DMPC Decision – PCD 1008

Title: **Retrospective Facial Recognition System**

Executive Summary:

This decision requests approval to award a contract for Retrospective Facial Recognition (RFR) software to Northgate Public Services for the total contract period of 4 years. The total cost, including implementation and annual running costs, of up to £3,084,000 is funded from approved budgets.

The MPS will benefit from an updated Retrospective Facial Recognition search capability to enable a more effective use of images and image frames from video data across all types of investigations. Technical advancements made over recent years would if seized now allow the MPS opportunities that were not previously available to support the detection and matching of faces. The opportunity also represents a chance to realise significant savings in terms of officer time it takes to reconcile an image of a person to that person's identity. This helps prevent and detect crime and keeps Londoners safe.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to approve:

1. Award of the Retrospective Facial Recognition software contract to Northgate Public Services for a maximum 4-year period. This contract award is for an initial 2-year term, with the option to extend for a further 2 years on a 1 year plus 1-year basis.

2. Implementation revenue costs including risk provision in 2021/22 with ongoing revenue business as usual running costs fully funded from approved budgets. The total cost, including implementation and the annual running cost for the new Retrospective Facial Recognition software contract, is up to £3,084,000.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below. The above request has my approval.

Signature _Sophie Linden_   **Date**   19/8/2021

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1.   Introduction and background

1.1.   The MPS will benefit from a Retrospective Facial Recognition (RFR) search capability to enable the effective use of images and image frames from video data across all types of investigations. In parallel it will enable the MPS to effectively exploit those investigative opportunities that have occurred with the sharp growth in these image data sources. Rapid and ongoing advancements in this technology would if seized now allow the MPS opportunities that were not previously available to support the detection and matching of faces even when processing lower quality images and videos.

2.   Issues for consideration

2.1.   The main purpose of RFR searching is to assist in identifying suspects from still images or specific images extracted from video. These images will need to be lawfully held by the MPS. These may be images that have been captured by cameras at burglaries, assaults, shootings and other crime scenes. They could also be images shared by or submitted by members of the public. As well as assisting in preventing and detecting crime, RFR searching could also be used to help in the identification of missing or deceased persons.

2.2.   The RFR use case is very different to Live Facial Recognition and seeks to help officers identify persons from media of events that have already happened and does not involve members of the public walking past the system 'live time'. As such it would be a tool that helps aid the investigative process, by analysing still images or images that have been specifically extracted from a media source. The result of this analysis will present investigators with additional leads to consider.

2.3.   There is a distinction between using FR where the results could impact on real-time operations and where the results would contribute to ongoing investigations and provide leads to verify and develop. Any change in its use would be subject to and supported by a specific policy and the MPS would seek to engage with stakeholders (including MOPAC and the London Policing Ethics Panel) to develop this policy with appropriate safeguards and controls.

2.4.   Human-in-the-loop decision is a critical aspect of the RFR proposal and will be embedded into RFR processes.

2.5.   This proposal supports making communities safer by helping the MPS target violent and other serious offences by identifying those responsible for knife and gun crime, child sexual exploitation and terrorism. RFR reduces the time taken to identify offenders and supports the delivery of improved criminal justice outcomes. It allows officers' time to be best used, targeting criminality to keep Londoners safe.

3.   Financial Comments

3.1.   The initial contract award is for a period of 2 years with the option of further extending the contract on a 1 year plus 1-year basis. The total cost for implementation and ongoing yearly revenue costs, once fully implemented, of £3,084k over five years, is to be fully funded from approved budgets.

3.2.   The first year 2021/22 is a part year with service due to go-live in Q4 of 2021/22.

3.3.   Further detail of the costs is provided in the exempt Part 2 of this report.

4.   Legal Comments

4.1.   The Directorate of Legal Services has provided significant advice on the lawful use of RFR by the MPS including in relation to legal basis, human rights, data protection and equalities.

