



Science and Technology Committee

Oral evidence: Biometrics and forensics: follow-up

Wednesday 30 June 2021

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Members present: Greg Clark (Chair); Aaron Bell; Chris Clarkson; Katherine Fletcher; Rebecca Long Bailey; Graham Stringer.

Questions 1 to 114

Witnesses

I: Professor Gillian Tully CBE, former Forensic Science Regulator; and Professor Paul Wiles, former Biometrics Commissioner.

II: Kit Malthouse MP, Minister for Crime and Policing; Baroness Williams of Trafford, Minister of State, Home Office; and Dr Christophe Prince, Director of Data and Identity, Home Office.

Written evidence from witnesses:

- [Add names of witnesses and hyperlink to submissions]

Examination of witnesses

Witnesses: Professor Gillian Tully CBE and Professor Paul Wiles.

Q1 **Chair:** The Committee is now in session. The Science and Technology Committee is continuing its long-standing scrutiny of the work of the Biometrics Commissioner and the Forensic Science Regulator following on work that the previous Committee in previous Parliaments, in fact, undertook. In May 2018 and July 2019 we published reports. The Government responded to our most recent report of July 2019 in March of this year.

This morning, we will begin by taking evidence from the two people who, until a few months ago, were the Forensic Science Regulator and the Commissioner for the Retention and Use of Biometric Material. We will then hear from the two current Government Ministers and one of their Home Office officials.

For our first panel of witnesses, I am very pleased to welcome and introduce Professor Gillian Tully. Professor Tully is professor of practice for forensic science policy and regulation at King's College London. From 2014 to February of this year she was the Forensic Science Regulator for England and Wales. I also welcome Professor Paul Wiles. Professor Wiles is a governor of Sheffield Hallam University and from 2016 to last December was the Commissioner for the Retention and Use of Biometric Material. Welcome to both of you. Thank you for the work that you have done in this area and for giving evidence to the Committee today.

I would like to start on forensic science and ask Professor Tully to summarise the main issues currently facing forensic science in England and Wales.

Professor Tully: There are a number of immediate issues and then there are some more strategic issues. I will be brief. One of the immediate issues is making sure that we have the sustainable capacity to meet the needs of the whole criminal justice system. There is still insufficient capacity in some areas of forensic science, most notably digital forensics and toxicology, but there is an increasing number of services that were mainstream but are becoming more and more niche and need some level of protection. Some of the more traditional chemistry, marks and traces disciplines fall under that remit.

The second issue is in some ways related, and that is the inability of some organisations to meet the required quality standards. The more organisations are under pressure in terms of delivery, the more difficult it is for them to invest the time and effort in putting in place that systematic quality management that helps to drive improvement. Other organisations have been fully compliant for many years, so it is not that these standards are unachievable, but it has been difficult, and some organisations, as I say, are still far from there. Even once you have the quality standards, you need to build on them, continue to improve, and to develop that scientific culture and continuous professional development, and ongoing learning and improvement.

If we then think about why we have reached that position, one of the issues that strikes me is that we do not yet have a clear, balanced and effective national decision-making structure in relation to forensic science. The Criminal Justice Board has a forensic science subgroup, and the people who sit around the table on a quarterly basis have all the best intentions to improve matters, but, largely, they are not in control of the decision makers who spend the money and make the decisions on where that money goes. Mainly the decisions are made by chief officers of police and police and crime commissioners, or their mayoral equivalents. They are the ones with the budgets.

Although there is good intent, I do not think we have yet brought about a situation where there can be a policy decided and then implemented on a national basis, because the decision making is still very devolved. That is understandable because of the operational independence of chief officers, but it is an issue when you are trying to create and build a national infrastructure, and make sure that it serves the whole criminal justice system and not just one part of that.

The final area that I will highlight, to start with, is that there is no clear way forward for a balanced research portfolio to meet the needs of the whole criminal justice system. It is not just the short-term needs of policing, or the short and medium-term needs of one or other part of the system, but a really balanced, long and short-term portfolio of properly funded research.

Q2 **Chair:** Thank you; that is a very good agenda for us to delve into during our session this morning. I have a few follow-ups on that. You talk about having the sustainable capacity and there being some areas in which that is insufficient. You mentioned digital forensics and toxicology. There are two words together there—"sustainable" and "capacity". What about current capacity, in other words, the needs of the current criminal justice system? Are there any areas in which the forensic services are not up to meeting the current demand?

Professor Tully: Certainly at the point when I left my role as regulator, neither toxicology nor digital forensics had sufficient capacity to meet the current needs of the service.

Q3 **Chair:** What is the consequence of that?

Professor Tully: In toxicology, a few cases at least had to be abandoned because they had passed their statutory time limit. Those were road traffic toxicology-type cases. They were not getting processed in time to get to court—even with a level of rationing of the service among different police forces as to how many samples they could submit on a regular basis.

Q4 **Chair:** Just on that, that is testing for alcohol or drugs in the blood.

Professor Tully: It is drugs in the blood for driving offences, yes.

Q5 **Chair:** So some of those cases, where, by implication, the case rests on the accusation that someone might be driving under the influence of

drugs, are having to be dropped because there isn't this capacity.

Professor Tully: Yes. As far as I know, at the point when I left, a relatively small number of cases had to be discontinued because of the custody time limit issue, but there was also this issue of each police force only having a certain capacity that they could call on, so they were having to decide internally how to use that capacity. They would decide that on the basis of threat, risk and harm in the way they prioritise other issues, but there is definitely a shortfall there, or there was at the point when I left.

Q6 **Chair:** On that, do you have a view or recollection of how many cases explicitly were dropped because they breached the time limit as the capacity was not available?

Professor Tully: It was only a few at that point.

Q7 **Chair:** A few being?

Professor Tully: Fewer than 10 at that point.

Q8 **Chair:** Am I reading correctly into the implication of what you said—that, perhaps knowing there is not sufficient capacity, some cases do not proceed to that point because there is a prioritisation?

Professor Tully: Yes, I think that is fair.

Q9 **Chair:** That was toxicology. On digital forensics, would you just give us a feel for what the consequences are of the lack of capacity or shortage there?

Professor Tully: Primarily delays. Mobile devices and computers are sitting in very long queues for analysis. That is one of the biggest issues. It is a very difficult issue because, even staying still, the demand will continue to grow and double year on year, probably. There is a lot to do around being very careful about what the case strategy is, such as what investigators really want from these devices, what is required for court purposes, and to allow the defence to have adequate access and so on.

