

Contact: Freedom of Information
 Direct Telephone: 0300 122 8752
 Extension: 68752
 Email: FOI@derbyshire.police.uk
 Our reference: 01/FOI/25/006609/O

Your reference:

Date: 13/02/2025

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 01/FOI/25/006609/O

I write in connection with your request for information which was received by Derbyshire Constabulary on 21/01/2025. I note you seek access to the following information:

Dear Derbyshire Constabulary,

1. The processes (if any) undertaken by your force when using the Police National Database's face search capability to identify children (minors under the age of 18).

2. If there is a Child Rights Impact Assessment for the use of:

- a. The Police National Database (PND)*
- b. Facial Recognition Technology*
- c. Retrospective Facial Recognition Technology*

3. The number of times Facial Recognition Technology, Retrospective Facial Recognition Technology and/or the Police National Database were used to identify children (minors under the age of 18).

4. The following information about each search:

date

reason for search

officer defined ethnicity

self-defined ethnicity

gender of the person searched

age of person searched

response (i.e., whether the search returned a record and led to an arrest)

5. Are CCTV images used during facial recognition checks which utilise the PND? If so, please share the number of times CCTV images were used for facial recognition checks

6. Are CCTV images and footage retained on the Force Video management system, including those which depict children under the age of 16 and under the age of 18?

7. Are images or data from facial recognition searches (in particular of minors under the age of 18) shared with other agencies or private organizations? If so, under what conditions?

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8. If your force does not currently use Facial Recognition Technology, retrospective Facial Recognition and/or the Police National Database (PND) please state if there are plans to.

If you believe that any of these individual questions will or are likely to cause the request to exceed the 'appropriate' time limit under Section 12(1) of the Freedom of Information Act 2000, or should you require any clarification of the above questions, please do not hesitate to contact me and I will revise the request accordingly.

If further information is required to process this request, then please kindly contact me by return for clarification, and provide any information that you can obtain in the meantime.

This request was submitted on 21/10/2025, and I therefore look forward to hearing from you by 18/02/2025- within 20 working days in accordance with your obligations under section 10 of the Freedom of Information Act 2000.

Result of Searches

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

Decision

On this occasion I am unable to provide you with the information you requested under the Freedom of Information Act 2000 as I have applied Section 12 of the Act - 'Excess Fees'; the rationale for which is shown below.

This letter therefore represents our formal refusal to supply the information you requested.

Reason(s)

Section 12(1) of the Freedom of Information Act 2000 provides that Section 1(1) (General Right of Access to Information) does not oblige a public authority to comply with a request for information if "the authority estimates that the cost of complying with the request would exceed the appropriate limit."

The Constabulary utilises a computerised system for the management of crime and associated matters. Whilst the system has a range of search facilities it cannot, via a simple computer search, extract the information as requested for questions 3 and 4. From speaking to the relevant analyst to a) determine if the information is held and b) if so, note relevance would require that in excess of 10000 PND transactions be individually reviewed.

The Constabulary undertakes between 10 and 14 thousand PND transactions per month. Based on one month's data alone, and the allocation of 2 minutes per transaction, this would equate to 333 hours research time. The Home Office hold the number of transactions conducted by each force and, at regular intervals, provide these back to forces as a total number but not broken down in any way.

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The costs limit is set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For non-central government public authorities such as the Derbyshire Constabulary the appropriate limit is £450 (which can be calculated as 18 hours of work where an hour is charged at a standard national rate of £25). This means that, in effect, there is a time limit of 18 hours.

The public authority's estimate of the cost of compliance should be "*sensible, realistic and supported by cogent evidence*" - Information Tribunal: *Randall v Information Commissioner and Medicines and Healthcare Products Regulatory Agency* (EA/2006/0004)

Regulation 4(3) provides that the following factors can be taken into account when formulating a cost estimate:

- (a) Determining whether it holds the information,
- (b) Locating the information, or a document which may contain the information,
- (c) Retrieving the information, or a document which may contain the information, and
- (d) Extracting the information from a document containing it.

Section 17(5) of the Freedom of Information Act 2000 a public authority which, in relation to any request for information, is relying on a claim that section 12 or section 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

For the sake of completeness, I should also point out that as the whole request exceeds the fees limit, we are not obliged to indicate further where either exemptions or a "neither confirm nor deny" response may have been relevant to any part of your request.

Should you be able to substantially amend your request it may be possible to provide some information within the fees limit. However, given the above position and in line with my responsibilities under Section 16 of the Act I am at this time unable to offer any alternative(s). Additionally, I need to add that it is our policy to decline the opportunity to undertake such retrieval at cost payment as the apparent result appears to be disproportionate to the effort of our resources to achieve it.

I am sorry that on this occasion we cannot provide the information that you requested but I hope you understand that there is a finite limit to the amount and scope of retrievable information we record in terms of effective resource use.

NB A public authority is not obliged to assist an applicant in redefining a request to within the time/cost limit if there is no probability of achieving this. This was confirmed in Decision Notice 50194062.

Right to Request a Review (Complaint)

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

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Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Freedom of Information Officer

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COMPLAINT RIGHTS and COPYRIGHT ISSUES

If you are unhappy with how your request has been handled or you do not think the decision is correct, you have the right to require the Derbyshire Constabulary to review their decision. Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision that Derbyshire Constabulary have made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge a complaint with the Derbyshire Constabulary to have the decision reviewed. **However, this request must be made within 40 working days from the date of our response.**

Complaints should be made in writing and addressed to **Freedom of Information Officer, Derbyshire Police Headquarters, Butterley Hall, RIPLEY, Derbyshire, DE5 3RS** or via email at foi@derbyshire.police.uk

Where possible the Derbyshire Constabulary will aim to respond to your complaint within 40 working days. However, meeting this time scale will depend upon the circumstances and complexity of the issue.

The Information Commissioner

After lodging a complaint with the Derbyshire Constabulary, if you are still dissatisfied with the decision, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.informationcommissioner.gov.uk. Alternatively, telephone or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF - Telephone: 0303 123 1113.

Important notice regarding Copyright for all disclosures

The Derbyshire Constabulary, in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information, will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Derbyshire Constabulary Headquarters, Butterley Hall, Ripley, Derbyshire, DE5 3RS.

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