4.2.   The Mayor's Office for Policing and Crime (MOPAC) is a contracting authority as defined in the Public Contracts Regulations 2015 (the Regulations). All awards of public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.

4.3.   This report confirms this procurement will utilise the CDW/East Midlands Strategic Commercial Unit (EMSCU) Framework to conduct a request for proposal exercise (RFP) / mini-competition process. The MPS is a named police force on the Framework Agreement (as confirmed by TLT Solicitors). On this basis the MOPAC's route to market is compliant with the Regulations.

4.4.   The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve:
    • Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
    • All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).

4.5.   Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

5.   Commercial Issues

5.1.   The route to market was approved by the MPS Portfolio and Investment Board, MOPAC and Commercial Services in the Dec 2020 and Jan 2021 granting authority to initiate the RFP competition.

5.2.   This new contract will provide the MPS with a new provision for an RFR service that includes licensing and support provisions.

5.3.   The MPS utilised the existing CDW Value Added Reseller (VAR) IT Framework Agreement (the Framework) with the East Midlands Strategic Commercial Unit (EMSCU) to conduct a request for proposal exercise (RFP) / mini-competition. The Metropolitan Police Service is a named police force on the Framework Agreement and (as confirmed by TLT Solicitors) this is therefore a recognised compliant route to market.

5.4.   Three suppliers were invited through to the RFP competition (based on current and sourced suppliers within the facial recognition space/market).

5.5.   Weightings in the tender pack were split into the following percentages:
   • Commercial/pricing weighted at 30%
   • Technical weighted at 70%
   • Technical sections also included pass/fail marking criteria on key questions.

5.6.   The RFP/competition pack was published on the Coupa e-tendering portal (Ref 47) / SS3/20/187 on the 5 February 2021 with a return date of 19 March 2021. A total of two completed RFP responses were received by the deadline date.

5.7.   The technical and legal questions included a range of scored and pass/fail questions, which addressed key functional and non-functional requirements.

5.8.   As the resulting contract will be awarded to CDW, Northgate Public Services as the successful supplier will be required to sign/agree the CDW/EMSCU terms and conditions, this was included as a key statement in the RFP/competition pack.

6.   GDPR and Data Privacy

6.1.   The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

6.2.   Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

6.3.   The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

6.4. A DPIA is required for this project and the selection of the vendor is crucial to the completion of the DPIA. This is because the DPIA and the associated control measures needed to mitigate any risk identified will be informed by the statistical accuracy demographic performance of the selected vendor's product. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with data protection legislation. DPIAs support the accountability principle, as they will ensure the MPS complies with its legal duties.

6.5. The MPS recognises the privacy implication of the use of such technology and as such is consulting with the London Policing Ethics Panel (LPEP) about the required governance controls for its use. This will include attending a session of the panel in October 2021 to discuss the development of this work.

7. Equality Comments

7.1. The use of facial recognition technology engages the Public Sector Equality Duty (PSED). Amongst other points, the PSED means that there is a need to take reasonable steps to understand the performance of a facial recognition algorithm. The draft MPS legal mandate outlines the legal requirements from the Equality Act 2010. In response to this and to mitigate risks, the MPS has completed a draft EIA (to a positon in time) to be included in this process and has embedded equality considerations into its structure. The ability to pass a MPS PSED assessment was a key pass/fail criteria and benefited from technical and legal scrutiny. The recommended vendor is a high performing algorithm which is best of breed based on the NIST 2019 tests (which report on race and gender) with a uniform demographic performance. The MPS is familiar with the underlying algorithm having undertaken considerable diligence to date. This diligence helps the MPS ensure the effectiveness of the algorithm and to understand and mitigate any risk relating to disproportionality, including in relation to (i) the overall accuracy of the algorithm (ii) race, (iii) gender, (iv) other protected characteristics (as most recently identified in a 'live' context by the then Surveillance Camera Commissioner, in his document 'Facing the Camera'). The MPS has also considered equality considerations in relation to MPS users of the RFR system – these are addressed in the draft EIA. The recommended vendor also has adopted a number of accessibility points to ensure the system can be used as widely as possible.