Creating a proper balance with really well-thought-through requirements is part of the answer, because we cannot just keep building more and more as the amount of data on devices grows. At the same time, people have been under pressure in this field for a very long time and it needs further investment and further automation, some of which is at least planned.

Q10 **Chair:** Is this area subject to the same consequences as in toxicology, in other words, time limits requiring cases to be dropped on the basis of capacity rather than on a prosecutor's judgment?

Professor Tully: No, this one is more to do with prosecutor's judgment. The statutory time limit is for the magistrates court cases. Certainly, the Crown Prosecution Service Inspectorate in its most recent report indicated that it felt that some victims were withdrawing from supporting

cases because they were taking so long to get to court. There are significant implications.

Q11 **Chair:** Before I turn to my colleague Graham Stringer, let me ask you about the second thing that you said, which was the inability of some organisations to meet the quality standards that you have mentioned. Does that include the police laboratories?

Professor Tully: Yes.

Q12 **Chair:** When you say inability to meet the standards, is that merely a process thing—that they have not been through the accreditation procedure and therefore literally have not met the standards—or should we be concerned that in terms of the actual standards that they are meeting, in other words, the quality of the work, they are deficient or substandard?

Professor Tully: The process of accreditation is the way that we look to see with a third-party eye whether you have met the standards. It does not look at everything and it is not infallible, but it tries to take a snapshot. Is this organisation meeting the standards? Does it have the systemic processes, the oversight and the leadership that it needs in order to be of sustainably good quality? So far, we have found that a number of police organisations in particular have come forward for accreditation. You should only come forward when you believe you are fully compliant, and a number have failed to achieve that accreditation at that point.

It is a learning process. They are new to some elements of it, and in some areas it is quite a new application of the standards, particularly around crime scene analysis, but, on the other hand, some organisations have held that accreditation for many years.

In crime scene investigations, only one police force has one site accredited thus far. The timeline for them to achieve all sites for all forces is October 2022, from memory. That has been put back because of the delays with Covid. It seems, frankly, impossible that they will reach that target from where they are now.

I would say it is a bit of both. We have not yet managed to embed those quality systems fully, and to a sufficient extent, in those organisations for them to be able to get the accreditation that they need. As I say, that is really just the start of quality. Quality goes beyond that. It is about our scientific approach to everything, but it looks at things like staff confidence, equipment and whether the methods are scientifically valid—those important underpinning elements of quality.

Q13 **Chair:** Indeed, and I think everyone would recognise that meeting standards and demonstrating the effectiveness of systems is important, but so is the actual quality of the work. I dare say it might be said that, in the police-run laboratories, the culture and the inherited way of working is such that they can operate at a high level of quality even if they have not, as it were, passed the accreditation. Would that be fair, or

are you concerned that not only is there a lack of accreditation but there are deficiencies in the practice?

Professor Tully: I am concerned that there are some deficiencies. You need to be able to demonstrate that you can avoid contamination, for example, as far as possible. You will never eliminate it completely. That means you need to be able to trace back whether your swabs are of the right standard, whether your vans are appropriately equipped when you go to the crime scene, whether you know that you are not carrying DNA from one crime scene to another on the stepping plates that you use. Those are the sorts of things that are looked at in this process, and if you cannot demonstrate that it must necessarily raise a concern.

Q14 **Chair:** Looking at it from the other way, are you aware of instances in which there has been cross-contamination not just in prospect but in practice?

Professor Tully: Yes. There are a significant number of instances where the DNA profiles of police staff in particular, police officers, have been left on evidential items. That is why we have a contamination elimination database to help us find those things. That is a good part of our mitigation for those risks. Ultimately, if you leave your own DNA all over something, you are not going to find the evidential material that may be hidden underneath that.

Q15 **Chair:** The consequence of that is that convictions that might otherwise be made if there were greater integrity to the process would be lost or convictions might be unsafe. Which of those is it?

Professor Tully: I think it is much more likely to be the former with contamination. You are unlikely to convict somebody incorrectly on the basis of contamination, but it is not beyond the bounds of possibility. Quite some time ago there was a contamination incident. In fact it was before my time as regulator, but it resulted in someone spending some months in prison before it was discovered. It is not impossible, but it is more likely to be compromised evidence that could have been used effectively.

Q16 **Chair:** Thank you; that is very clear. Finally from me before I turn to Graham, you mentioned about the subgroup not having the bite on decision making, and it was a different set of people. What is the solution to that? Is it to have the decision makers as part of the group rather than them being separate from it?

Professor Tully: It is a really difficult question because the fundamental issue is that there are 86 main decision makers, with 43 police forces, each with a chief police officer and a police authority. That is a really difficult decision. I think it is something that needs to be thought about very carefully. Should this be an area where each police force is completely free to make its own decisions, or should there be a national decision-making process in relation to policy issues on forensic science?

The Government have put in place the Transforming Forensics programme and the Forensic Capability Network to try to get police

forces to work together, but they are also trying to work through persuasion rather than any form of mandate. It depends on whether there is an appetite to mandate national decision making. In my experience, there does not appear to be such a mandate or such an appetite.

Q17 **Chair:** Given your nearly seven years of experience in the role, is it your view that you need to have a mandatory decision-making system and that the persuasion has run its course, or should that be given further time to attempt to make it work?

Professor Tully: There are some issues on which there should be national decision making. One is around those areas where we have insufficient capacity, for example. There needs to be a way to stimulate increases in capacity.

Toxicology, for example, is provided by the external forensic market. If there is no clear view for that external market on what individual forces are going to do, it is very difficult for them to make investment decisions. Some of them have done so and at risk to themselves. But it is a difficult argument to make if you do not know what the future looks like. You see one force deciding that it is going to create its own toxicology laboratory, and it recruits a few scientists out of your lab to do so. That makes it difficult for people to plan for the future.

We ought to think: are there some areas here that are a matter of infrastructure for the criminal justice system where we need to say, "On these areas, we need a national approach and we need everyone to fall in line with that national approach"?

Chair: Thank you very much indeed. Graham Stringer.

Q18 **Graham Stringer:** Professor Tully, thank you for coming to the Committee again. I will not ask you the same question I have asked you virtually every other time you have been to the Committee. I have just checked: you first came to the Committee in March 2011 after the Government had announced in the previous December their plans to close the Forensic Science Service. Can you tell us what is better now about the Forensic Science Service and what is worse over that 10-year period?

