

Revealed: Home Office secretly lobbied for facial recognition ‘spy’ company

Publication Date: 2023-09-02

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Section: Technology

Tags: Facial recognition, The Observer, Home Office, Surveillance, Chris Philp, Police, news

Article URL: <https://www.theguardian.com/technology/2023/sep/02/home-office-accused-of-secret-lobbying-for-facial-recognition-spy-company>



Senior officials at the Home Office secretly lobbied the UK’s independent privacy regulator to act “favourably” towards a private firm keen to roll out controversial facial recognition technology across the country, according to internal government emails seen by the Observer. Correspondence reveals that the Home Office wrote to the Information Commissioner’s Office (ICO) warning that policing minister, Chris Philp, would “write to your commissioner” if the regulator’s investigation into Facewatch – whose facial recognition cameras have provoked huge opposition after being installed in shops – was not positive towards the firm. An official from the Home Office’s data and identity directorate warned the ICO: “If you are about to do something imminently in Facewatch’s favour then I should be able to head that off [Philp’s intervention], otherwise we will just have to let it take its course.” The apparent threat came two days after a closed-door meeting on 8 March between Philp, senior Home Office officials and Facewatch. Facewatch uses cameras to check faces against a watch list and, despite widespread concern over the technology, it has already been introduced in hundreds of high street shops and supermarkets. The use of facial recognition has provoked fierce criticism over its impact on privacy and human rights, with the European Union seeking to ban the technology in public spaces through proposed legislation. The heavily redacted correspondence also reveals that, even before the alleged threat, an internal February ICO briefing into its Facewatch investigation – codenamed Operation Keron 3 – indicates that the Home Office had made it plain to the regulator that facial recognition to combat retail crime was being pushed aggressively by Philp. “The Home Office have flagged that LFR [live facial recognition] in a commercial setting for crime detection/prevention purposes is an area that is high on the minister’s agenda,” states an executive summary of progress in the ICO investigation into Facewatch, weeks before it officially concluded. The Home Office’s enthusiasm for biometric surveillance is considered so great that the ICO classifies it as an “ongoing risk”, ranked alongside the “still unknown” effects of the use of the technology in shops. The ICO told the Observer that the Home Office had “no influence” on its investigation into Facewatch, while the Home Office said Philp – appointed policing minister by Rishi Sunak last October – had not attempted to influence the regulator. The ICO concluded its investigation into Facewatch on 31 March – several weeks after the Home Office warning – with a blog explaining that no further regulatory action was required against the firm because it was “satisfied the company has a legitimate purpose for using people’s information for the detection and prevention of crime”. Privacy campaigners, however, said apparent Home Office pressure on an independent regulator required urgent investigation. “This disclosure is utterly damning and appears to show that Chris Philp intervened in the data regulator’s investigation of a private facial recognition company he was having meetings

with,” said Mark Johnson, advocacy manager of Big Brother Watch. Johnson added: “It raises serious questions as to whether Philp and his officials influenced the regulator’s notable leniency towards the company. Data regulators operating under the same law in other European countries have issued multimillion-pound fines over live facial recognition being used to spy on shoppers, while Facewatch got off scot-free in the UK.” Critics of the technology claim it breaches human rights and is inaccurate and biased, particularly against darker-skinned people. Philp, however, is convinced that Facewatch could prove pivotal in tackling the escalating issue of retail crime at a time when the government is desperate to improve chronically low numbers of offences being solved. In the year to March, data shows that just 4.4% of all theft offences resulted in someone being charged. The 10 March email from the Home Office to the ICO also indicates that Philp knew it was wrong to try to lean on the regulator: “The minister [Chris Philp] stressed that it would not be appropriate for him to intervene, but said he would write to your commissioner, setting out how seriously he and the government consider retail crime. If you are about to do something imminently in Facewatch’s favour then I should be able to head that off [Philp’s letter] ...” Other new documents, obtained through freedom of information requests, include a letter sent 4 May from Philp to the founder of Facewatch, Simon Gordon, revealing the level of ministerial support for the firm. “As minister I want to do everything possible to promote the widespread use” of facial recognition technology and will “continue to push this agenda forwards”, writes Philp. The police minister adds that when it comes to promoting the use of facial recognition technology “the government’s aims are aligned” with Facewatch, which has already installed cameras in hundreds of high-street shops and supermarkets despite concerns it is “Orwellian”. Johnson added: “Correspondence from Philp to Facewatch makes for deeply uncomfortable reading and portrays the minister as more of a lobbyist for this facial recognition firm than a minister of the crown.” He warned that the correspondence could damage trust “in the independence of ministers and regulators”. An ICO spokesperson said: “The independence of the ICO is set out in law and is an important part of our ability to investigate and enforce the laws we regulate. “Our work is high profile and there will often be interest in the decisions we reach, but we would not accept attempts to interfere in or influence any of our investigations.” A Home Office spokesperson said: “As the documents show, the minister made it clear that he was not seeking to influence any ICO investigation but to inform them of the government’s views about the seriousness of retail crime and abuse of staff. “The government has made no secret of its support for the appropriate use of technologies like facial recognition, which can help businesses protect their customers, staff and stock by actively managing shoplifting and crime.”