7.2. The draft EIA remains subject to further policy development to embed the MPS's policy priorities and create standard operating procedures for use. The EIA will be fully updated once a vendor has been selected and the product has been integrated.

8. Background/supporting papers

8.1. Approval to go to the commercial market for a Retrospective Facial Recognition system was provided in decision PCD 915.

Public access to information
Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.
If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.
Part 1 Deferral:
Is the publication of Part 1 of this approval to be deferred? NO
If yes, for what reason:
Until what date: N/A
Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.
Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION	*Tick to confirm statement (✓)*
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR/Data Privacy • GDPR compliance issues are covered in the body of the report. • A DPIA will be completed.	✓
Drafting Officer Craig James has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

Chief Executive Officer
I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.
Signature [signature] Date 9/8/2021

MOPAC | MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Retrospective Facial Recognition System

MOPAC Investment Advisory & Monitoring meeting – 30 June 2021

Report by Lindsey Chiswick on behalf of the Chief of Corporate Services

<u>Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC</u>

EXECUTIVE SUMMARY

The MPS will benefit from an updated RFR search capability to enable a more effective use of images and image frames from video data across all types of investigations. Technical advancements made over recent years would, if seized, now allow the MPS opportunities that were not previously available to support the detection and matching of faces. The opportunity also represents a chance to realise significant savings in terms of the officer time it takes to reconcile an image of a person to that person's identity. This helps prevent and detect crime and keeps Londoners safe.

Recommendations
The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

Approve

Award of the Retrospective Facial Recognition software contract to Northgate Public Services for a maximum 4 year period. This contract award is for an initial 2-year term, with the option to extend for a further 2 years on a 1 year plus 1 year basis.

Approve implementation revenue costs including risk provision in 2021/22 with ongoing revenue BAU running costs fully funded from existing budgets.

Total funding including implementation costs and the new Retrospective Facial Recognition software contract up to £3,084k.

Time sensitivity

A decision is required from the Deputy Mayor by 10/07/2021. This timing reflects the benefits to the MPS and the need to progress to the implementation phase of this project.
<u>Non-confidential facts and advice to the Deputy Mayor for Policing and Crime</u>

PIB IAM Part 1 17/04/2019v3.0

Introduction and background

The MPS will benefit from a RFR search capability to enable the effective use of images and image frames from video data across all types of investigations. In parallel it will enable the MPS to effectively exploit those investigative opportunities that have occurred with the sharp growth in these image data sources. Rapid and ongoing advancements in this technology would, if seized, now allow the MPS opportunities that were not previously available to support the detection and matching of faces even when processing lower quality images and videos.

Issues for consideration

The main purpose of RFR searching is to assist in identifying suspects from still images or specific images extracted from video. These images will need to be lawfully held by the MPS. These may be images that have been captured by cameras at burglaries, assaults, shootings and other crime scenes. They could also be images shared by or submitted by members of the public. As well as assisting in preventing and detecting crime, RFR searching could also be used to help in the identification of missing or deceased persons.

The RFR use case is very different to Live Facial Recognition and seeks to help officers identify persons from media of events that have already happened and <u>does not involve members of the public walking past the system 'live time'</u>. As such it would be a tool that helps aid the investigative process, by analysing still images or images that have been specifically extracted from a media source. The result of this analysis will present investigators with additional leads to consider.

There is a distinction between using FR where the results could impact on real-time operations and where the results would contribute to ongoing investigations and provide leads to verify and develop.

Human-in-the-loop decision is a critical aspect of the RFR proposal and will be embedded into RFR processes.

