPS Facial Recognition Technologies Internet page: Public facing

Details the current position of the MPS use of Facial Recognition Technologies. Contains descriptions of the technologies along with a number of additional documents that outline how and when the MPS will use them, impact documents, scientific testing outcomes and results of usage.

[Live Facial Recognition | Metropolitan Police](#)

MPS RFR Legal Mandate

The Legal Mandate outlines the legal basis for the MPS's use of RFR technology. RFR is regulated by a number of sources of law, particularly those identified below.

Level One: Legislation	Legal power to submit a Probe Image for RFR Searching	a) Police and Criminal Evidence Act 1984 b) Specific legal powers which are context dependant to purpose for which the Probe Image has been obtained. c) Common Law
	Legal power to undertake a RFR search against an Image Reference Library	d) Police and Criminal Evidence Act 1984 e) Specific legal powers which are context dependant to purpose for which the images in the Image Reference Library have been obtained. f) Common Law
	Regulating the use of RFR	<u>Operational</u> g) Human Rights Act 1998 h) Equality Act 2010 <u>Data Management</u> i) Data Protection Act 2018
	Requests for information in relation to RFR	j) Freedom of Information Act 2000

Level Two: Code and Guidance	Regulating the use of RFR	<ul style="list-style-type: none"> a) Code of Practice for the Identification of persons by Police Officers – PACE Code D b) Information Commissioner’s guidance
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Level Three: MPS RFR Documents	Regulating the use of RFR	<ul style="list-style-type: none"> a) MPS RFR Policy Document b) MPS Training Documents c) MPS Data Processing Appropriate Policy Document d) Data Protection Impact Assessment e) Equality Impact Assessment
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[See MPS RFR Legal Mandate on the MPS RFR website for further details]

MPS Policy – Retrospective Facial Recognition System

Provides the MPS personnel with direction on the use of RFR in a legally compliant and ethical manner to enable the MPS to achieve legitimate policing aims.

The document aims to:-

- ✓ provide MPS personnel and members of the public with information about the MPS’s present strategic, operational and technological objectives for the use of RFR such that it enables the MPS to achieve its law enforcement purposes; and
- ✓ establish the governance structure for the use of RFR, ensuring that MPS use of RFR is appropriately governed and legally compliant; and
- ✓ provide an overview of RFR technology and advise on how to obtain optimal performance from the RFR system; and
- ✓ as part of a published suite of documents, assist the public who may be subject of a search by the RFR system and those who may be placed within an Image Reference Library to understand the standards the MPS, as a public body, operates to. In doing so the MPS provides details about the authorisation process and requirements to use RFR, details about when RFR may be used, and the considerations and constraints relevant as to who may be placed within a specific searchable database.
- ✓ Outlines the standard procedures to be adopted when using a Probe Image to undertake RFR Searching against Image Reference Libraries. Compliance with the SOP will ensure a consistent corporate response to the use of this policing tool.
- ✓ This document also sets out specific authorisation processes for RFR. It also covers the generation and management of authorised Image Reference Libraries to be used for RFR Searching, the use of non-police originated mages and factors relating to when an RFR search can be conducted.
- ✓ Each search must specifically identify and document whether the a specific Image Reference Libraries contains persons believed or suspected to be aged under (i) over 16 (but under 18 years old),(ii) over 13 (but under 16) years old, (iii) under 13 years old and (iv) with a relevant disability or relevant gender reassignment (as defined in the MPS Policy – Retrospective Facial Recognition System).
- ✓ Specific controls have been adopted as set out in the MPS RFR SOP in relation to age and disability. Other safeguards are also in place regarding transgender subjects and their expectations of privacy.

See MPS Policy – Retrospective Facial Recognition System on the MPS FR website for further details.

MPS RFR Data Protection Impact Assessment (DPIA)

The DPIA:

- ✓ Describes the nature, scope, context and purposes of the processing;
- ✓ Assesses the necessity, proportionality and compliance measures;
- ✓ Identifies and assesses risks to individuals; and
- ✓ Identifies any additional measures to mitigate those risks.

[In line with the requirements to identify and minimise the data being processed under the Data Protection Act 2018, the MPS has decided that where the RFR system does not generate an Potential Match, then a person's biometric data and Probe Image is immediately and automatically deleted from the RFR System unless the biometric template and facial image is retained as part of the unresolved investigation cache for ongoing searching in line with any required approval attached to that image. Then the biometric template and Probe Image deleted as soon as practicable following the earlier of:

- (i) a [Viable RFR Match] meaning the data no longer needs to be in the unresolved investigation cache.; and
- (ii) follow the expiry of the [approval] for the use of the unresolved investigation cache. (not used in this version of the software)

Where the RFR system generates a Potential Match all personal data associated with a Probe Image is deleted as soon as practicable and in any case within [31] days.

In relation to Image Reference Libraries, these are not dedicated resources linked to RFR and will be retained by the MPS in line with the policy applicable to them. From an RFR perspective, they will cease to be available for RFR Searching and deleted from any RFR system on expiry of any approval to use the Image Reference Library for RFR Searching.

RFR Training Material

The training material will provide mandatory training for the RFR Users. The documents embed the controls and safeguards adopted for the lawful use of RFR including points around the management of expectations of privacy in relation to certain protected characteristics. Training material is relevant for the role any user is undertaking within the system

National Physical Laboratory - Facial Recognition Equitability Study

The Metropolitan Police Service (MPS) and South Wales Police (SWP) tested Facial Recognition Technology (FRT) with the National Physical Laboratory (NPL). The NPL is a world-leading centre of excellence that provides cutting-edge measurement in science, engineering and technology.

The aim of the testing was to develop an in-depth understanding of the performance of the algorithms when it was being used in an operational environments. The three policing use cases were:

- Live Facial Recognition (LFR)
- Retrospective Facial Recognition (RFR)
- Operator Initiated Facial Recognition (OIFR)

The NPL test plan was specifically designed to help identify any impact this technology may have on any protected characteristics, in particular race, age and sex.

The NPL report gives an impartial, scientifically underpinned and evidence-based analysis of the performance of the facial recognition algorithm currently used by the MPS and SWP. Test findings revealed:

- There are settings the current MPS FR algorithm can be operated at where there is no statistical significance between demographic performance;
- that there was no demographic performance variation for RFR; and
- that there was no demographic performance variation for OIFR

The results from the tests assist the MPS and SWP with further understanding how to use FRT fairly in order to prevent and detect crime, safeguard national security and keep people safe.

https://science.police.uk/site/assets/files/3396/frt-equitability-study_mar2023.pdf

MPS Document: The Metropolitan Police Service Facial Recognition Technology: Understanding accuracy and demographic differences

Explains how to understand RFR system accuracy

Explains what the MPS have done to understand its algorithm and how it does so within an operational context.

<https://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/advice/lfr/new/understanding-accuracy-and-demographic-differences-v3..pdf>

Salient national press articles pertaining to RFR (list is not exhaustive)

Met police

- [Wanted sex offender, 33, was caught among the crowds at King Charles's Coronation when he walked past a facial recognition camera | Daily Mail Online](#)

South Wales Articles – Bus attack and another:

- Facial recognition technology meant mum saw dying son - <https://www.bbc.co.uk/news/uk-wales-56124798>
- Facial recognition: How South Wales Police caught a sexual predator - <https://www.bbc.co.uk/news/uk-wales-55842869>

Home Office

- [Home Office plans new national police 'facial-matching' service after signing £50m deal for biometrics platform – PublicTechnology](#)

Information available that is relevant to Facial Recognition Technologies:

Whilst a number of these refer to LFR which has a different application to RFR, a number of points (such as those relating to the PSED and the assessment of algorithm performance) have relevance to RFR.

ICO Report into Police Use of Facial Recognition, October 2019

<https://ico.org.uk/media/about-the-ico/documents/2616185/live-frt-law-enforcement-report-20191031.pdf>

This report covers a number of points including:

- ✓ Speaking in July 2019, the then Home Secretary, Sajid Javid, said, “I back the police in looking at technology and trialling it and [...] different types of facial recognition technology is being trialled especially by the Met at the moment and I think its right they look at that”.

- ✓ In January 2019, the ICO commissioned Harris Interactive to conduct market research exploring the public's awareness and perceptions about the police use of LFR in public spaces.
- ✓ A total of 2,202 adults aged 18+ responded to a 10-minute online survey. Separately, 35 adults aged 18+ participated in a one-hour live chat to openly discuss the use of LFR, with certain discussion topics led by a moderator. Results of the online survey were weighted to be nationally representative of the UK by age and gender.
- ✓ In summary: there is strong public support for the use of LFR for law enforcement purposes:
 - 82% of those surveyed indicated that it was acceptable for the police to use LFR;
 - 72% of those surveyed agreed or strongly agreed that LFR should be used on a permanent basis in areas of high crime;
 - 65% of those surveyed agreed or strongly agreed that LFR is a necessary security measure to prevent low-level crime; and
 - 60% of those surveyed agreed or strongly agreed that it is acceptable to process the faces of everyone in a crowd even if the purpose is to find a single person of interest.

