LEDS Open Space:

Custody Images – Progress Update

v1.0

08 April 2019

Discussion Document

This Document has been written with the aim of stimulating discussion on management of custody images, particularly within the context of the introduction of the Law Enforcement Data Service (LEDS). It is not intended to be viewed as current Home Office policy. It is to be circulated to and viewed only by members of the LEDS & HOB Open Space.

This discussion document has been written to advance the formulation of Policy. It is not intended to be a statement of Home Office policy or intention

Purpose

The purpose of this paper is to provide an update to progress for addressing outstanding issues in relation to police use of custody images. It follows the Custody Image paper part 2 discussed at the Open Space workshop 4 in February 2019. At that meeting the Home Office committed to providing further information on a monthly basis incorporating any concerns raised at the meeting or subsequently received. This update paper will be replaced by a further update paper next month. Feedback on this paper is welcome either to Involve or directly to the Home Office. There will be a further substantive discussion at the Open Space meeting in May 2019

Summary

This paper builds upon the Custody Image Paper - Part II and outlines Home Office plans to review the ongoing issues and concerns from civil society and the Information Commissioner's Office (ICO) in relation to police use of custody images.

To restate the chief concerns around images. The court case "RMC" ruled it unlawful to retain custody images without making a distinction between those who are convicted and those who are not. Therefore, deletion of these images is required quickly. This has been technically challenging in the past, however a plan to delete those images is being implemented.

Response

The response to these concerns to date have been provided in the last two workshops.

Workshop 3 (05 December 2018)

Discussed:

- Ministerial commitment to deletion of custody images.
- Commitment to revert to Open Space Members with a plan for Custody Image deletion.

Workshop 4 (26 February 2019)

Discussed:

- The review of the 2017 Custody Image Review (CIR) is intended to be conducted in collaboration with the National Police Chiefs Council (NPCC) and the Association of Police & Crime Commissioners (APCC) and completed and published by 2019.
- The CIR will consult with the LEDS & HOB Open Space (the Open Space), as well as the Biometrics & Forensics Ethics Group (BFEG), the Law Enforcement Facial Images and New Biometric Modalities Oversight & Advisory Board (the Face Board), and the Independent Digital Ethics Panel for Policing (IDEPP).

Workshop 5 (14 May 2019)

Proposed Discussion:

- Policy, Technical, Policing, Data Quality players to all be brought into the room at the next workshop with civil society organisations to assess the level of progress that has been made on this area.

Update – since Feb 2019

The Minister is to update Parliament's Science and Technology Committee that automatic deletion will be implemented and that in advance of its implementation manual deletion is being scoped.

Manual deletion

In advance of automated deletion, work has started on a plan for a risk based manual deletion regime that balancing the privacy rights of individuals against legitimate operational policing need. This will enable deletion/retention of custody images to be done automatically, based on risk and a set of nationally agreed business rules. The starting position is that this will go further than the requirement of "RMC".

Discussions have taken place with the Data Standards Project Manager and the PND's Facial Identification lead. Both will update the Open Space in May. Those discussions are looking at how information from the Police National Computer on conviction status can be matched with the images held on Police National Database.

As stated this is looking to go further than deletion based on outcome and seeks to include a person centric risk-based deletion regime in advance of mandatory deletions. If implemented this will reduce the overall number of images (and other data retained) on the basis of a combination of the following;

a) The nature and severity of the event,
b) The relationship of the individual to the event, and,
c) The circumstances surrounding any individual.

This risk-based deletion would be followed by deletion on the basis of nationally agreed business rules and legal limits; such as those in "RMC" or maximum retention rules. This high-level position has been agreed at the working level and following strands of activity are now planned to add detail onto the initial working proposition.

1) High Level assessments
    - Operational Impact assessment
    - Technical assessment
    - Policy Impact assessment
    - Data Migration assessment
2) Implementation plan with outline timeframes
3) Senior policing stakeholder sign-off

Automated deletion

Discussion on the design of a new Image solution are taking place. This will include automated image deletion. One of the issues that has arisen is in relation to Data Quality and other meta data they would need. We are in the process of agreeing the minimum data standards for custody images. This will include providing guidance for what metadata needs to be stored with an image. The plan is to agree these standards as part of the wider policing minimum data standards workstream.

Scope of the Review of the Custody Image Review

Internal policy discussions have taken place on the scope of the Custody Image Review. A paper identifying the scope and timeframe will be circulated at the end of April. The Scope will be put to Ministers following the Open Space in May.