Contributes to the MOPAC Police & Crime Plan 2017-2021[1]

This proposal supports making our communities safer by helping the MPS target violent and other serious offences by identifying those responsible for knife and gun crime, child sexual exploitation and terrorism. RFR reduces the time taken to identify offenders and therefore supports the delivery of improved criminal justice outcomes. It allows officers' time to be best used, targeting criminality to keep Londoners safe.

Financial, Commercial and Procurement Comments

The initial contract award is for a period of 2 years with the option of further

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[1] Police and crime plan: a safer city for all Londoners | London City Hall

extending the contract on a 1 year plus 1 year basis. Digital Policing SME input has forecast the implementation costs of the new Retrospective Facial Recognition (RFR) tool. These costs along with the ongoing yearly revenue costs, once fully implemented, a total cost of £3,084k over five years, are to be fully funded from existing budgets

The first year 2021/22 is a part year with service due to go-live in Q4 of 2021/22.

The route to market was approved by PIB, MOPAC and Commercial Services in the Dec 2020 and Jan 2021 granting authority to initiate the RFP competition.

This new contract will provide the MPS with a new provision for a RFR service that includes licensing and support provisions.

The MPS utilised the CDW/East Midlands Strategic Commercial Unit (EMSCU) Framework to conduct a request for proposal exercise (RFP) / mini-competition process. The MPS is a named police force on the Framework Agreement and (as confirmed by TLT Solicitors) this is therefore a recognised compliant route to market.

Three suppliers were invited through to the RFP competition (based on current and sourced suppliers within the facial recognition space/market):

Weightings in the tender pack were split into the following percentages:
- Commercial/pricing weighted at 30%
- Technical weighted at 70%
- Technical sections also included pass/fail marking criteria on key questions.

The RFP/competition pack was published on the Coupa e-tendering portal (Ref 47) / SS3/20/187 on the 5 February 2021 with a return date of 19 March 2021. A total of two completed RFP responses were received by the deadline date.

The technical and legal questions included a range of scored and pass/fail questions, which addressed key functional and non-functional requirements.

As the resulting contract will be awarded to CDW, Northgate Public Services as the successful supplier will be required to sign/agree the CDW/EMSCU terms and conditions, this was included as a key statement in the RFP/competition pack.

Legal Comments

The Directorate of Legal Services has provided significant advice on the lawful use of RFR by the MPS including in relation to legal basis, human rights, data protection and equalities.

Procurement, governance and delegations

The Mayor's Office for Policing and Crime (MOPAC) is a contracting authority as defined in the Public Contracts Regulations 2015 (the Regulations). All awards of

public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.

This report confirms this procurement will utilise the CDW/East Midlands Strategic Commercial Unit (EMSCU) Framework to conduct a request for proposal exercise (RFP) / mini-competition process. The MPS is a named police force on the Framework Agreement (as confirmed by TLT Solicitors). On this basis the MOPAC's route to market is compliant with the Regulations.

The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve:
1. Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and

2. All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).

Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.
The contract will not require sealing by MOPAC at the contract signing stage of the award.

Equality Comments

The use of facial recognition technology engages the Public Sector Equality Duty (PSED). Amongst other points, the PSED means that there is a need to take reasonable steps to understand the performance of a facial recognition algorithm. The draft MPS legal mandate outlines the legal requirements from the Equality Act 2010. In response to this and to mitigate risks, the MPS has completed a draft EIA (to a position in time) to be included in this process and has embedded equality considerations into its structure. The ability to pass a MPS PSED assessment was a key pass/fail criteria and benefited from technical and legal scrutiny. The recommended vendor is a high performing algorithm which is best of breed based on the NIST 2019 tests (which report on race and gender) with a uniform demographic performance. The MPS is familiar with the underlying algorithm having undertaken considerable diligence to date. This diligence helps the MPS ensure the effectiveness of the algorithm and to understand and mitigate any risk relating to disproportionality, including in relation to (i) the overall accuracy of the algorithm (ii) race, (iii) gender, (iv) other protected characteristics (as most recently identified in a 'live' context by the then Surveillance Camera Commissioner, in his document 'Facing the Camera'). The MPS has also considered equality considerations in relation to MPS users of the RFR system – these are addressed in the draft EIA. The recommended vendor also has adopted a number of accessibility points to ensure the system can be used as widely as possible.