ICO opinion on the use of live facial recognition technology by law enforcement in public places

<https://ico.org.uk/media/about-the-ico/documents/2616184/live-frt-law-enforcement-opinion-20191031.pdf>

This report covers a number of points including:

- ✓ From the perspective of transparency, the Commissioner believes that law enforcement agencies should ensure that sufficient information is made available to the public so that the public, and directly affected individuals, are able to understand how the law enforcement agency's measures of effectiveness inform the evolution and duration of pilot phases, as well as operational deployments.
- ✓ In order to mitigate the risk of bias within the technology against gender or ethnic groups, agencies considering deployment of LFR should:
 - complete an Equality Impact Assessment with consideration to the Equality Act 2010; and
 - regularly review this against legal developments (as the High Court noted in *Bridges v SWP*).

ICO Guidance on AI and data protection

<https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/guidance-on-ai-and-data-protection/>

This report covers a number of points including:

- ✓ Accountability principles which makes you responsible for complying with data protection law and for demonstrating that compliance in any AI system that processes personal data.
- ✓ How do the principles of lawfulness, fairness and transparency apply to AI?
- ✓ How do we identify our purposes and lawful basis when using AI? And what should we consider when deciding lawful bases?
- ✓ How should we assess security and data minimisation in AI?
- ✓ How do individual rights apply to different stages of the AI lifecycle?

Interim report of the Biometrics and Forensics Ethics Group Facial Recognition Working Group, February 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781745/Facial_Recognition_Briefing_BFEG_February_2019.pdf

This briefing document outlines some of the ethical issues raised by the use of live (real-time) facial recognition technology for policing purposes. It focuses on the use of this technology in relatively 'controlled' environments; namely public spaces where people are gathered and relatively static (e.g. concert venues, sports stadiums, public rallies) and those with clearly defined entry and exit points or where people are 'channelled' past the cameras (e.g. [approaches to] railway stations, airports, shopping centres, political marches or demonstrations).

Biometrics and Forensics Ethics Group Facial Recognition Working Group, January 2021

<https://www.gov.uk/government/publications/public-private-use-of-live-facial-recognition-technology-ethical-issues/briefing-note-on-the-ethical-issues-arising-from-public-private-collaboration-in-the-use-of-live-facial-recognition-technology-accessible>

The Biometrics and Forensics Ethics Group (BFEG) was commissioned to investigate the ethical issues raised by the collaborative use of live (real-time) biometric facial recognition technology (LFR) by public (police) and private organisations. Its briefing note provides a summary of the evidence gathered by the working group. It focuses on the use of LFR in a range of privately- owned spaces where people are gathered or are passing through (for example, shops and shopping centres) including those with clearly defined transit points where people are 'channeled' past the cameras (for example, within airports).

Cardiff University - Evaluating the Use of Automated Facial Recognition Technology in Major Policing Operations – September 2018

This report details findings from an evaluation of South Wales Police's deployment, conducted by Cardiff University, of Automated Facial Recognition between May 2017 and March 2018.

It reports that during the evaluation period, no overt racial discrimination effects were observed. However, this could potentially be an artefact of the demographic make-up of the Watchlists utilised.

<http://afr.south-wales.police.uk/cms-assets/resources/uploads/AFR-EVALUATION-REPORT-FINAL-SEPTEMBER-2018.pdf>

Ada Lovelace Institute – Beyond face value: public attitudes to facial recognition technology, Sept 2019

Published by the Ada Lovelace Institute, this survey shows that the British public are prepared to accept use of facial recognition technology in some instances, when there is a clear public benefit and where appropriate safeguards are put in place, but they also want the government to impose restrictions on its use.

Most people think facial recognition technologies should be permitted for use by police in criminal investigations (70%).

Ada Lovelace Institute- Ada's Citizens' Biometrics Council – Published in March 2021 this paper reports on the debate on technologies that collect and process biometric data. The report makes 31 recommendations across a wide range of topics including: Independent oversight, legislation and regulation, data management, proportionality across different contexts, bias, discrimination and accuracy, consent and opt out and transparency

<https://www.adalovelaceinstitute.org/beyond-face-value-public-attitudes-to-facial-recognition-technology/>

Ada Lovelace Institute – The Citizens' Biometrics Council – March 2021

Publication by Ada Lovelace institute this publication reports on the recommendations and findings of a public deliberation on biometrics technology, policy and governance.

The Citizens' Biometrics Council developed a set of recommendations to address the question: what is or isn't OK when it comes to the use of biometric technologies?

These recommendations cluster around three issues:

1. Developing more comprehensive legislation and regulation for biometric technologies.
2. Establishing an independent, authoritative body to provide robust oversight.
3. Ensuring minimum standards for the design and deployment of biometric technologies

https://www.adalovelaceinstitute.org/wp-content/uploads/2021/03/Citizens_Biometrics_Council_final_report.pdf

London Prepared – A city wide endeavour - Lord Toby Harris – March 2022

An Independent Review of London's Preparedness to Respond to a Major Terrorist Incident.

In July 2021, the Mayor of London, Sadiq Khan, commissioned Lord Harris to undertake a new wide-ranging review of London's preparedness for a terrorist attack, against a backdrop of the changing nature of the threat of terrorism facing the capital. In the report Lord Harris has made 294 new recommendations that focus on several key areas including ensuring emergency services are properly funded and fully equipped, providing and refreshing specialist training for relevant teams to deal with specific types of attacks, and improving information sharing across those with a role to play in keeping London safe - many of these represent simple adjustments to existing processes. Specific inclusion of Live Facial Recognition Technology (referred to as AFR in the report) is highlighted in section 22.26 to 22.39 (inc). Lord Harris states "persuaded of the potential value of AFR in terms of preparedness for a terrorist attack – certainly its capacity to scan millions of images in real time means it has potential to augment human capabilities at significant pace and scale." And formally recommends "Any use of AFR by the MPS must be overseen by an Ethics Panel and there must be review mechanisms in place (R288) to ensure any implementation and operational issues are identified and reconciled as quickly as possible, with mitigations in place to manage the risk of unintended consequences"

London Police Ethics Panel – Final Report on Live Facial Recognition – May 2019

http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/lfr_final_report_-_may_2019.pdf

Research was carried out on behalf of the London Policing Ethics Panel, the (London) Mayor's Office for Policing and Crime and the University College London Institute for Global City Policing by Opinion Research Services. This survey was not national, but weighted to provide a representative sample of London's population. This survey found broad support for the use of LFR for policing purposes, with 57% of all those surveyed agreeing that it was acceptable for the MPS to use LFR. However, majorities of Asian (56%) and black (63%) people surveyed were opposed. Support is also lower amongst young people in London, with 55% of 16-24 and 52% of 25-39-year-olds opposed to the police use of LFR.

Views on using LFR to identify people wanted by the police vary considerably according to the seriousness of the crime. In the case of serious crimes, support varied between 83-81% depending on the nature of the threat; for minor crimes it falls to 55%, and below 50% for dealing with nuisance behaviour.

If it can be demonstrated from the trials there are clear and legitimate benefits to be gained from using LFR in defined circumstances, the Panel would favour proceeding by way of self-regulation and procedures that promote openness, transparency, and accountability.

South Wales Police Automated Facial Recognition website

<http://afr.south-wales.police.uk/>

A public-facing website sharing information about facial recognition and South Wales Police's use of it. The site supplies information such as FAQ's, truths about the system, accuracy information and who they are seeking with this technology.

The website also lists future locations where the technology is due to be deployed. To aid transparency it also links to statistical pages where the public can examine the results of each Deployment.

The Essex Report

<https://48ba3m4eh2bf2sksp43rq8kk-wpengine.netdna-ssl.com/wp-content/uploads/2019/07/London-Met-Police-Trial-of-Facial-Recognition-Tech-Report.pdf>

This report covers a number of points including:

- ✓ The recent emergence of regional police-established independent ethics panels, normally staffed on a voluntary basis by independent experts, demonstrating the law enforcement community's desire to gain guidance and resolve these issues.
- ✓ Human rights law provides an organising framework for the design, development and deployment of advanced technologies such as LFR. As such, it can play a key role in ensuring that police forces can indeed 'strike the right balance' referred to in S and Marper.

- ✓ Police uses of surveillance measures typically satisfy the legitimate aim test on the basis of protecting the public from serious crime and upholding public order and arguments concerning the legitimate aim pursued by LFR.