Professor Tully: It is very difficult for me as a single person to answer that question because there are as many perspectives on the answer as there are people.

Q19 **Graham Stringer:** You have been in an almost unique position, have you not?

Professor Tully: I have, but I was also a member of staff at the Forensic Science Service, so it is difficult for me even to be seen as completely independent on that question.

Prices fell but they fell too far, and the market had to be rescued by putting additional money into all the contracts. That issue was looked at

through forensic accounting where it had actually become unsustainable. That is something that happened and came about.

There is more competition. There is perhaps less of a dominant supplier, although one of the suppliers is substantially bigger than the others. Again, is just working on competition always effective? It is hard to say.

I think that all the smaller organisations and academic institutions would generally say that it is better that the money is not all concentrated in one place. The downside of that is that you get very fragmented investment, so, rather than looking at a few organisations working very hard to improve their quality and so on, you are looking at many, many organisations trying to do that. That is probably more expensive for them to achieve.

Similarly on research, there was always a view that all the Government money was going to the Forensic Science Service and therefore other institutions were missing out. Actually, it was the Forensic Science Service investing its own returns on research, in later years anyway, and that money was lost. It was not then taken and given to anyone else to do research, so there was money lost from that environment. It does not mean we cannot build up research again. It needs to be with a strong focus on collaboration though, to build that real body of expertise.

Q20 **Graham Stringer:** When I last spoke to you, one of your concerns was that, while DNA, fingerprints and other tests might be done at less cost or more efficiently, there would be a loss of advice on the context, where you were providing police with advice on what questions they should ask, given the context of any crime. Has that been borne out in reality? Has there been a loss of that advice?

Professor Tully: Again, it varies very much around the country. Some of the police forces and police force areas have entered into contracts that are very much around working with their forensic science provider to give them that advice and context and so on. Others have been much more transactional in their contracting. I have seen forms submitted to forensic science providers where the "questions to answer" section is not populated by questions to answer for the scientists to think about, but by statements such as, "I will have three of this test and two of that one." That is not a good approach, in my opinion.

Again, it has varied around the country. The majority of forensic science providers have the capacity to provide those services and very much want to do that. In some of their contracts they are very much able to do that, and in others much less so.

Q21 **Graham Stringer:** Finally, in going over previous concerns, this Committee was concerned over a long period about both access to and the integrity of the archive. What has happened to the archive? What state is it in at the moment?

Professor Tully: My latest information dates back to February, but the archive was still running and operated as part of a shell company that still

had the same company name as the Forensic Science Service. At the last triennial review it was intended that it would only serve the fixed set of assets that it had at the time the Forensic Science Service closed. It is not taking lots of new stuff from all around the place.

Anything since the Forensic Science Service closed was not supposed to go to the archive. There have been a couple of instances where the archive has been used as almost emergency housing for material when a provider has gone into administration or left the market. That has happened in a couple of instances.

Q22 **Graham Stringer:** So, in reality, the worries about its integrity and decaying, and not being kept properly, were unfounded, were they?

Professor Tully: The retention of the stuff that was already in the archive has been done properly, yes.

Q23 **Graham Stringer:** Can I just come back to your previous position as regulator? The Government have held the view that a statutory power to demand laboratory accreditation "would detract from the independence of the regulator." Do you agree with that? Why do you think the Government are saying that?

Professor Tully: The Forensic Science Regulator Act has now been passed and given Royal Assent. When it comes into force, it will give powers to the new regulator to intervene when there is a substantial risk to the CJS. I think that is going to be an appropriate way to move forward because that enables the Forensic Science Regulator to act, whether an organisation is accredited or unaccredited, if they perceive there to be a significant risk. So I am not particularly concerned that the legislation is framed in that way as opposed to mandatory accreditation. I do not think it is an issue of independence of the regulator, though.

Q24 **Graham Stringer:** How did the Government respond to your repeated alerts that police laboratories would miss your deadlines for accreditation?

Professor Tully: There were one or two letters written by Ministers to chief constables reminding them of the requirements. The other thing they would say is that they set up Transforming Forensics and the Forensics Capability Network, but, in reality, those deadlines have continued to be missed over a sustained period.

Q25 **Chris Clarkson:** Professor Tully, I wanted to pick up very quickly off the back of that and ask you what impact the lack of mandatory accreditation has on the stability of the forensics market.

Professor Tully: Again, I would say it is not so much the impact of mandatory accreditation but statutory powers more generally, to ensure that people are providing work of the right quality. One of the issues there perhaps is that there was no sanction if an organisation decided to use its unaccredited facility versus using an accredited organisation.

The best example that I can give is of a small digital forensics provider that had invested in getting the appropriate accreditation, but not long before the point when I left office it was considering withdrawing from the market because it was not getting enough work from police forces that were using their own in-house facilities that had less of the appropriate accreditation.

Chris Clarkson: Thank you, Professor.

Chair: We will now turn to biometrics, and I will ask my colleague Katherine Fletcher to ask some questions of Professor Wiles.

Q26 **Katherine Fletcher:** Good morning, all, and thank you both so much for your time; it is appreciated. Professor Wiles, I was not part of the previous inquiries in previous Parliaments, but I want to look to the future because it is an important area. Do you have a view of what the current issues are facing biometrics moving forward?

Professor Wiles: Let me start off with the police use of biometrics but then I will go beyond that. The first thing is that the framework of governance for the police use of biometrics simply has not kept up with the development of new biometrics; nor has the Government responded to judgments by both domestic courts and the European Court of Human Rights about the inadequacy of that current framework. Some of those judgments go back almost nine years now.

Secondly, there has been a lack by either the police or the Home Office, or together, to develop a proper evidence base for the use of the new biometrics. At some point, the police and the Home Office together will have to decide which of the range of biometrics that will exist in the future it makes sense to deploy, and what the relative cost benefits of different combinations of those biometrics are. That knowledge base does not exist, and there has been no investment in creating that knowledge base.

The third thing has been the continuing failure of the Home Office to update the crucial databases that hold both biometric data and general information about offenders, convictions, arrests and so on. Some of the databases that are still being used actually go back to 1974 when they were put in place. This is technology from the middle of the last century.

Fourthly, and perhaps most importantly, there has been a failure by the Home Office to grasp the strategic significance of these new technologies. Biometrics, together with artificial intelligence and large databases, are the technologies, at least in part, which will drive the future social world in which we live. Therefore, this is not just a small technical problem about our policing; it is a strategic question for the UK Government.

