

Police to be able to run face recognition searches on 50m driving licence holders

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The police will be able to run facial recognition searches on a database containing images of Britain's 50 million driving licence holders under a law change being quietly introduced by the government. Should the police wish to put a name to an image collected on CCTV, or shared on social media, the legislation would provide them with the powers to search driving licence records for a match. The move, contained in a single clause in a new criminal justice bill, could put every driver in the country in a permanent police lineup, according to privacy campaigners. Facial recognition searches match the biometric measurements of an identified photograph, such as that contained on driving licences, to those of an image picked up elsewhere. The intention to allow the police or the National Crime Agency (NCA) to exploit the UK's driving licence records is not explicitly referenced in the bill or in its explanatory notes, raising criticism from leading academics that the government is "sneaking it under the radar". Once the criminal justice bill is enacted, the home secretary, James Cleverly, must establish "driver information regulations" to enable the searches, but he will need only to consult police bodies, according to the bill. Critics claim facial recognition technology poses a threat to the rights of individuals to privacy, freedom of expression, non-discrimination and freedom of assembly and association. Police are increasingly using live facial recognition, which compares a live camera feed of faces against a database of known identities, at major public events such as protests. Prof Peter Fussey, a former independent reviewer of the Met's use of facial recognition, said there was insufficient oversight of the use of facial recognition systems, with ministers worryingly silent over studies that showed the technology was prone to falsely identifying black and Asian faces. He said: "This constitutes another example of how facial recognition surveillance is becoming extended without clear limits or independent oversight of its use. The minister highlights how such technologies are useful and convenient. That police find such technologies useful or convenient is not sufficient justification to override the legal human rights protections they are also obliged to uphold." Access to driving licence records is controlled under regulations related to the Criminal Justice and Court Services Act 2000, which requires the police to provide a good cause relating to a contravention of mainly road traffic acts. An explanatory note to the new criminal justice bill says that "clause 21 clarifies who can access the driver data and enables regulations to provide for access to DVLA driver information for all policing or law enforcement purposes". The policing minister, Chris Philp, made a first explicit reference to what appears to be the unsaid purpose of the legislative change during a first committee sitting of MPs scrutinising the bill on 12 December. Questioning Graeme Biggar, the director general of the National Crime Agency, Philp said: "There is a power in clause 21 to allow police and law enforcement, including the NCA, to access driving licence records to do a facial recognition

search, which, anomalously, is currently quite difficult. "When you get a crime scene image from CCTV or something like that, do you agree it would be useful to be able to do a facial recognition search across DVLA records as well as the other records that can currently be accessed?" Biggar responded: "Yes, it would. It is really important for us to be able to use facial recognition more. I know that is an issue you have been championing." The EU had considered making images on its member states' driving licence records available on the Prüm crime fighting database. The proposal was dropped earlier this year as it was said to represent a disproportionate breach of privacy. Philp is known to be an enthusiast for facial recognition technology and has encouraged the police to use it more often. The Home Office is already seeking to integrate data from the police national database (PND), the Passport Office and the EU settled status database into a single system to help police find an image match with the "click of one button". A Home Office spokesperson said: "Clause 21 in the criminal justice bill clarifies the law around safeguarding and accountability of police force's use of DVLA records. "It does not allow for automatic access to DVLA records for facial recognition. Any further developments would be subject to further engagement as the public would expect." Carole McCartney, a professor of law and criminal justice at the University of Leicester, said the lack of consultation over the change in law raised questions over the legitimacy of the new powers. She said: "This is another slide down the 'slippery slope' of allowing police access to whatever data they so choose – with little or no safeguards. Where is the public debate? How is this legitimate if the public don't accept the use of the DVLA and passport databases in this way?" The government scrapped the role of the commissioner for the retention and use of biometric material and the office of surveillance camera commissioner this summer, leaving ministers without an independent watchdog to scrutinise such legislative changes. Chris Jones, the director at Statewatch, a civil liberties NGO, called on MPs to reject the controversial change. He said: "There has been no public announcement of or consultation over this plan, which will put anyone in the country with a driving licence into a permanent police lineup. Opening up civil databases to mass police searches turns everyone, a priori, into a suspect. More surveillance and snooping powers will not make people safer." In 2020, the court of appeal ruled that South Wales police's use of facial recognition technology had breached privacy rights, data protection laws and equality laws, given the risk the technology could have a race or gender bias. The force has continued to use the technology. Live facial recognition is to be deployed to find a match of people attending Christmas markets this year against a watchlist. Katy Watts, a lawyer at the civil rights advocacy group Liberty said: "This is a shortcut to widespread surveillance by the state and we should all be worried by it."