High Court of Justice – Bridges v Chief Constable of South Wales Police

<https://www.judiciary.uk/wp-content/uploads/2019/09/bridges-swp-judgment-Final03-09-19-1.pdf>

The courts have recently considered the use of South Wales Police's (SWP) trials of Automated Facial Recognition technology in *R (on the application of Edward Bridges) v The Chief Constable of South Wales Police [2019] EWHC 2341 (Admin)*. The court concluded that the police's common law powers to use facial recognition technology were 'amply sufficient'. The court further considered the Human Rights points and decided that whilst Article 8 was engaged, the use of facial recognition technology was necessary and proportionate in the circumstances. The court described it as 'misconceived' to limit the use of facial recognition technology to serious crimes and accepted the following use cases could justify the use of facial recognition technology in the right circumstances where necessity could be made out:

- persons wanted on warrants;
- individuals who are unlawfully at large (having escaped from lawful custody);
- persons suspected of having committed crimes;
- persons who may be in need of protection (e.g. missing persons);
- individuals whose presence at a particular event causes particular concern;
- persons simply of possible interest to SWP for intelligence purposes;
- vulnerable persons.

Identifying a number of important safeguards to the use of LFR including with regards to the Public Sector Equality Duty, the court dismissed the challenge on all grounds and found the use of LFR in the case to be lawful. This judgement is now subject to an appeal which is not likely to be heard until late 2020. Refer to the MPS response to LPEP recommendations for further detail on the legal basis, necessity and proportionality.

Court of Appeal – Bridges v Chief Constable of South Wales Police

<https://www.judiciary.uk/wp-content/uploads/2020/08/R-Bridges-v-CC-South-Wales-ors-Judgment.pdf>

The Court of Appeal recognised the legal framework for forces to use facial recognition but found the SWP left too much to officer discretion when considering who could be on a Watchlist and where SWP could deploy their AFR system. This means the deployments in question were not in accordance with the law for the purposes of Article 8. For SWP, this is can be remedied by providing sufficient detail in local force policy in a way that is clearly understandable and objective to answer (i) who can be on a Watchlist and (ii) where can LFR be deployed.

The Court found that SWP did not have a sufficient Data Protection Impact Assessment – the level of discretion given to officers meant that the use of AFR was not in accordance with the law. SWP also failed to consider the rights of those passing the LFR system (collateral intrusion). Consequently the Data Protection Act 2018 was also breached.

The Court found that SWP did not pay due regard to the public sector equality duty. They had not updated their equality impact assessment from its initial issue and SWP had not taken measures to assure themselves as to whether their system had a gender or race bias in it prior to its use. Forces will need to reasonable steps to satisfy itself, either directly or by way of independent verification, that the algorithm does not have an unacceptable bias.

FRA European union agency for fundamental rights – Facial recognition technology: Fundamental rights considerations in the context of law enforcement.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-facial-recognition-technology-focus-paper.pdf

This focus paper explores fundamental rights implications that should be taken into account when developing, deploying, using and regulating facial recognition technologies. It draws on recent analyses and data and evidence from interviews conducted with experts and representatives of national authorities who are testing facial recognition technologies.

- ✓ The paper forms part of FRA's larger research project on artificial intelligence, big data and fundamental rights. Of note from this paper. The high level of attention given to facial recognition technology in the recent past stems from strong accuracy gains achieved since 2014.
- ✓ At the same time, facial recognition technology can offer more timely protection – for example by helping to find missing children – and can help to detect fraud and identify theft.
- ✓ In relation to automated decision making and right to human review - Article 22 of the GDPR and Article 11 of the Law Enforcement Directive generally forbid automated decision making. Automated decision making is defined as a “decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.”
- ✓ In addition, as the child grows and time passes, the accuracy of a biometric match diminishes. The risk of a wrong match increases when facial images recorded at a young age are compared more than five years after they were collected. Present technologies for facial recognition guarantee a reliable match when the child was at least six years old when the biometric facial image was captured and the match happened within a time frame of five years. In general, research indicates that the accuracy of facial recognition technology is significantly lower for children younger than 13 years.
- ✓ Facial recognition technology algorithms never provide a definitive result. In the MPS, LFR is used to Alert officers of a possible match between a person passing the LFR system and a person on the Watchlist rather than definitively identifying those passing the LFR system. In the context of law enforcement, there is thus a certain margin of error leading to people being wrongly flagged. When deploying the technology, the risks of wrongly flagging people must be kept to a minimum. Everyone who is stopped as a result of the technology must be treated in a dignified manner.
- ✓ A fundamental rights impact assessment is an essential tool to ensure a fundamental rights compliant application of facial recognition technologies, whatever the context in which it is employed. Such an assessment needs to evaluate all affected rights, including those listed in this paper, in a comprehensive manner. To enable them to carry out such assessment, public authorities need to obtain all necessary information from the industry which is required to assess the technology's impact on fundamental rights. Trade secrets or confidentiality considerations should not hinder this effort.

NIST Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects

<https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>

The National Institute of Standards and Technology (NIST) was founded in 1901 and is now part of the U.S. Department of Commerce. NIST is one of the nation's oldest physical science laboratories.

Today, NIST measurements support the smallest of technologies to the largest and most complex of human-made creations—from nanoscale devices so tiny that tens of thousands can fit on the end of a single human hair up to earthquake-resistant skyscrapers and global communication networks.

This is the third in a series of reports on ongoing face recognition vendor tests (FRVT) executed by NIST). In relation to these reports, the NIST Test report published in 2018¹ evaluated over 200 algorithms for their accuracy. Its findings state that:

“NEC, which had produced broadly the most accurate algorithms in 2010, 2013, submitted algorithms that are substantially more accurate than their June 2018 versions and on many measures are now the most accurate.”

In March 2017, NIST also published a Face In Video Evaluation (FIVE) report.² Unlike the other NIST Tests, the FIVE test involved the use of video footage as opposed to static images. This is of particular interest to the Met because this aligns more closely to the Met's use of facial recognition in a 'live' - video context. The NEC algorithm was found to be the most accurate across the different measures with a True Positive Identification rate of 82% at a corresponding False Positive Identification Rate of 0.4%.

¹ <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8271.pdf>

² <https://nvlpubs.nist.gov/nistpubs/ir/2017/NIST.IR.8173.pdf>

In 2019, NIST published the first study to assess whether demographics such as gender or ethnicity cause FR Identification system accuracy to vary.³ Tests were run on a 2.6 million image dataset where images were balanced with respect to representation of gender and ethnicity. The NIST results demonstrate that not all algorithms show uniform accuracy levels across the different demographics. However, NEC, the vendor used by the Met was found to perform well, with NIST saying that NEC had:

“provided an algorithm for which the false positive differential was undetectable” and the NEC-3 algorithm “is on many measures, the most accurate [NIST] have evaluated”.

Home Office Biometrics Strategy

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720850/Home_Office_Biometrics_Strategy_-_2018-06-28.pdf

The Home Office Biometrics Strategy sets out the overarching framework within which organisations in the Home Office sector will consider and make decisions on the use and development of biometric technology.

There are robust governance and oversight arrangements for well-established biometrics and the Home Office is committed to developing this framework to ensure the effective governance of new biometric technologies.

- ✓ The use of biometric data is fundamental to the proper functioning of our immigration system, to law enforcement and to those responsible for preventing terrorism.
- ✓ As the technology develops this creates opportunities to not only improve safety and security, but to also deliver new and modern services.
- ✓ Biometrics have long provided a critical role across the Home Office sector from traditional policing forensics, immigration services to national security. The most commonly used forms of biometric are Deoxyribonucleic acid (DNA), fingerprints and face. In 2017, biometrics helped to facilitate the movement of over 46.2 million people through the ePassport Gates at our borders, supported 2.7 million visa applications and in 2016-17 helped to link over 32,000 known individuals to crimes including over 700 rapes.
- ✓ Biometrics – the recognition of people based on measurement and analysis of their biological characteristics or behavioural data – is increasingly prevalent in everyday life. It is used extensively by businesses to provide new and more efficient services, from unlocking mobile phones to secure banking.
- ✓ The face is the primary means used to identify people in many settings. Since the advent of photography, it has been extensively used by police officers and witnesses to identify suspects, or to verify people in immigration and nationality systems. Digital facial images are now used extensively when issuing documents that set out the holders' status, in the verification of identity and in the control of migration, often alongside fingerprints. The police capture facial images under powers set out in the Police and Criminal Evidence Act (PACE) 1984 and these are used in the investigation, detection and prevention of crime and terrorist activities as well as safeguarding.

A New Met for London

The MET Commissioner, Sir Mark Rowley is clear that the MPS's mission is to deliver More Trust, Less Crime, High Standards.

A comprehensive plan to build A New Met for London where communities know their local officers, help to shape their priorities and work with them to reduce crime and anti-social behaviour; and when victims call us for help, they're satisfied with our response. We'll build on the work we've done and keep serious violence low. We'll solve more rapes, domestic violence, child abuse and other cases of predatory offending, and we'll target the most dangerous offenders to take them off the streets before they can harm again. We'll reduce disproportionality when crime and our use of powers falls unevenly across London's communities.