Nor is it just a matter for the Home Office. We have seen how some other countries have recognised the strategic importance of these technologies. The most obvious example, and almost infamous example, of course, is China. It is becoming a world leader in these technologies and is exporting them. However, it is not just a valueless technology it is

exporting; it is something rather more than that. This is very much part of the growth of China and the growth of China trying to spread influence. China is just one example.

Q27 **Katherine Fletcher:** Professor Wiles, I am very conscious that I want this to be grounded for people accessing this. Could you perhaps give us an example of the type of scenario you are talking about?

Professor Wiles: Which one do you want me to talk to—failure of governance?

Q28 **Katherine Fletcher:** No. If someone takes a snap of you on a CCTV camera on the street, ground that into what that would mean for a lad or a lass on the road in terms of where the law is in error as you see it.

Professor Wiles: Currently, the general legal framework is overseen by the Information Commissioner's Office, and you will have seen their report in your evidence. That provides a general framework where the Commissioner can intervene if people breach the general data requirements. There is one legal framework.

Q29 **Katherine Fletcher:** If someone takes a snap of me on CCTV on the road—I just want to run it through—a breach would be the council sharing that picture elsewhere, and the current law can regulate for that.

Professor Wiles: It may be; it depends on the particular circumstances and the reasons why it shared it. That will be a judgment for the Information Commissioner.

What I am more concerned about are two things. First, it is not just the CCTV cameras. Hardly any of us do not have a photograph somewhere online. If you have been to a birthday party and somebody has taken a photograph of the celebration, if you have been out for a meal for a celebration and somebody has taken a photograph, your photograph is online. That can be searched through the web and can be matched to identify who you are. This is a very pervasive technology.

The real question is not that this technology may not be in the public interest. Certain uses I have no doubt will be in the public interest. The question is which of the uses are in the public interest, and who decides what is in the public interest and what is very definitely not in the public interest.

At the moment there is a framework that allows the Information Commissioner to express an opinion, but when it comes to the old biometrics—DNA and fingerprints—it was you, Parliament, who made that decision, through legislation. That is what I am pointing to, that lack of a legislative framework, so that everybody is clear what is in the public interest and therefore acceptable, and what is not in the public interest and therefore not acceptable.

Q30 **Katherine Fletcher:** That is incredibly helpful. I am asking you to speculate slightly, but what would you like to see in that law? What changes do we need to make and bring forward?

Professor Wiles: I, very carefully as Commissioner, and I will continue, will not say what I think Parliament should decide is in the public interest. That is a matter for you as elected representatives. I do not have that kind of legitimacy. But I do think that Parliament should make the decision on how these biometrics should be used, and how to frame law that will provide a governance framework for a technology that is rapidly changing all the time. I think that is quite a difficult legislative problem for Parliament to grapple with—initially Ministers, but then Parliament.

Q31 **Katherine Fletcher:** Understood. It is not just facial recognition, is it?

Professor Wiles: No.

Q32 **Katherine Fletcher:** It is the fingerprints that we are using on our phones to access our bank accounts. There is quite a range, is there not?

Professor Wiles: Yes.

Q33 **Katherine Fletcher:** Are there any more that you would put on the radar?

Professor Wiles: Voice recognition is already on that radar. Some elements of law enforcement are already using voice recognition. As you know, banks use it for identification. It is increasingly widely used. You will have seen from the Information Commissioner's report that facial images are being used right across the private and public sector for different uses.

Gait analysis is another one I would put on there—how we walk—which allows us to identify people. This is a bundle of technologies. You have to put it alongside artificial intelligence, which means that databases that do not even include biometrics can be linked to biometric identification. If you shop at a supermarket, like all of us, that supermarket knows an awful lot about you and your behaviour, simply from your shopping patterns.

Katherine Fletcher: That is very interesting. I am conscious that my colleague Rebecca Long Bailey wants to come in, so I will say thank you very much and perhaps look forward to pursuing this further in the future.

Q34 **Rebecca Long Bailey:** I have a very broad question to start. In the recent legal case of R (Bridges) v. South Wales Police, the Court of Appeal ruled that the police's use of automatic facial recognition was unlawful, because the police automatically, and without consent, collected and processed the biometric data of members of the public, violating their right to privacy under Article 8 of the European Convention on Human Rights.

What, in your view, are the key elements of a legal framework where facial recognition can be used without consent that does not violate fundamental human rights? I will put that first to Professor Wiles.

Professor Wiles: As you have done, I will refer back to the South Wales case and the Appeal Court judgment. The Appeal Court, as I am sure you

are aware because you are a lawyer, was very clear on the grounds on which it was unlawful. One of the main things it drew attention to was that the police had not done enough to satisfy themselves that there was not discrimination in the use of that technology, and whether the particular algorithms that they were using had biases built into them. This was not helped by the fact that the vendors refused to disclose what they knew about biases.

The main point the court was making is that the police had to understand whether there was bias in the algorithms they were using for facial matching and had to take steps then, if there was bias, to make sure that they did not unlawfully discriminate. That is the first thing.

In any use of facial technology, the police have to understand whether there are biases and whether those biases can be satisfactorily corrected in the way they use the technology. There is a serious question about vendors who will not reveal what they know about bias, because that makes it almost impossible for the police to do that. I think we will see in any future attempted use by the police of live facial recognition significant work put in to addressing that question.

As regards Article 8, what the police are hoping, in a way, is that when they get a match, but it is not from their point of view a relevant match—that is, it does not match with somebody on their watch list—they automatically delete that profile. They have to be able to show they are doing that, and they have to evidence that they are doing that.

The third thing, as you know, that the Appeal Court pointed to was how the watch lists were drawn up, who was on these watch lists, how they were chosen, and was that watch list therefore acceptable and did not violate Article 8. If those watch lists are made up of people on the wanted list for a serious crime, I suspect there will not be an issue with that. If, on the other hand, it is a general trawl of a broader nature, there will be questions and the police have got to work on that.

I know that the Home Office, together with the National Police Chiefs' Council and the College of Policing, is working on drawing up guidelines, and I understand have done so, but they have not been published. We will have to see when they publish them whether we think they meet those tests that you have pointed to.

Q35 Chair: We have temporarily lost the connection to Rebecca Long Bailey, but I am sure we will be able to get her back.

