

# Live Facial Recognition (LFR)

## Privacy Notice



# Cheshire Constabulary

This Privacy Notice has been created to explain why and how Cheshire Constabulary processes your personal data in connection with Live Facial Recognition.

This document should be read in conjunction with Cheshire Constabulary's overarching [Privacy notice | Cheshire Constabulary](#) which details your individual rights and how the organisation protects your data.

### Why we use personal information

The purpose of using Live Facial Recognition is to identify possible matches for relevant data subjects that have been identified and added to a set 'Watchlist' as one of the following:

- Wanted by the courts;
- Suspected of having committed an offence, or where there are reasonable grounds to suspect that the individual depicted is about to commit an offence or where there are reasonable grounds to suspect an individual depicted to be committing an offence;
- Subject to bail conditions, court order or other restriction that would be breached if they were at the location at the time of the Deployment;
- Missing persons deemed at increased risk;
- Presenting a risk of harm to themselves or others;
- A victim of an offence or a person who the police have reasonable grounds to suspect would have information of importance and relevance to progress an investigation, or who is otherwise a close associate of an individual and that individual would fall within people wanted by the courts and presenting a risk of harm to themselves or others.

The Live Facial Recognition system compares Biometric Templates to match those passing through the Zone of Detection with the people of interest on the 'Watchlist'.

### Our lawful basis

As above, an individual could be added to a 'Watchlist' if they are wanted in relation to a criminal offence whilst others could be added to a 'Watchlist' if they are missing and deemed a risk to themselves or others. Therefore, depending on the nature of the use of Live Facial Recognition, it could be deployed for both a Law Enforcement Purpose or a General Purpose.

#### For a Law Enforcement Purpose:

Defined as the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. The lawful basis for processing is provided in Section 35(1),(2),(3),(5) and Schedule 8(1),(2),(4) of the Data Protection Act 2018.

### For a General Purpose:

Where Cheshire Constabulary is processing data for a general purpose, the lawful basis will fall into either Article 6(1)(a) or Article 6(1)(e) depending on the specific purpose. The relevant article 6 condition will be met with the relevant Article 9 conditions. These will be Article 9(2)(a) or Article 9(2)(g).

Processing under Article 9(2)(a) will be limited to processing Cheshire Constabulary employee data for the purpose of validating and testing LFR technologies. Where explicit consent is sought in the limited circumstances in which it is required, the consent is unambiguous and for one or more specified purposes, is a freely given, is a fully informed affirmative action which is recorded and managed to ensure the facilitation of individual rights, including withdrawal of consent.

Article 9(2)(g) requires a further schedule to lawfully meet this legal basis. Schedule 1, Part 2:

- Para 5 Requirement for an Appropriate Policy Document
- Para 6 Statutory etc, and government purposes
- Para 18 Safeguarding of children and of individuals at risk

### **The types of personal information we use**

For those added to the 'Watchlist' as a person of interest, the personal data processed could include:

- Full name
- Date of birth
- Gender
- Unique identification number (from local force systems)
- Warning markers
- Image
- Biometric Template
- Reason for inclusion on the Watchlist (e.g Wanted, Missing Person etc)

For those who pass through the Zone of Detection:

- Image (Captured on the van CCTV footage)
- Biometric Template used to compare against the Biometric Templates of those on the 'Watchlist'

For employees of Cheshire Constabulary who form part of the 'Blue Watchlist' used for system testing:

- Full name
- Date of birth
- Gender
- PNC ID
- Image
- Biometric Template

Should an alert be generated following a possible match, any subsequent actions will be in accordance with Cheshire Constabulary's standard policing processes. The actions taken may

involve further processing of personal data by officers using Cheshire local systems during the Engagement process. This is not data processed by way of LFR deployment itself, and is instead relevant to the officers conducting their normal course of their duties.

## **Who we might disclose information to**

Cheshire Constabulary will not routinely share Live Facial Recognition personal data.

Should an alert be generated following a possible match, any subsequent actions will be in accordance with Cheshire Constabulary's standard policing processes. The actions taken may involve the sharing of personal data with partners as per the usual policing practices. For further information around data sharing, please see [Privacy notice | Cheshire Constabulary](#)

## **How long we retain personal data**

Images held within Cheshire Constabulary local systems used for generating the 'Watchlist' of persons of interest are retained in line with the Code of Practice on Police Information and Records Management (PIRM) 2023 and Cheshire Constabulary's retention policies.

'Watchlists' will be retained only for the duration of the deployment and for an appropriate time prior to, and following deployment and only to facilitate the need. Where possible 'Watchlists' should not be older than 24 hours at the point deployment starts and should not be retained for longer than 24 hours following conclusion of the deployment.

Biometric Templates created by the technology that do not generate a possible match are automatically deleted immediately.

Biometric Templates created by the technology that does generate an 'Alert' for a possible match, are deleted as soon as practicable and in any case within 24 hours of the end of a deployment.

CCTV footage recorded throughout deployment will be retained for 31 days and disposed of in line with Force policy. Where further retention is lawfully required for a different purpose, such as to meet the needs of further investigation, retention will be in line with the relevant local retention policy. Retention information can be found via [Privacy notice | Cheshire Constabulary](#)

## **Your rights**

Under the Data Protection Act 2018 you have rights in relation to the data we process about you. These are not absolute rights, however by law you have the right to request:

- Right of access to your personal data
- Right of rectification of your personal data
- Right of erasure of your personal data
- Right of restriction of its processing
- Right to lodge a complaint with the Information Commissioner

Full details of those rights and how to exercise them can be found in the [Privacy notice | Cheshire Constabulary](#)

The right to lodge a complaint with the Information Commissioner can be exercised via [Information Commissioner's Office](#)

To exercise any of the remaining rights, please contact the Requests Team via [requests@cheshire.police.uk](mailto:requests@cheshire.police.uk) or the online form on our website: [Ask for, delete or change information | Cheshire Constabulary](#)

If you wish to contact us via post, our address is:

Requests Team

Information Compliance Department

Cheshire Constabulary Headquarters

Clemonds Hey

Winsford

Cheshire

CW7 2UA