The draft EIA remains subject to further policy development to embed the MPS's

policy priorities and create standard operating procedures for use. The EIA will be fully updated once a vendor has been selected and the product has been integrated.

Privacy Comments

The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

A DPIA is required for this project and the selection of the vendor is crucial to the completion of the DPIA which will be completed and approved prior to any data processing. This is because the DPIA and the associated control measures needed to mitigate any risk identified will be informed by the statistical accuracy and demographic performance of the selected vendor's product. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with data protection legislation. DPIAs support the accountability principle, as they will ensure the MPS complies with its legal duties.

The MPS recognises the privacy implication of the use of such technology and as such is consulting with the London Police Ethics Panel (LPEP) about the required governance controls for its use. This will include attending a session of the panel in October to discuss the development of this work.

Real Estate Implications

No implications

Environmental Implications

No implications

Background/supporting papers

Nil

Report author: Lindsey Chiswick - Director of Intelligence

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:

OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of **Retrospective Facial Recognition System** is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
- The relevant sections under the FOIA that would exempt this information from disclosure, include:
    - Law Enforcement, Section 31
    - Data Protection Section 40
    - Commercial Interest Section 43
    - Legal Professional Privilege Section 42

These exemptions will be fully reviewed by the MPS at the conclusion of this contract.

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OFFICE FOR POLICING AND CRIME

DMPC Decision – PCD 915

Title: Retrospective Facial Recognition System

Executive Summary:

The MPS will benefit from an updated Retrospective Facial Recognition (RFR) search capability to enable a more effective use of images and image frames from video data across all types of investigations. Technical advancements made over recent years would, if seized, now allow the MPS opportunities that were not previously available to support the detection and matching of faces. The opportunity also represents a chance to realise significant savings in terms officer time it takes to reconcile an image of a person to that person's identity. This helps prevent and detect crime and keeps Londoners safe.

Recommendation:

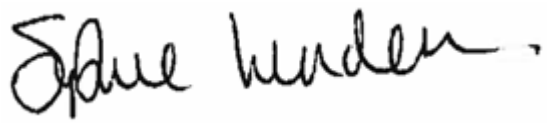The Deputy Mayor for Policing and Crime is recommended to:

1. Approve this request to go to the commercial market via CDW, the MPS approved Software Reseller, for a Retrospective Facial Recognition system. This will allow the MPS to identify a suitable product and vendor and is a compliant route to market.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature		Date	27/01/2021

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

1.1. The MPS will benefit from a Retrospective Facial Recognition (RFR) search capability to enable the effective use of images and image frames from video data across all types of investigations. In parallel it will enable the MPS to effectively exploit those investigative opportunities that have occurred with the sharp growth in these image data sources. Rapid and ongoing advancements in this technology would, if seized, now allow the MPS opportunities that were not previously available to support the detection and matching of faces even when processing lower quality images and videos.

2. Issues for consideration

2.1. The main purpose of RFR searching is to assist in identifying suspects from still images or specific images extracted from video. These images will need to be lawfully held by the MPS. These may be images that have been captured by cameras at burglaries, assaults, shootings and other crime scenes. They could also be images shared by or submitted by members of the public. As well as assisting in preventing and detecting crime, RFR searching could also be used to help in the identification of missing or deceased persons.

2.2. The RFR use case is very different to Live Facial Recognition and seeks to help officers identify persons from media of events that have already happened and does not involve members of the public walking past the system 'live time'. As such it would be a tool that helps aid the investigative process, by analysing still images or images that have been specifically extracted from a media source. The result of this analysis will present investigators with additional leads to consider.