Going back to something that Katherine Fletcher was asking about, you very clearly said, very appropriately, that it is a decision for Parliament as to what should and should not be in the public interest when it comes to the use of this technology. In order for Parliament to be exercised about it, sometimes it is particular issues that draw attention to a prospective injustice. What would you consider from your experience and your knowledge would be so against the public interest that it would require Parliament to step in and regulate it?

Professor Wiles: First, let me make the obvious point that public interest in this issue developed very rapidly with the two uses of live facial recognition, by South Wales police and the Metropolitan police. There was clearly a public concern about that and there was surprise that there was not already a clear legal framework around the use of facial images in this way. I think that was a galvanising event in terms of raising this question in a different way.

As to the improper use of live facial recognition, it will be possible in the future to use live facial recognition purely for a private commercial profit motive interest without necessarily making the individual aware that that is going on. This is simply the analogue of what we are already seeing in the use made of the data that all of us give every day not just to big tech companies but to small companies as well, and the fact that they are exploiting that and selling that data on without us really understanding.

Of course, I am aware that every time any of us go on a website we are asked whether we approve. I doubt many people actually read through two or three pages of detail and decide whether they don't want to. They just click the yes button and go on. We already have this problem in the collection of other data, but that problem will now begin to emerge in relation to facial recognition because more and more companies are able to collect facial data.

To show you how amusing this can be, I remember going to the "Today" programme at the BBC and being asked by the interviewer, "How dare these people collect facial images?" I said, "When I arrived at the BBC this morning, they pulled up my photograph from the last time I was in the BBC, which you have kept. You didn't ask me whether you could keep it; you just kept it." This is a very pervasive technology.

There are cases that are really quite interesting and potentially in the public interest but which need discussion: for example, the idea of a frictionless airport, where we arrive at the front entrance to an airport, and from our passport photograph the camera recognises us and lets us in, and it continues at stages to confirm our identity up to the point when we get on a plane. There would be none of those endless barrier checks, and all the things we have now. If you are like me, you hate going through airports doing all that. That may well be seen as in the public interest, to produce much more efficient work through the airport, but there have to be clear rules about what can be done with those images and what they can be used for.

We have seen how tricky this is with the recent fact that the former Secretary of State for Health and Social Care had to put back the NHS database that he wished everybody to be part of, because, while people were very happy with the idea of NHS data being used for medical research for our benefit, they were not convinced that that was all it was going to be used for, and they wanted clarity on that. This issue is not just about policing. It is not just about the Home Office. The whole of Government is going to have to address this one.

Chair: Thank you. I think Katherine Fletcher wanted to come back in.

Q36 **Katherine Fletcher:** I want to bring a little more colour to this, just so we can start having a debate. I started my career in technology. One of the old anecdotes is about people using Clubcard for one of the major supermarkets and their being able to tell the marketing department anything about any given customer based on the data they get from their points. That is an accepted technology, and some people, like me, choose not to have it because we do not want to share the data, but it is relatively well understood.

The implication of what you are saying is that the commercial application of security cameras within a large store can tell how long I dwell on two different types of beans, because they are following me with my face. They are then tying that to which one I actually purchased, and then have an ability to influence my commercial behaviour off the back of a stonking great big database, with the computer, or AI automatically recognising my face, and no human needs to become involved. Do we have any legal framework to prevent that at the moment?

Professor Wiles: As I said to you before, we have the Information Commissioner, and the legislation that she is responsible for. In that particular case, if the Information Commissioner examined that process and felt that it was in line with data protection legislation, that is the end of the matter. There is no legislation other than that, of which I am aware, that would prevent that.

I am sure that most shoppers are aware of the uses you have described. When I go to the supermarket, I often find I am being offered online on my phone things that they know I tend to buy or that they have on offer that week. I do not find that in itself a particular problem. What I want to know is whether anything else is being done with my information. Is it being passed to third parties, and, if so, for what, and with what controls?

Q37 **Katherine Fletcher:** And whether the data server is in a state that might not be as welcoming. It is a really interesting question.

I have one more follow-up. You mentioned the database being from the 1970s. That was a fabulous decade, when certain things emerged on the planet—but people will concede that I have a few wrinkles these days. What is that database? What is it coded in? Is it Fortran or something?

Professor Wiles: Yes. It is the Police National Computer. The Police National Computer was created in 1974 and updated in the late 1990s. The problem is that it is on a life support machine essentially, and very few people know how to modify the thing. The Home Office has been promising to replace the PNC with a new IT system. It is crucial because that is, as it were, the knowledge-based policing. It contains the biographical details of arrestees, whether they were charged, whether they were convicted, if so of what, what their sentence was, and everything else. All the biometric databases—DNA, fingerprints, facial images—do not contain that information. They hang off the PNC.

Until they get a replacement for the PNC, these new biometric databases they have been developing will not be able to be used properly. Supposedly, the PNC replacement was coming in now. You must remember that I left office over six months ago, but from what I saw up to that point they have gone back to the beginning again. The PNC replacement, I suspect, is years away. Not only does that prevent a coherent framework for knowledge within policing, but there is a real danger that it will collapse at some point.

Katherine Fletcher: It has an ancillary benefit for those of us concerned with technology to know that Big Brother in terms of the PNC is not capable of watching. Your point is well made.

Q38 **Aaron Bell:** Thank you both for coming in. I will continue on with Professor Wiles, if I may. On automatic facial recognition, you made the point earlier that people click the "Accept cookies" button, and that is consent, but you ask whether it is really meaningful and are people actually reading what they are consenting to. Is not the risk that whenever you go into a public place with cameras, or anything else now, you are essentially leaving cookies in the real world? What on earth does consent look like for that? Do we need to put up notices saying, "You may be recorded and you may be profiled," or is that where we need to draft a new law that says you cannot do these things?

Professor Wiles: I think we need a better legal framework. Whether that legislation says you cannot do those things is, as I keep saying, a question for Parliament. I certainly think a lot of the current processes by which technology companies are claiming consent are inadequate, for just the reasons that you have given. It is not just the consent for the immediate situation but the link between that and other areas.

I will give you a specific example of the area around King's Cross station—the new development around King's Cross/St Pancras. While you might think that is public space, it is actually private space, and it contains a lot of CCTV cameras. As soon as you walk into that retail and restaurant area between King's Cross and St Pancras, you are being monitored on cameras and your face is being looked at.

What then emerged, however, was that the police had given to the owners of that private space information from the Police National Database about photographs taken of arrestees. It is that link, I think, that needs to be looked at carefully. As I said in response to the previous questioner, there is the question of the immediate use and then there is the question of what happens to that data. Is it shared with someone else? If so, what for? I think the question of sharing data is one of the issues that Parliament has to grapple with.