<https://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/about-us/a-new-met-for-london/a-new-met-for-london.pdf>

Mayor of London – Building a Safer London - Police and Crime Plan 2022-25

³ <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>

<https://www.london.gov.uk/publications/building-safer-london>

Mayor of London setting out his policing plan for London. This report raises the following priorities

The Mayor’s vision is that London is a safe city for all. The Mayor wants London both to be a safer city and for Londoners to feel safer.

- ✓ Reducing and preventing violence
- ✓ Increasing trust and confidence
- ✓ Better supporting victims
- ✓ Protecting people from exploitation and harm

MOPAC London Surveys Q3 2020-2021: MPS Use of innovative technology

- ✓ Concluded that the MPS’s use of innovative technology is high, but varies by age, ethnicity and broader attitudes towards the police. In 43 FY 22-23, approx. 3,800 Londoners were asked to what extent they support or oppose the MPS using technological innovations in a range of situations. It reported:


		New/innovative tech		Facial recognition tech		
		Solve crime	UK borders	Violent/ offenders	serious	Wanted courts by
MPS		84%	85%	82%	82%	83%
Age	65+	89%	92%	88%	90%	88%
Ethnicity	White	83%	86%	80%	81%	81%
	Mixed	74%	75%	72%	73%	71%
	Asian	88%	91%	87%	88%	88%
	Black	75%	82%	75%	80%	81%

The MOPAC Public Attitudes survey has continued to ask questions around Londoner’s support for new and innovative technology in policing. The results of the PAS Q3 20-21 to Q1 21-22 survey findings, including those in relation to LFR follow:

Londoners broadly support police use of innovative technology to tackle crime; support is higher for live facial recognition than for novel data processing.

Between Q3 20-21 and Q1 21-22, MOPAC's Public Attitude Survey asked questions around Londoners' support for new and innovative technology in policing. This included the use of live video facial recognition; innovative data processing and artificial intelligence; and new technology at UK borders.

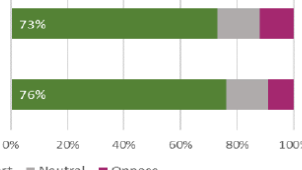
Overall, public support for the use of new and innovative technology in policing is high:



5 in 6 Londoners (84%) say they **support** the MPS using such technology to help fight crime and keep people safe.

Lower levels of public support are seen for the use of **new and innovative data processing**, including...

- ...Artificial intelligence (e.g. to analyse suspicious patterns of behaviour or large datasets) **73%**
- ...Data that is obtained using a legal power (e.g. communications or immigration data) **76%**



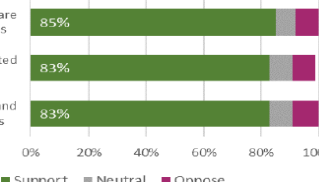
Despite this, around **three-quarters still support their use.**



Analysis suggests that trust and confidence - **but particularly trust** - are important in shaping public support for innovative technology.

Support for the use of **live video facial recognition technology** is also high across a range of uses, including to...

- ...Locate those who are a risk to themselves **85%**
- ...Locate those wanted by the courts **83%**
- ...Identify serious and violent offenders **83%**




Most Londoners (86%) also support using **new technology** (e.g. facial recognition and AI) at the **UK's borders.**

Overall, relatively small differences in support are seen across **demographic groups**. However, largest inequalities are seen by **Ethnicity...**

	Overall support for innovative technology	Support for using data obtained through a legal power
MPS	84%	76%
White British	+1pp.	+6pp.
White Other	0pp.	+1pp.
Mixed	-7pp.	-6pp.
Asian	+4pp.	+2pp.
Black	-6pp.	-15pp.
Other	-1pp.	-10pp.

...in particular for the use of **data obtained using a legal power** (e.g. communications/immigration data) with large gaps seen for Black and Other Ethnicity residents.

Younger Londoners are also far less likely to support the use data obtained through a legal power (65% of those aged under 25; vs. 82% of those aged 65+)

*Data for PAS Q3 20-21 to-Q1 21-22; around 8000 responses in total

MPS Data and Insight Hub

Offender Management:

Identifies the number of outstanding suspects who are wanted by the MPS. The MPS has a statutory duty to prevent and detect crime. In order to fulfil that duty it is a priority for the MPS to detain and arrest those who are wanted as soon as possible. The number of wanted persons fluctuates on a daily basis and at any one time it is currently in the region of 15,000 persons who are being sought by the MPS.

Violent Crime:

- Since 1995 there have been 3,985 murders in London.
- In 2021 there were 125 murders in London.
- From Jan 2022 – Apr 2023 there were 1,813 gun-crime offences committed in London.
- Since January 2022 to date there have been 16,159 recorded knife crimes.
- In the 12 months to December 2022, 835,654 notifiable offences were recorded by the MPS.

MPS Safeguarding Policy

Policing vulnerable people demands close cooperation within the service and with key statutory partners in health and social care. London's partnership operating context is particularly complex, but the new MPS framework allows effective tiered engagement with police and partners at national, pan-London and local levels.

Working Together 2018 describes the categories of abuse as follows:

- ✓ Physical Abuse
- ✓ Emotional Abuse
- ✓ Sexual Abuse
- ✓ Neglect

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

Biometrics commissioner interim report

This 2020 interim report deals primarily with developments since the publication of the 2019 annual report. It covers issues relating to the PoFA regime in connection with both the normal policing and national security spheres, the implementation of new counter-terrorism legislation affecting the making of National Security Determinations and the impact of the COVID-19 pandemic on the taking and retention of biometrics. The legality of the police deployment of new biometrics also features with particular reference to the use of live automated facial recognition.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942155/Commissioner_for_the_retention_and_use_of_biometric_material_-_Interim_Report_December_2020_002_.pdf

College of Policing APP

National Approved Professional Practice. LFR is a real-time deployment of facial recognition technology, which compares a live camera feed (or multiple feeds) of faces against a predetermined watchlist, in order to locate persons of interest by generating an alert when a possible match is found.

This publication provides guidance to police forces for the overt deployment of live facial recognition (LFR) technology to locate persons on a watchlist.

<https://www.college.police.uk/app/live-facial-recognition>

Surveillance Camera Commissioner “Facing the camera” document. November 2020

The SCC is the independent regulator of the overt use and public operation of surveillance camera systems by the police in England and Wales. This includes systems incorporating LFR. The former SCC published a document outlining what is a good practice and guidance for the police use of overt surveillance camera systems incorporating facial recognition technology to locate persons on a Watchlist.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/940386/6.7024_SCC_Facial_recognition_report_v3_WEB.pdf

UK Commissioner defends face biometrics use by police as practical necessity

Police have no choice but to use facial recognition, along with any other technologies that can help them fight crime, the UK's new Biometrics and Surveillance Camera Commissioner - Fraser Sampson

<https://www.biometricupdate.com/202105/uk-commissioner-defends-face-biometrics-use-by-police-as-practical-necessity>

Biometrics & Surveillance Camera Commissioner Annual report – Jan 2021 – March 2022

[Biometrics & Surveillance Camera Commissioner Annual Report 2021-22 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This 2021/2022 combined report is the first combined report that includes the respective responsibilities of both the Biometrics and Surveillance Camera Commissioners. It covers issues relating to the PoFA regime in policing, the opportunities presented by new technological capabilities and their potential for improving police efficiency and effectiveness. It also highlights many of the risks and societal concerns that accompany those opportunities – particularly in the area of facial recognition technology and artificial intelligence. The report also recognises there remains a clear gap between how facial recognition technology is being used and how it is perceived as being used.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942155/Commissioner_for_the_retention_and_use_of_biometric_material_-_Interim_Report_December_2020_002_.pdf

Minderoo Centre for Technology and Democracy – Oct 2022

[MCTD-FacialRecognition-Report-WEB-1.pdf](#)

In this new report, researchers develop “minimum ethical and legal standards” for the governance of facial recognition technology and test them on three British police deployments. The audit extended to all types of facial recognition for identification, including live, retrospective, and mobile phone facial recognition. This audit was developed using a review of existing literature and feedback from academia, government, civil society, and police organisations on the ethics and legality of adopting facial recognition technology.

HMICFRS - Getting the balance right? An inspection of how effectively the police deal with protests

On 21 September 2020, the Home Secretary commissioned HMICFRS to conduct an inspection into how effectively the police manage respond to protests. This followed several protests, by groups including Extinction Rebellion, Black Lives Matter and many others. The Home Secretary required HMICFRS to assess the extent to which the police have been using their existing powers effectively, and what steps the Government could take to ensure that the police have the right powers to

In recent years, increasing amounts of police time and resources have been spent dealing with protests. In April and October 2019, Extinction Rebellion brought some of London’s busiest areas to a standstill for several days. The policing operation for the two extended protests cost £37m, more than twice the annual budget of London’s violent crime taskforce.