2.3. Human-in-the-loop decision is a critical aspect of the RFR proposal and will be embedded into RFR processes.

3. Financial Comments

3.1. This proposal does not seeking funding at this point.

4. Legal Comments

4.1. Any use of facial recognition technology needs to be in accordance with the law. The legal framework includes the Data Protection Act 2018, Human Rights Act 1998, Equality Act 2010 and The Protection of Freedoms Act 2012. The process of identifying a suitable vendor will enable diligence to be undertaken as regards matters such as statistical accuracy and demographic performance so that legal compliance can be determined.

4.2.   The Mayor's Office for Policing and Crime ("MOPAC") is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of, and modifications to, public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations.

4.3.   Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve the procurement strategy of and requests to go out to tender for contracts valued at £500,000 or above.

5.   Commercial Issues

5.1.   This is a request to approve a compliant route to market via the CDW value added reseller framework. This reflects a need to undertake significant vendor diligence prior to taking any proposal forwards.

5.2.   An RFP (request for proposal exercise) will be conducted utilising the Framework with the intention to award to a single supplier who can offer competitive pricing and compliance with the MPS specification of requirements.

5.3.   As part of the RPF and during the assessment of products the MPS shall:
   - take reasonable steps to satisfy itself that the product selected does not have an unacceptable demographic differential such that the MPS can be satisfied of complying with its PSED duties and data protection obligations;
   - assess the statistical accuracy and demographic performance of the product including comparisons between products considered for use.

6.   GDPR and Data Privacy

6.1.   The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

6.2.   Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

6.3.   The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

6.4.   A DPIA will be required for this project and the selection of the vendor is crucial to the completion of the DPIA. This is because the DPIA and the associated control measures needed to mitigate any risk identified will be informed by the statistical accuracy

demographic performance of the selected vendor's product. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with data protection legislation. DPIAs support the accountability principle, as they will ensure the MPS complies with its legal duties.

7.   Equality Comments

7.1.   The use of facial recognition technology engages the Public Sector Equality Duty (PSED). Amongst other points, the PSED means that there is a need to take reasonable steps to understand the performance of a facial recognition algorithm. The process of identifying a vendor at this point would enable the MPS to assess its ability to comply with the PSED when proposing to take any vendor forwards.

8.   Background/supporting papers

8.1.   Report

Public access to information
Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.
If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:
Is the publication of Part 1 of this approval to be deferred? NO
If yes, for what reason:
Until what date: n/a

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.
Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION	*Tick to confirm statement (✔)*
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✔
Legal Advice: The MPS legal team has been consulted on the proposal.	✔
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✔
Commercial Issues The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✔
GDPR/Data Privacy • GDPR compliance issues are covered in the body of the report. • A DPIA will be completed.	✔
Director/Head of Service: The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✔

Chief Executive Officer
I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.
Signature *Clanaluclford.* Date **5/01/2021**

Retrospective Facial Recognition System

MOPAC Investment Advisory & Monitoring meeting 15th December 2020

Report by Lindsey Chiswick on behalf of the Chief of Corporate Services

Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC

EXECUTIVE SUMMARY

The MPS will benefit from an updated RFR search capability to enable a more effective use of images and image frames from video data across all types of investigations. Technical advancements made over recent years would, if seized, now allow the MPS opportunities that were not previously available to support the detection and matching of faces. The opportunity also represents a chance to realise significant savings in terms officer time it takes to reconcile an image of a person to that person's identity. This helps prevent and detect crime and keeps Londoners safe.

Recommendations

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. **Approve this request to go to the commercial market via CDW, our approved Software Reseller - this is a compliant route to market. This will allow the MPS to identify a suitable product and vendor.**

Time sensitivity

A decision is required from the Deputy Mayor by 23/12/2020. This timing reflects the benefits to the MPS and the need to progress to vendor selection in order to be able to able to evaluate the performance of vendor products.