Q39 **Aaron Bell:** That brings me quite nicely on to the questions I wanted to ask you about custody images. I know you have spoken about this a number of times in the past. Is there a clear set of national protocols governing the management of custody images, in your opinion?

Professor Wiles: There is what is called MoPI guidance—management of police information systems—which covers facial images as well as other information that the police hold. What, however, you need to understand is that MoPI gives complete discretion to chief officers. People can apply to have their information deleted, including facial images, DNA and fingerprints, but whether that happens is entirely at the discretion of the chief officer.

That has an important implication, which is that you cannot automate any deletion rules for facial images. You could only automate a discretionary system, I suppose, if you developed an AI system that exercised a discretion, but I doubt we would be happy with that; whereas for fingerprints and DNA there are clear rules within the Protection of Freedoms Act about when DNA and fingerprints must be deleted and therefore that system is automated.

Q40 **Aaron Bell:** Would you recommend that we align custody images with what we do for fingerprints and DNA?

Professor Wiles: I have suggested that to the Home Office in the past. The most obvious thing to do would have been to extend the Protection of Freedoms Act to facial images, or to any other new biometric, so far as retention is concerned.

Both the Home Office and the police service have always run the argument that facial images are different. They have come up with various reasons as to why they think images are different, the main one of which is that it is mainly used for intelligence purposes rather than prosecution or conviction. I find that a very curious argument, because it seems to me it is just as important that the intelligence the police hold should be regulated in the same way as the biometrics that they hold in relation to whether or not somebody has been charged or convicted. I do not find that a very convincing answer, but that would certainly be one way to deal with the question.

Q41 **Aaron Bell:** Is that why you have said in the past that you think the proposals from the custody image review in 2017 might not withstand court challenge for that same reason? You are not convinced that they would necessarily be found lawful.

Professor Wiles: It is not just whether I think that. There is the European Court of Human Rights Catt judgment. It is a very brief paragraph, so I will read it to you: "Accordingly, the Court is not convinced that deletion of the data would be so burdensome as to render it unreasonable. In general terms the Court would add that it would be entirely contrary to the need to protect private life under Article 8 if the Government could create a database in such a manner that the data in it could not be easily reviewed or edited, and then use that development as a justification to refuse to remove information from that database."

The Catt judgment was in 2019, and it is speaking about the MoPI guidance in general.

Q42 **Aaron Bell:** You have been critical, obviously, of the Home Office's failure to update databases, which we have spoken about already, and Katherine Fletcher asked you about the 1974 Police National Computer. Is that what these custody images are stored on? Is that the same system you are talking about?

Professor Wiles: No, the custody images are stored on a different database called the Police National Database, which was set up after the Soham murders inquiry. That holds the facial images. There have been two development programmes in the Home Office. One is the biometrics programme, which has been developing new databases for DNA, fingerprints and facial images, and, potentially, could be extended to a new database for voice as well, if that was wanted.

The crucial thing, as I was explaining earlier on, is that those databases do not store the biographical or criminal justice records of the individuals. Those are in the PNC. Therefore, those databases have to link. The problem with facial images, apart from the fact, as I say, that you need clear rules if you are going to automate deletion, is that the PND does not link to the PNC. That is the missing link. The intention was to have a new facial images database that would link to the replacement for the PNC. That is the plan.

Q43 **Aaron Bell:** When it does link, does it not make the custody images issue a bigger issue?

Professor Wiles: In what sense?

Q44 **Aaron Bell:** In that once we have a proper link between the databases, and you can start running lots more searches and algorithms, the fact that people currently have to request custody images to be deleted manually, or they get deleted after six years, is going to become a bigger problem at that stage where you have people who have never been charged.

Professor Wiles: If what you are saying is that facial images become more important, yes, you are right. It is not just the databases. Facial image, in many ways, from a technical point of view, is the easiest means of identification available to the police. It is easier than fingerprints. You do not have to put somebody's fingerprint on a reader. It is much easier than DNA. You do not have to send it off to a laboratory.

This is the easiest identification technology, and, for that reason, I think will be a very important technology in the future. Indeed, I think there is going to be a question whether it will replace fingerprints. That is the sort of direction of travel. The problem, once the databases are easily linked, is that you could then have automatic deletion, providing you had non-discretionary rules about retention and deletion.

Q45 **Chair:** I would like to follow up on a point that you raised, Professor Wiles. You suggested, I think, or raised a thought that DNA and fingerprint rules could be aligned with those for facial images. Isn't the difference this: that DNA and fingerprints are used ex post a potential

crime, whereas the use of facial images is live?

We have had experience, sadly, in recent years of marauding attacks in which that live use is categorically different from the forensics associated with a crime that has been committed. Therefore, is that not why it is in a separate category and does need to be considered differently?

Professor Wiles: Yes, except that there are developments such that fingerprints can be read remotely in certain circumstances now as well. That variation between post use and forward use, or live use of a technology, may not be one that is clear in the future across all the biometrics. Voice and gait can be used in that kind of way as well. You are right that there is a difference and new legislation will have to work out how to deal with that. All I would say is that this is not unique to face matching. It applies to some of the other new biometrics as well and in future may even relate to some of the existing biometrics.

Q46 **Chair:** For example, a fingerprint that is used to access a bank account could be used for a live fraud, as it were. Is that what you had in mind?

Professor Wiles: That is certainly true, but more to the point is that there are technologies emerging that will allow you to read fingerprints from a distance, as it were.

Q47 **Chair:** Thank you for that. Finally, I will go back to Professor Tully. Professor Wiles has set out a recommendation that Parliament really should consider how it wants to regulate the use of biometric data in the future, and that some of these questions are for Parliament, especially with the emerging technology.

Going back to your evidence today, and the evidence that you have given to the Committee in the past, what is your recommendation for next steps? What should the Government and Parliament be doing to address the concerns that you have highlighted today?

Professor Tully: I think Parliament has done its job. It has now passed the Forensic Science Regulator Act, and I am extremely grateful to Darren Jones for introducing that. In terms of Government, I think grappling with the question about how decisions are going to be made is really key, because, once they are made, all the other day-to-day problems can be addressed more easily. It is just very difficult when we have to get 86 people to agree to anything.

Q48 **Chair:** Thank you. On the accreditation point, what should be done to solve the problem that you have identified today?