HMICFRS made a number of recommendations and areas for improvement and are designed to help the police get the balance right.

These included: Supporting forces to use live facial recognition technology in a way that improves police efficiency and effectiveness, while addressing public concerns about the use of such technology;

<https://www.justiceinspectorates.gov.uk/hmicfrs/publication-html/getting-the-balance-right-an-inspection-of-how-effectively-the-police-deal-with-protests/>

If there is anything you are unsure of in this first section you can contact the [Strategic Inclusion and Diversity Unit](#) for further information and advice.

STEP 5. Full Impact Assessment Process

STEP 5a. Consultation Log			GUIDANCE
Where are the consultation records stored? (e.g. General Registry, S-Drives etc)			
S-Drive / One drive:			
Name of Business Group / Unit, Association, Stakeholder (External)	Why are you approaching / not approaching them?	Date and method of planned consultation	Outcome of consultation
MPS Strategic Advisory Group	To seek guidance and consult on the ethical views of the group for the proposed use of this technology.	11 th March 2021	Positive outcome. Any concerns addressed during call. Some addition conversations offered if required. Agreed to return to the group in the future to update on the progress.
MOPAC	<p>The MPS are accountable to MOPAC who provide London-wide policing priorities.</p> <p>Early Engagement over the concept of implementation.</p> <p>To seek views to support procedural best practice</p> <p>Seek IAM approval to go to the commercial market to identify possible vendors and products to fit the MPS business need.</p>	<p>2016 - 2020 on going consultations.</p> <p>Dec 2020 / Jan 2021</p>	<p>On 5th Jan 2021 the DMPC gave MOPAC approval for the MPS to go to the commercial market to identify a suitable product, vendor and a compliant route to market.</p> <p>MOPAC are represented at the MPS FRT Strategic Board.</p>
National Institute of Standards and Technology	<p>To seek data on the existence of any bias regarding the accuracy of facial detection alert results across diverse facial variants.</p> <p>To seek confirmation of the ability to effectively capture and monitor diversity data to determine the existence of future bias across facial detection accuracy.</p>	Ongoing monitoring of relevant NIST output: 2016 – To date	Published comprehensive, independent, scientific literature which contains detailed reliable conclusions regarding demographic findings.

NOT PROTECTIVELY MARKED

<p>Home Office Biometric Programme</p>	<p>To seek views to support procedural best practice within the legal framework.</p>	<p>Ongoing -</p>	<p>Ongoing consultation</p>
<p>National Police Chiefs Council</p>	<p>Discussion and advice over the development of the project in its phases and the use of custody image.</p>	<p>Ongoing consultations between 2016 to date</p>	<p>Support and consistency at a national level.</p>
<p>MPS Independent Advisory Groups (IAG) – Race IAG, LGBTQ+ IAG & Disability IAG.</p>	<p>MPS AIG attendees consist of members of the public representing the protected characteristics of race, disability, sexual orientation and gender.</p> <p>Consulted to attain public view points and assist with the identification of equality impact.</p> <p align="center">Central Race IAG</p>	<p>Ongoing consultation</p> <p align="center">21st August 2023</p>	<p>Members were given an update on the MPS current position in respect to RFR. Their views and feedback was sought in relation to the potential procurement and any views on the potential 'custody use case'. Comments were supportive with a small number clarification points being raised about how, if any, data is retained and potentially used.</p> <p>IAG representative raised the following concerns:</p> <ul style="list-style-type: none"> ▪ The retention of images/data ▪ The existence of ethnic bias ▪ Transparency ▪ Public Trust ▪ Necessity <p>The IAG representatives offered feedback on potential different community perspectives of RFR and were pleased with the safeguards. Updates given to the group in relation to proposed use, functionality, policy and safeguarding.</p> <p>Members were given a point of contact to liaise with should they have any further points to raise or if further clarification is needed.</p> <p>Presentation given on FR capabilities of MPS. Q & A session took place. Number of points were clarified for the group. Accuracy and bias of system discussed and recent NPL reporting highlighted. Group broadly supportive of the technology.</p> <p>Group to be given a demonstration in October 2023 at NSY of the technologies available.</p>

NOT PROTECTIVELY MARKED

South Wales Police FRT Team	SWP have implemented facial recognition technology trials (LFR and a fully operational RFR system. MPS have conducted a bench marking exercise to discuss their governance and SOPs, to evaluate best operational practice.	Ongoing consultations between 2019-to date	Engagement continues with SWP at a both a national (NPCC) and force level to ensure best practice.
Ada Lovelace Institute (ALI)	<p>The Ada Lovelace Institute is an independent research and deliberative body with a key mission to ensure data and AI work in the best interests of people and society.</p> <p>Discussions to understand the main messages they report from their survey of public attitudes to the use of Facial Recognition in the UK. Their report was published in Sep 2019.</p> <p>In March 2021 The institute published a further report via their Citizens Biometrics Council. This detailed the recommendations and findings of a public deliberation on biometrics technology, policy and governance.</p> <p>That document includes references to FR technologies.</p>	Ongoing consultations between 2019- to date	<p>The MPS has actively engaged with ALI and considered their recommendations in line with their 3 key Aims.</p> <p>The MPS SRO was and expert speaker, part of the oversight group and peer reviewed the March Citizen Biometrics Council document.</p>
Frontline Policing Headquarters	Consult on the implementation of FR on their impacted business area.	Ongoing	Supported the concept of FR in meeting safeguarding policing priorities.
Violent Crime Taskforce	Consult on the implementation of FR on their impacted business area.	Ongoing	Supported the concept of FR in meeting safeguarding policing priorities.
Directorate of Legal Services	To review the EIA and RFR Proposal for legal compliance against the 'PSED'	Ongoing	Ongoing consultation
London Policing Ethics Panel (LPEP)	To attain LPEP's ethical framework considerations on LFR implementation. To seek views to support procedural best practice	Ongoing	Ongoing consultation and engagement

NOT PROTECTIVELY MARKED

<p>Defence Science and Technology Laboratory</p>	<p>Collaboration on working mechanics of testing and technological deployment.</p> <p>Advice around academic documentation supporting the proof of concept of the product. Seek data on the existence of any bias regarding the accuracy of facial detection alert results across diverse facial variants.</p> <p>To seek confirmation of the ability to effectively capture and monitor diversity data to determine the existence of future bias across facial detection accuracy</p>	<p>Ongoing</p>	<p>Ongoing consultation and engagement</p>
<p>MPS Crime Prevention, Inclusion & Engagement Team (CPIE)</p>	<p>Consult on the implementation of RFR on their impacted business area</p>	<p>Ongoing</p>	<p>Ongoing consultation and engagement inc with a wider variety of CPIE stakeholders.</p>
<p>MPS Staff Support associations Association</p>	<p>To gain insight on subject area based on consultants subject matter expertise to:</p> <p>Assist with the identification of impact</p>	<p>24/08/2020 – ongoing</p>	<p>Briefed on current position of FR use and all invited to launch of NPL Equitability Study.</p>

STEP 5b. EIA Action Plan

From your consultation activities and available information explain within the appropriate Action Plan Template the potential positive and / or negative impact of the proposal / policy, internally on members of your workforce and externally on your communities / service delivery:

<p>Age</p>	<p>GUIDANCE</p>	<p>Race</p>	<p>GUIDANCE</p>
<p>Deaf and disabled / Disability</p>	<p>GUIDANCE</p>	<p>Religion or Belief</p>	<p>GUIDANCE</p>
<p>Gender Reassignment</p>	<p>GUIDANCE</p>	<p>Sex</p>	<p>GUIDANCE</p>
<p>Marriage and Civil Partnership (employment only)</p>	<p>GUIDANCE</p>	<p>Sexual Orientation</p>	<p>GUIDANCE</p>

Pregnancy and Maternity	GUIDANCE	Other Issues	GUIDANCE
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STEP 5c. Action Plan Template Workforce Impacts (Internal)				GUIDANCE
Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/ Monitoring
<p>AGE: MPS STAFF</p> <p>No Impact</p>	<p>The age of employability is set by national police recruitment guidelines (18 or over)</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective of age.</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>	N/A	N/A	N/A
<p>SEX: MPS STAFF</p> <p>No Impact</p>	<p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective of gender.</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>	N/A	N/A	N/A
<p>SEXUAL ORIENTATION: MPS STAFF</p> <p>No Impact</p>	<p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal</p>	N/A	N/A	N/A