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

Introduction and background

The MPS will benefit from a RFR search capability to enable the effective use of images and image frames from video data across all types of investigations. In parallel it will enable the MPS to effectively exploit those investigative opportunities

that have occurred with the sharp growth in these image data sources. Rapid and ongoing advancements in this technology would, if seized, now allow the MPS opportunities that were not previously available to support the detection and matching of faces even when processing lower quality images and videos.

Issues for consideration

The main purpose of RFR searching is to assist in identifying suspects from still images or specific images extracted from video. These images will need to be lawfully held by the MPS. These may be images that have been captured by cameras at burglaries, assaults, shootings and other crime scenes. They could also be images shared by or submitted by members of the public. As well as assisting in preventing and detecting crime, RFR searching could also be used to help in the identification of missing or deceased persons.

The RFR use case is very different to Live Facial Recognition and seeks to help officers identify persons from media of events that have already happened and <u>does not involve members of the public walking past the system 'live time'</u>. As such it would be a tool that helps aid the investigative process, by analysing still images or images that have been specifically extracted from a media source. The result of this analysis will present investigators with additional leads to consider.

Human-in-the-loop decision is a critical aspect of the RFR proposal and will be embedded into RFR processes.

Contributes to the MOPAC Police & Crime Plan 2017-2021[1]

This proposal supports making our communities safer by helping the MPS target violent and other serious offences by identifying those responsible for knife and gun crime, child sexual exploitation and terrorism. RFR reduces the time taken to identify offenders and as supports the delivery of improved criminal justice outcomes. It allows officers' time to be best used, targeting criminality to keep Londoners safe.

Financial, Commercial and Procurement Comments

This proposal does not seeking funding at this point. This is a request to approve a compliant route to market via the CDW value added reseller Framework. This reflects a need to undertake significant vendor diligence prior to taking any proposal forward.

An RFP (request for proposal exercise) will be conducted utilising the Framework with the intention to award to a single supplier who can offer competitive pricing and compliance with the MPS specification of requirements.

As part of the RPF and during the assessment of products the MPS shall:
- take reasonable steps to satisfy itself that the product selected does not have an unacceptable demographic differential such that the MPS

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  can be satisfied of complying with its PSED duties and data protection obligations;
- o assess the statistical accuracy and demographic performance of product including comparisons between products considered for use.

Legal Comments

Any use of facial recognition technology needs to be in accordance with the law. The legal framework includes the Data Protection Act 2018, Human Rights Act 1998, Equality Act 2010 and The Protection of Freedoms Act 2012. The process of identifying a suitable vendor will enable diligence to be undertaken as regards matters such as statistical accuracy and demographic performance so that legal compliance can be determined.

The Mayor's Office for Policing and Crime ("MOPAC") is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of, and modifications to, public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations.

Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve the procurement strategy of and requests to go out to tender for contracts valued at £500,000 or above.

Equality Comments

The use of facial recognition technology engages the Public Sector Equality Duty (PSED). Amongst other points, the PSED means that there is a need to take reasonable steps to understand the performance of a facial recognition algorithm. The process of identifying a vendor at this point would enable the MPS to assess its ability to comply with the PSED when proposing to take any vendor forwards.

Privacy Comments

The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

A DPIA will be required for this project and the selection of the vendor is crucial to the completion of the DPIA. This is because the DPIA and the associated control measures needed to mitigate any risk identified will be informed by the statistical accuracy demographic performance of the selected vendor's product. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with data protection legislation. DPIAs support the accountability principle, as they will ensure the MPS complies with its legal duties.

Real Estate Implications

No implications

Environmental Implications

No implications

Background/supporting papers

Nil

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Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:

OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of **Retrospective Facial Recognition System** is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
- The relevant sections under the FOIA that would exempt this information from disclosure, for example:
    - Data Protection Section 40,
    - Commercial Interest Section 43
    - Legal Professional Privilege Section 42
    - S. 31 Law Enforcement

The paper will cease to be exempt until after any contract has been awarded.