Professor Tully: That sits with the new Forensic Science Regulator, who will be able to exercise his statutory powers and, where necessary, issue compliance notices that will require organisations, potentially, to cease operations until they have the necessary accreditation in place. He will be able to exercise his judgment on that.

Q49 **Chair:** So it is a question, in that respect, of implementing powers.

Professor Tully: Yes.

Chair: Thank you to both witnesses. That was very authoritative and, indeed, expert evidence. We are very grateful for the time that you have given in your very important public service roles and for the evidence you have given to the Committee today. We will suspend the hearing for a couple of minutes so that we can invite the next witnesses to join us.

Examination of witnesses

Witnesses: Kit Malthouse, Baroness Williams and Dr Christophe Prince.

Q50 **Chair:** The Committee is back in session. I am very pleased to welcome our second panel of witnesses. They are two Ministers of State at the Home Office: Baroness Williams, who is the Minister responsible for forensic science and DNA; and Kit Malthouse MP, who, as policing Minister, is responsible for police technology, including facial recognition. They are joined by Dr Christophe Prince, who is the director of data and identity at the Home Office.

You may have caught some of our earlier proceedings. These are very important matters in the public interest that we are grappling with. Our predecessor Committee in the last Parliament produced a report on some of these evolving matters. It took 20 months to respond. Baroness Williams, why was that the case?

Baroness Williams: You were looking me in the eye, Chair, so I knew you would come to me first. First of all, apologies to the Committee—it is a long time to have to wait for a report. We had a draft response ready, and then there was the general election of 2019, but I guess that is not a great reason not to have produced a response. However, we have not been idle since and some quite helpful things have happened.

The first, which has been referred to this morning, is the clarification of the legal position in regard to LFR, live facial recognition, in the appeal in the Bridges case. We now have clarification around that. The Forensic Science Regulator is on a statutory footing, which is a very good thing, and we have worked with the police on producing national guidance on the use of LFR. That is very important going forward in terms of public confidence and trust. To that end, the College of Policing has just finished consulting on it. That national guidance should be very important going forward.

We have also simplified the oversight arrangements. We now have a biometrics commissioner and surveillance camera commissioner as one position taking over two part-time roles. One of the things that we have always been clear about is simplification of the landscape, and I think that goes towards achieving those ends.

Q51 **Chair:** Thank you very much for that. You said that there was a draft response ready to come out in 2019. I think we received the response in March 2021. Has it changed much from the draft of 2019?

Baroness Williams: What has changed is the Bridges appeal clarification. What has also changed is that the FSR Bill is now an Act and

the simplification of the landscape has changed. Practical things have changed since the drafting of the response, which at that stage would have been an aspiration as opposed to concrete results.

Q52 **Chair:** I see. We will go into some more detail in some of those subjects. Is it your joint view that these issues are matters of importance to the Home Office and the Government?

Baroness Williams: They are not just matters of importance to the Home Office; they are matters of importance to the general public because it is within these things that we are talking about that you will get justice or otherwise for people accused of committing crimes.

Q53 **Chair:** Mr Malthouse?

Kit Malthouse: Absolutely, and I add my apologies for the delay. As Susan said, various events occurred that delayed things. We are very sorry. From our point of view, speaking with my policing hat on, both of these biometrics and forensics are completely critical to the future success and, indeed, consent model of the police.

I have listened to some of the evidence from your previous witnesses. I think it is hard to disentangle the two because, as technology pervades our lives more and more, we need to be sure that the police can access that technology and use it to get better and better at what they do, primarily to prevent crime as well as detect it, but also that it sits on a bedrock of consent from the British people.

As you know, Chair, we all stood—certainly in our party—on a manifesto commitment last time that we would put in place a robust framework in which the police could adopt and use technology, and that includes, in my view, having an element of democratic consent.

Chair: Thank you. Let us come on to consider that in more detail, starting with Graham Stringer.

Q54 **Graham Stringer:** I obviously agree with you, Minister, that we need to get forensics and biometrics right. I have never met a Home Office Minister—Labour, Tory, Liberal, coalition, whatever—who does not want to lock criminals up and put them away. Having said that, since the decision in December 2010 was taken to wind up the Forensic Science Service, one can only describe the Government's response to concerns, not just by this Committee but by other people, as dilatory. Can you give an explanation for that, not least taking so long to reply to this Committee?

Kit Malthouse: I think to say it is dilatory is probably unfair. It perhaps misses the critical issue, which is that we are not in a position with police forces, for example, in particular, to pull levers and tell them broadly what to do. Since 2012, we have had police and crime commissioners, who effectively act as local authorities, governing their local police force, as you know, and police chiefs themselves are operationally independent. While the Home Office has a role in negotiating outcome and then paying for it, the direct lever that we can pull is not exact.

At the same time, it is fair to say that policing has not—how can I put this delicately?—been the swiftest of adopters where new technology is concerned. Its ability to harness quickly and in advance of development forensic development or developments in biometrics, predict what is going to happen and create a framework in which it can be adopted, has not, I am afraid to say, been brilliant in the past.

Very often, acceleration in adoption has come about either through the leadership of particular individuals—certainly, my experience in policing is that, if you have a leader in a particular police force who wants something to happen and wants to adopt something, it will happen—or because of some breakthrough in discovery that advances it.

For example, the conviction of the killers of Stephen Lawrence came about 18 or 19 years after that event largely through advances in forensic techniques. The ability to identify tiny spots of blood and connect them from evidence that had been retained for many years was a huge advance and led to a significant conviction. That is a moment of revelation to what might be possible that then propels advancement. Having said that, my predecessor and I have recognised the need to accelerate reform.

There has been significant investment, as you heard from Dr Tully, and we are grateful to her for her work on the Forensic Capability Network and the Transforming Forensics programme, which is making some progress. Both my predecessor Nick Hurd and I tried to ensure that, in among the myriad other things that chiefs of police and crime commissioners have to deal with, forensics should be very high on the list for their consideration.

Q55 **Graham Stringer:** If you were on “Question Time”, Minister, and you blamed police commissioners—

Kit Malthouse: No, I am not blaming them.

Q56 **Graham Stringer:** Just let me finish. If you blamed police commissioners and chief constables for being slow in dealing with forensics, you would be booed. Let me ask the question the other way round. Why do you think so many police laboratories have consistently failed to meet the deadlines on accreditation, and what have you done to try to incentivise them to meet those deadlines?