NOT PROTECTIVELY MARKED

	<p>provision to submit application forms for specified roles within the business area who use RFR irrespective of sexual orientation</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>			
<p>TRANSGENDER: MPS STAFF</p> <p>No Impact</p>	<p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective of a person's gender or how they identify.</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>RELIGION OR BELIEF: MPS STAFF</p> <p>No Impact on Recruitment</p>	<p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective of person's religion or belief.</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

NOT PROTECTIVELY MARKED

<p>Operational Impact upon Deployment</p>	<p>Practicing Islamic staff and officers are required to pray five times a day as part of religious practice. There is an obligatory requirement within Islam to attend Friday Prayers (preferably in a mosque as part of a congregation).</p> <p>Although there is no legal obligation to facilitate religious prayer, the MPS prides itself on being an inclusive employer.</p> <p>The MPS understand the importance of maintaining a diverse representation to reflect the community in which we serve.</p> <p>Therefore, any staff or officer who will likely use RFR and who requires flexibility for religious observance will be considered and reasonable adjustments made where possible dependant on operational necessity factors.</p>			
<p>RACE: MPS STAFF</p> <p>No Impact</p>	<p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective of a person's race</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>PREGNANCY / MATERNITY: MPS STAFF</p> <p>No Impact</p>	<p>The MPS is an equal opportunities employer.</p> <p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

NOT PROTECTIVELY MARKED

	<p>recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective of a person's race</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>			
<p>CIVIL PARTNERSHIP: MPS STAFF</p> <p>No Impact</p>	<p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective of a person's civil partnership status.</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>DISABILITY: MPS STAFF</p> <p>Impacted</p> <p>Training Provision for Diverse Learning Styles</p>	<p>The MPS is an equal opportunities employer.</p> <p>The process for becoming an Authorised RFR User will be role specific to each business area granted permission to use the technology. These business areas have their own approved recruitment policy. There will be an equal provision to submit application forms for specified roles within the business area who use RFR irrespective if a person has a disability.</p> <p>MPS recruitment processes are auditable, transparent and set to a rank specific performance framework.</p> <p><u>Operational Requirements:</u></p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

Role requirements have been set in accordance with MPS Health & Safety Policy, HR Recruitment Policy and MPS Performance Framework.

<https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/policies/strategy--governance---mps-health-and-safety-policy>

<https://portal.psop.policesharedservices.co.uk/km/recruitment-options-procedure/recruitment-options-procedures-managers-guide-police-officer-police>

<https://portal.psop.policesharedservices.co.uk/km/subject/36>

Personnel who have a disability where their physical and/or mental impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities will be supported via an Occupational Health Referral where reasonable adjustments will be recommended and the appropriate risk assessments completed.

Training Provision:

A Training course will be delivered by the chosen vendor covering the operational use of RFR.

This could include a knowledge check test, and a handout for supplementary learning. This covers the four identified learning styles.

- Visual Learners
- Auditory Learners
- Read/Write
- Kinaesthetic

For personnel with a visual impairment, adaptations assistive technology follows MPS DDaT SOP's.

	For personnel with dyslexia appropriate assistive technology follows MPS DDat SOP's.			
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STEP 5d. EIA Action Plan Template Service Delivery Impacts (External)				GUIDANCE
Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/ Monitoring
<p>AGE:</p> <p>Impacted</p> <p>RFR searches are based on the mapping of key facial indicators when comparing a Probe Image to an image from an authorised Image Reference Library.</p> <p>Therefore, the functionality, accuracy and performance of RFR may be less effective if changes to facial appearance have occurred between the time a Probe Image was taken, and the time that it is searched against an authorised Image Reference Library.</p> <p>In addition, the European Union's Agency for Fundamental Rights 'Facial Recognition Technology Fundamental Rights Considerations in the Context of Law Enforcement Report 2019' highlights that as a child grows and time passes, the accuracy of a biometric match can diminish. The risk of a failure to match increases when facial images recorded at a young age are compared more than five years after they were collected. The report further indicates that the accuracy of facial recognition technology <i>is in general</i> significantly lower for children younger than 13 years old. They associate this to "rapid growth and change in facial appearance".</p> <p>The images uploaded to RFR can be from police-originated and non-police originated sources. This may impact on currency. For example (i) there may have been no lawful opportunity to obtain a</p>	<p>THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA:</p> <ul style="list-style-type: none"> • The MPS uses an algorithm an algorithm by NEC. The National Institute of Standards and Technology (NIST) have tested that algorithm. The Met pays regard to the tests undertaken by NIST, has considered the impact of age on the algorithm and has also undertaken its own tests. • The Met has published a document 'Understanding accuracy and demographic differences.' to explain in a public-facing summary the measures the Met has taken to satisfy its PSED duties with regard to statistical accuracy and demographic performance. • The Facial Recognition Equitability Study published by the National Physical Laboratory tested data from a wide age range. Variance in performance across those age ranges was noted and an explanation was given • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'Assessment which is incorporated within the MPS RFR Legal Mandate • RFR is a tool that may assists police officers to identify people who are of interest. RFR does not qualify as formal identification and does not make the decisions that may result in any person 	RFR Team	Awaits/ Ongoing	

<p>later police-originated image (e.g. a person may not have been detained since a previous custody image was taken) or (ii) when relying on others e.g. a high-risk missing person, the currency of the image will be linked to when the last available image was taken.</p> <p>There is a positive impact towards the early resolution of investigations relating to vulnerable children. RFR has the propensity to support safeguarding measures to reduce a child's exposure to CSE, abuse and/or neglect.</p>	<p>being arrested. It provides a guide to officers/staff about who may be of relevance to their enquiry. Officers then consider any Potential Matches as part of the Adjudication process. This includes consideration about whether age is a factor in the Potential Matches returned for Adjudication. Even where a Verified Match is determined, further policing action is not an automatic consequence. The investigating officer would need a lawful basis to take any further action (such as an arrest).</p> <ul style="list-style-type: none"> • The pre-requisites on which RFR search is launched must meet a legitimate aim, must fall within a criteria allowed for Probe Image RFR Searching as covered in the MPS Policy – Retrospective Facial Recognition System <p>TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:</p> <ul style="list-style-type: none"> • To increase RFR effectiveness the MPS will continue to work closely with RFR service providers to utilise the most appropriate software for its law enforcement purposes. • To ensure the effectiveness of the Adjudication process and to provide ongoing assurance the MPS has suggested a number safeguards to support and monitor decision making. • The use of a written authorisation processes to approve use searching of Image Reference Libraries to minimise impact to that which is proportionate to the legitimate aim. Approval is also required to undertake searching using more intrusive Probe Images where expectations regarding privacy are elevated. • The introduction of strict set RFR search criteria within the RFR ensures no individual and/or group are targeted. 			
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	<ul style="list-style-type: none"> • RFR policy decision regarding those aged under 13. This recognises (i) privacy and (ii) vulnerability considerations. • The MPS will continue to undertake its own testing in relation to any adopted algorithm. 			
<p>SEX:</p> <p>Impacted</p> <p>National Institute of Standards & Technology independent testing that have been undertaken on facial recognition algorithms with respect to demographic differentials (Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects, NISTIR 8280, December 2019). NIST tests show a wide range in accuracy across different algorithms (including in relation to gender) and universal statements about 'bias' are not supported by testing.</p>	<p>THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA:</p> <ul style="list-style-type: none"> • The MPS uses an algorithm an algorithm by NEC. The National Institute of Standards and Technology (NIST) have tested that algorithm. The Met pays regard to the tests undertaken by NIST, has considered the impact of sex on the algorithm and has also undertaken its own tests. • The Met has published a document 'Understanding accuracy and demographic differences.' to explain in a public-facing summary the measures the Met has taken to satisfy its PSED duties with regard to statistical accuracy and demographic performance. • The Facial Recognition Equitability Study published by the National Physical Laboratory tested data from a wide of demographics and noted no statistically significant variance in performance across demographics. • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'Assessment which is incorporated within the MPS RFR Legal Mandate • RFR is a tool that may assists police officers to identify people who are of interest. RFR does not qualify as formal identification and does not make the decisions that may result in any person being arrested. It provides a guide to officers/staff about who may be of relevance to their enquiry. Officers then 	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	

consider any Potential Matches as part of the Adjudication process. This includes consideration about whether age is a factor in the Potential Matches returned for Adjudication. Even where a Verified Match is determined, further policing action is not an automatic consequence. The investigating officer would need a lawful basis to take any further action (such as an arrest).

- The pre-requisites on which RFR search is launched must meet a legitimate aim, must fall within a criteria allowed for Probe Image RFR Searching as covered in the MPS Policy – Retrospective Facial Recognition System.
- The functionality, accuracy and performance of RFR has no bearing on individual's 'biological or legal gender'. London is a diverse capital and members of London's communities are able to express an individual preference to 'present' in an appearance outside the confines of 'gender'. Gender presentation is not defined by biological or legal gender identification.
- There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic.

TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase RFR effectiveness the MPS will continue to work closely with RFR service providers to utilise the most appropriate software for its law enforcement purposes.
- To ensure the effectiveness of the Adjudication process and to provide ongoing assurance the MPS has suggested a number safeguards to support and monitor decision making.
- The use of a written authorisation processes to approve use searching of

	<p>Image Reference Libraries to minimise impact to that which is proportionate to the legitimate aim. Approval is also required to undertake searching using more intrusive Probe Images where expectations regarding privacy are elevated.</p> <ul style="list-style-type: none"> • The introduction of strict set RFR search criteria within the MPS Policy – Retrospective Facial Recognition System ensures no individual and/or group are unfairly targeted. • The MPS will continue to undertake its own testing in relation to any adopted algorithm. 			
<p>SEXUAL ORIENTATION:</p> <p>No Impact</p>	<p>RFR Alerts are based on the mapping of key facial indicators when comparing an inputted face image from an approved/authorised Image Reference Library.</p> <p>The functionality, accuracy and performance of RFR has no bearing on an individual's sexual orientation.</p> <p>The protected characteristic of Sexual Orientation does not impede on changes and/or adaptations to a subject's face.</p>	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	
<p>TRANSGENDER:</p> <p>Impacted</p> <p>RFR searches are based on the mapping of key facial indicators when comparing a Probe Image to an image from an authorised Image Reference Library.</p> <p>Therefore, the functionality, accuracy and performance of RFR may be less effective if changes to facial appearance have occurred between the time a Probe Image was taken, and the time that it is searched against an authorised Image Reference Library.</p>	<p>THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA:</p> <ul style="list-style-type: none"> • The MPS uses an algorithm an algorithm by NEC. The National Institute of Standards and Technology (NIST) have tested that algorithm. The Met pays regard to the tests undertaken by NIST, has considered the impact of age on the algorithm and has also undertaken its own tests. • The Met has published a document 'Understanding accuracy and demographic differences.' to explain in a public-facing summary the measures the Met has taken to satisfy its PSED 	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	

<p>This may impact persons who are transitioning from one legal gender to another if gender presentation differs from the time the comparator image was taken.</p> <p>It may also effect trans, non-binary and gender-fluid people who adopt to flex between gender presentations.</p> <p>Reports suggest that facial contouring through the use of cosmetic make-up application, or undertaking facial surgery may impact on the RFR system's performance too.</p>	<p>duties with regard to statistical accuracy and demographic performance</p> <ul style="list-style-type: none"> • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'Assessment which is incorporated within the MPS RFR Legal Mandate • RFR is a tool that may assists police officers to identify people who are of interest. RFR does not qualify as formal identification and does not make the decisions that may result in any person being arrested. It provides a guide to officers/staff about who may be of relevance to their enquiry. Officers then consider any Potential Matches as part of the Adjudication process. This includes consideration about whether age is a factor in the Potential Matches returned for Adjudication. Even where a Verified Match is determined, further policing action is not an automatic consequence. The investigating officer would need a lawful basis to take any further action (such as an arrest). • The pre-requisites on which RFR search is launched must meet a legitimate aim, must fall within a criteria allowed for Probe Image RFR Searching as covered in the MPS Policy – Retrospective Facial Recognition System • The functionality, accuracy and performance of RFR has no bearing on individual's 'biological or legal gender'. London is a diverse capital and members of London's communities are able to express an individual preference to 'present' in an appearance outside the confines of 'gender'. Gender presentation is not defined by biological or legal gender identification. • There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic. 			
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TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase RFR effectiveness the MPS will continue to work closely with RFR service providers to utilise the most appropriate software for its law enforcement purposes.
- To ensure the effectiveness of the Adjudication process and to provide ongoing assurance the MPS has suggested a number safeguards to support and monitor decision making.
- The use of a written authorisation processes to approve use searching of Image Reference Libraries to minimise impact to that which is proportionate to the legitimate aim. Approval is also required to undertake searching using more intrusive Probe Images where expectations regarding privacy are elevated.
- RFR policy decision regarding transgender persons. This recognises (i) privacy and (ii) vulnerability considerations. It requires:
 - a) *regard should be had to consider System Factors and the ability for the RFR system to return accurate matches from an Image Reference Library;*
 - b) *advice from the MPS RFR team is available to those seeking RFR searches to inform their decision;*
 - c) *the impact on the individual(s) and in particular the expectations of privacy should be balanced against the importance of undertaking the RFR search and the prospects of generating accurate matches against an Image Reference Library to ensure the necessity and proportionality of the RFR Search is fully made out.*
- The introduction of strict set RFR search criteria within the MPS Policy –

	<p>Retrospective Facial Recognition System</p> <ul style="list-style-type: none"> • Ensures no individual and/or group are targeted. • The MPS will continue to undertake its own testing in relation to any adopted algorithm. • Respect for Diversity Awareness Input embedded into RFR Training Delivery. This includes specific awareness of Section 22 Gender Recognition Act 2004. 			
<p>RELIGION OR BELIEF:</p> <p>Impacted</p> <p>National Institute of Standards & Technology independent testing that have been undertaken on facial recognition algorithms with respect to demographic differentials (Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects, NISTIR 8280, December 2019). NIST tests show a wide range in accuracy across different algorithms and universal statements about ‘bias’ are not supported by testing.</p> <p>However the functionality, accuracy and performance of RFR may be less effective if the face is obstructed. Therefore the wearing of religious headwear/ coverings and/or facial hair may have a bearing on RFR effectiveness.</p>	<p>THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA:</p> <ul style="list-style-type: none"> • The MPS uses an algorithm an algorithm by NEC. The National Institute of Standards and Technology (NIST) have tested that algorithm. The Met pays regard to the tests undertaken by NIST, has considered the impact of age on the algorithm and has also undertaken its own tests. • The Met has published a document ‘Understanding accuracy and demographic differences.’ to explain in a public-facing summary the measures the Met has taken to satisfy its PSED duties with regard to statistical accuracy and demographic performance • The criteria is set out in the Proportionality, Legality, Accountability, Necessity ‘Assessment which is incorporated within the MPS RFR Legal Mandate • RFR is a tool that may assists police officers to identify people who are of interest. RFR does not qualify as formal identification and does not make the decisions that may result in any person being arrested. It provides a guide to officers/staff about who may be of relevance to their enquiry. Officers then consider any Potential Matches as part 	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	

of the Adjudication process. This includes consideration about whether age is a factor in the Potential Matches returned for Adjudication. Even where a Verified Match is determined, further policing action is not an automatic consequence. The investigating officer would need a lawful basis to take any further action (such as an arrest).

- The pre-requisites on which RFR search is launched must meet a legitimate aim, must fall within a criteria allowed for Probe Image RFR Searching as covered in the MPS Policy – Retrospective Facial Recognition System.
- The MPS RFR Legal Mandate also offers specific guidance in relation to Article 9 rights.
- Items adorned on the head and/or face are not limited to a particular religion or belief. Hats, eye wear and the preference of facial hair can be a style or necessity decision by any member of the community irrespective of their religion and/or belief.
- There is no ‘conclusive evidence’ to qualify a disadvantage to this protected characteristic.

TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase RFR effectiveness the MPS will continue to work closely with RFR service providers to utilise the most appropriate software for its law enforcement purposes.
- To ensure the effectiveness of the Adjudication process and to provide ongoing assurance the MPS has suggested a number safeguards to support and monitor decision making.
- The use of a written authorisation processes to approve use searching of Image Reference Libraries to minimise

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	<p>impact to that which is proportionate to the legitimate aim. Approval is also required to undertake searching using more intrusive Probe Images where expectations regarding privacy are elevated.</p> <ul style="list-style-type: none"> • The introduction of strict set RFR search criteria within the MPS Policy – Retrospective Facial Recognition System ensures no individual and/or group are targeted. • The MPS will continue to undertake its own testing in relation to any adopted algorithm. 			
<p>RACE: Impacted</p> <p>National Institute of Standards & Technology independent testing that have been undertaken on facial recognition algorithms with respect to demographic differentials (Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects, NISTIR 8280, December 2019). NIST tests show a wide range in accuracy across different algorithms and universal statements about ‘bias’ are not supported by testing.</p>	<p>THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA:</p> <ul style="list-style-type: none"> • The MPS uses an algorithm an algorithm by NEC. The National Institute of Standards and Technology (NIST) have tested that algorithm. The Met pays regard to the tests undertaken by NIST, has considered the impact of age on the algorithm and has also undertaken its own tests. • The Met has published a document ‘Understanding accuracy and demographic differences.’ to explain in a public-facing summary the measures the Met has taken to satisfy its PSED duties with regard to statistical accuracy and demographic performance. • The Facial Recognition Equitability Study published by the National Physical Laboratory tested data from a wide of demographics and noted no statistically significant variance in performance across demographics • The criteria is set out in the Proportionality, Legality, Accountability, Necessity ‘Assessment which is incorporated within the MPS RFR Legal Mandate 	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	

- RFR is a tool that may assist police officers to identify people who are of interest. RFR does not qualify as formal identification and does not make the decisions that may result in any person being arrested. It provides a guide to officers/staff about who may be of relevance to their enquiry. Officers then consider any Potential Matches as part of the Adjudication process. This includes consideration about whether age is a factor in the Potential Matches returned for Adjudication. Even where a Verified Match is determined, further policing action is not an automatic consequence. The investigating officer would need a lawful basis to take any further action (such as an arrest).
- The pre-requisites on which RFR search is launched must meet a legitimate aim, must fall within a criteria allowed for Probe Image RFR Searching as covered in the MPS Policy – Retrospective Facial Recognition System
- There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic.

TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase RFR effectiveness the MPS will continue to work closely with RFR service providers to utilise the most appropriate software for its law enforcement purposes.
- To ensure the effectiveness of the Adjudication process and to provide ongoing assurance the MPS has suggested a number of safeguards to support and monitor decision making.
- The use of a written authorisation process to approve use of searching of Image Reference Libraries to minimise impact to that which is proportionate to

NOT PROTECTIVELY MARKED

	<p>the legitimate aim. Approval is also required to undertake searching using more intrusive Probe Images where expectations regarding privacy are elevated.</p> <ul style="list-style-type: none"> • The introduction of strict set RFR search criteria within the MPS Policy – Retrospective Facial Recognition System ensures no individual and/or group are targeted. • The MPS will continue to undertake its own testing in relation to any adopted algorithm. • Respect for Diversity Awareness Input embedded into RFR Training Delivery. • Ensure the MPS RFR public website is accessible to allow to translation to other languages. 			
<p>PREGNANCY / MATERNITY:</p> <p>No Impact</p>	<p>RFR searches are based on the mapping of key facial indicators when comparing a Probe Image to an image from an authorised Image Reference Library.</p> <p>The functionality, accuracy and performance of RFR has no bearing on an individuals who are pregnant.</p> <p>This protected characteristic is safeguarded in the context of 'Employment'</p>	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	
<p>MARRIAGE AND CIVIL PARTNERSHIP:</p> <p>No Impact</p>	<p>RFR searches are based on the mapping of key facial indicators when comparing a Probe Image to an image from an authorised Image Reference Library.</p> <p>The functionality, accuracy and performance of RFR has no bearing on an individuals who are married or have entered a civil partnership</p> <p>The protected characteristic does not impede on changes and/or adaptations to a subject's face.</p> <p>This protected characteristic is safeguarded in the context of 'Employment'</p>	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	

<p>DISABILITY:</p> <p>Impacted</p> <p>RFR searches are based on the mapping of key facial indicators when comparing a Probe Image to an image from an authorised Image Reference Library.</p> <p>Therefore, the functionality, accuracy and performance of RFR may be less effective if changes to facial appearance have occurred between the time a Probe Image was taken, and the time that it is searched against an authorised Image Reference Library.</p> <p>This may impact persons with facial disfigurement and/or facial structural changed through trauma, medical condition and/or intervention, or required to wear medical eyewear etc.</p> <p>Consideration has also been given to the following identified impact:</p> <ul style="list-style-type: none"> • The camera angle for which the Probe Image was taken and the RFR system's capability to Template persons with genetic and/ or medical conditions that impact on a person's height and/or wheelchair / mobility scooter users where this may impact on the Probe Image (e.g. from fixed CCTV). • The accuracy of RFR system in relation to facial disfigurement as a result of injury/trauma and/or disability. 	<p>THE MPS ACCEPT THIS IMPACT BASED ON THE FOLLOWING CRITERIA:</p> <ul style="list-style-type: none"> • The MPS uses an algorithm an algorithm by NEC. The National Institute of Standards and Technology (NIST) have tested that algorithm. The Met pays regard to the tests undertaken by NIST, has considered the impact of age on the algorithm and has also undertaken its own tests. • The Met has published a document 'Understanding accuracy and demographic differences.' to explain in a public-facing summary the measures the Met has taken to satisfy its PSED duties with regard to statistical accuracy and demographic performance • The criteria is set out in the Proportionality, Legality, Accountability, Necessity 'Assessment which is incorporated within the MPS RFR Legal Mandate • RFR is a tool that may assists police officers to identify people who are of interest. RFR does not qualify as formal identification and does not make the decisions that may result in any person being arrested. It provides a guide to officers/staff about who may be of relevance to their enquiry. Officers then consider any Potential Matches as part of the Adjudication process. This includes consideration about whether age is a factor in the Potential Matches returned for Adjudication. Even where a Verified Match is determined, further policing action is not an automatic consequence. The investigating officer would need a lawful basis to take any further action (such as an arrest). • The pre-requisites on which RFR search is launched must meet a legitimate aim, must fall within a criteria allowed for Probe Image RFR Searching as 	<p>RFR Team</p>	<p>Awaits/ Ongoing</p>	
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covered in the RFR Standard Operating Procedure.

Defining structural facial features including the presence of marks and/or scars aids the accuracy of RFR performance.

- The camera panning angle/range is, and will not disadvantage persons (in the context of Probe Images) due to their height and/or being seated in a wheelchair or mobility scooter.
- There is no 'conclusive evidence' to qualify a disadvantage to this protected characteristic.

TO REDUCE IMPACT THE MPS IMPLEMENT THE FOLLOWING POSITIVE ACTION:

- To increase RFR effectiveness the MPS will continue to work closely with RFR service providers to utilise the most appropriate software for its law enforcement purposes.
- To ensure the effectiveness of the Adjudication process and to provide ongoing assurance the MPS has suggested a number safeguards to support and monitor decision making.
- The use of a written authorisation processes to approve use searching of Image Reference Libraries to minimise impact to that which is proportionate to the legitimate aim. Approval is also required to undertake searching using more intrusive Probe Images where expectations regarding privacy are elevated.
- RFR policy decision regarding persons with a relevant disability. This recognises (i) privacy and (ii) vulnerability considerations. It requires:
 - a) *regard should be had to consider System Factors and the ability for the RFR system to return accurate*

	<p><i>matches from an Image Reference Library;</i></p> <p><i>b) advice from the MPS RFR team is available to those seeking RFR searches to inform their decision;</i></p> <p><i>c) the impact on the individual(s) and in particular the expectations of privacy should be balanced against the importance of undertaking the RFR search and the prospects of generating accurate matches against an Image Reference Library to ensure the necessity and proportionality of the RFR Search is fully made out.</i></p> <ul style="list-style-type: none">• The introduction of strict set RFR search criteria within the MPS Policy – Retrospective Facial Recognition System ensures no individual and/or group are targeted.• The MPS will continue to undertake its own testing in relation to any adopted algorithm. <p>Respect for Diversity Awareness Input embedded into RFR Training Delivery.</p> <ul style="list-style-type: none">• Respect for Diversity Awareness Input embedded into RFR Training Delivery.• Ensure the MPS RFR Public Website is caters for the visually impaired with accessibility to text-to-audio functionality			
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STEP 6. Ensure monitoring and review arrangements are put in place	GUIDANCE
How will the implementation of the proposal / policy be monitored and by whom?	
<p>The MPS Facial Recognition Technology Strategic Board have governance of RFR. This board meets on a regular basis. Strategic Board is chaired by the Director of Intelligence. This board is attended by a variety of key stakeholders. The MPS Facial Recognition Strategic Board will continue to take place to provide oversight and scrutiny for MPS RFR use, discuss relevant issues arising from its use and public attitudes to its use. They will also ensure continued compliance with the MPS RFR Documents, Data Protection Act 2018 and the Equality Act 2010.</p>	
<p>All Public Authorities such as the Metropolitan Police Service (MPS) have to comply with section 149 of the Equality Act 2010 more commonly known as the General Duty.</p> <p>The Duty requires us to:</p> <ul style="list-style-type: none"> ▪ Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. ▪ Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. ▪ Foster good relations between people who share a relevant protected characteristic and those who do not share it. <p>One of the ways we can demonstrate that we are complying with the General Duty is to document how decisions are reached and resulting activities including monitoring and review arrangements. In the MPS, the way we evidence this is by completing EIAs.</p>	
What is the timetable for monitoring, with dates?	
<p>The Strategic Board meet on alternatives months or such other frequency as may be deemed appropriate by the chair. This ensures that any actions raised can be met in a timely manner and any issues surrounding compliance can also dealt with expeditiously.</p>	

STEP 7. Public availability of reports / result. What are the arrangements of publishing, where and by whom?	GUIDANCE
<p>A publication strategy is being implemented and relevant documentation will be published on completion of that.</p>	