Kit Malthouse: There are a number of things that we have done. The first thing is that we have made a significant investment in the Transforming Forensics programme and the Forensic Capability Network, where we have created, helped to create or supported the creation of a network in policing designed to co-ordinate, improve and allow for policing to become a much more intelligent customer, if you like, of the private sector in forensics. So we have done that.

Recently, albeit we had a couple of tries legislatively earlier, we have put the regulator on a statutory footing and given powers of intervention that would allow that person to intervene where they felt that something

negative was happening that was prejudicing the course of criminal justice and, indeed, to forbid an individual or organisation from conducting forensic science activity. It might have been a bit slow, but we are broadly getting there.

Q57 **Graham Stringer:** When do you think you or the regulator will have been successful in getting all the police laboratories accredited?

Kit Malthouse: It depends what you mean by accredited. There are various activities that are accredited, and there are a number of areas where we have 100% accreditation now.

Q58 **Graham Stringer:** Let me ask the most difficult question then. When will 100% of police laboratories have 100% accreditation?

Kit Malthouse: That is a good question that I cannot give you a date on, but I am hoping as soon as possible.

Q59 **Graham Stringer:** Can you be more precise than that, Minister? "As soon as possible", given the Home Office's previous history, could mean anything up to a decade.

Kit Malthouse: It depends which activity you mean. For example, on our DNA recovery labs everybody is currently accredited, but on our digital forensics works we have partial accreditation.

Q60 **Graham Stringer:** The question was: when will 100% of laboratories have 100% accreditation?

Kit Malthouse: I will have to ask Christophe to remind me when the deadline is. Christophe, when do we think they will all be accredited?

Dr Prince: We cannot give a firm time for when all of them will be accredited, Minister, but, as you have noted, with the introduction of the Forensic Science Regulator, we hope that that will encourage forces to accredit their laboratories. With the work of the Forensic Capability Network, which is already working to assist them in doing that faster and in a more consistent manner across forces, we would hope to see some acceleration in the accreditation of those disciplines across all the forces.

Kit Malthouse: For example, you heard from Dr Tully that crime scene investigation has currently quite low accreditation, with an October 2022 deadline looming. My hope is that everybody would hit that deadline, and there is significant work going on through the Forensic Capability Network to directly support those organisations to try to accelerate the accreditation. If some do not hit that, we will have to work out what we do to ensure that they come up to standard as quickly as possible.

I cannot give a firm date, as I said, because I am not able to mandate to people that they should hit a particular deadline. I am not the police and crime commissioner for Manchester, for example. It is a question that we can address to the Mayor of Manchester and say, "You are the deputy mayor for policing. When will you be accredited?", but we cannot mandate that they have to do it.

Q61 **Graham Stringer:** In terms of the process of getting there, with fingerprints and DNA there is a legal requirement to seek accreditation that drives compliance. Why have the Government been reluctant to legislate in further areas of forensics beyond fingerprints and DNA that police have to seek accreditation?

Kit Malthouse: Such as?

Q62 **Graham Stringer:** It is usual that we ask the questions.

Kit Malthouse: Yes, I know, but there is a variety of areas where we are—

Q63 **Graham Stringer:** But you have stopped at DNA and fingerprints. There are lots of other areas.

Chair: The toxicology example was mentioned by Professor Tully in the earlier session.

Kit Malthouse: Rather, what we have decided to do is to put the regulator on the statutory footing so that they can intervene in a particular area if they think that—

Q64 **Graham Stringer:** But they would be helped by a legislative framework, would they not?

Kit Malthouse: We will have to wait and see. I am quite happy to review it once we have seen the operation of the new regime and take a view on mandation.

Part of the problem is that, as new technologies and new techniques come out, we will probably have to have mandation for those as well, I guess. Would we? Such is the moving field of science in this area that it is quite hard to have specific mandations other than for very established services.

We rather thought it was better—and that is why we supported the Bill—to have a situation where you have a regulator who is able to say, “Look, this isn’t up to scratch. You either get up to scratch sharpish or I’m going to stop you doing it.” That would be a better incentive than having an arbitrary and possibly moveable feast on mandation.

Graham Stringer: Thank you.

Q65 **Chair:** To pursue this a little, Minister Malthouse, you mentioned that the police had been quite slow in adopting some of the cutting-edge technologies. That is quite a reproof for a country that is so capable in branches of science and technology, including this branch, of making discoveries that are exported around the world.

The Government, quite rightly, have made a great feature of this in the integrated review, in which security is an important aspect. We are promoting our ability to do this, so it is shaming that our police forces should be slow in not just adopting the technology but coming to a reliable, accredited ability to deploy it, is it not?

Kit Malthouse: There is the absolute and the relative. We are still relatively very good. Certainly, if you look at the turnaround time in data from European laboratories, we do extremely well and beat them certainly on some of the deadlines. We set ourselves very high standards. As you rightly say, we are leaders in this field, and we want everybody to get up to standard as quickly as possible.

That is why we have supported putting the regulator on a statutory footing. We tried the non-statutory route, and it felt as if progress was not as fast as we would have liked. To be fair to the police in particular, they felt the same way. The leadership of the Forensic Capability Network has been extremely active and assertive, and been out there doing its thing, but we felt this step was required to try to encourage, shall we say, further compliance and progress.

Q66 **Chair:** Professor Tully was very clear that gaining accreditation was not simply a matter of ticking a box; it was not just a bureaucratic thing. It established whether the lab was capable or not. That has real consequences when it comes to the security of convictions, or, perhaps, as you said, even more so the ability to secure a conviction. Encouragement seems to be a bit minimal in something so important. Are you frustrated that you do not—and I understand that you do not—have the power to direct the forces to comply?

Kit Malthouse: I think every senior politician—not that I am senior—is frustrated that they do not have world domination and the ability to order, point and say, “Do this and do that.” There are a variety of incentives in the system for these organisations to get it right. You are right that there is fundamentally a consequence in court in front of a judge where accreditation or otherwise can be examined and therefore the veracity or otherwise of the evidence that is being adduced in court can be weighed in the balance, and that will have an impact. I agree. That is why we are trying to encourage accreditation as quickly as possible.

As you will know from your days as a councillor, where there is a diffuse organisation of operationally independent police forces that have an elected individual who is in charge of them, encouragement around an incentive structure that now has both the ability to intervene but also a result at the end of it in court will probably make more progress than necessarily just ordering that something should be done.

Q67 **Chair:** If that works, but if it is not working and not working quickly enough, one has to look for solutions. You may have heard the evidence from Professor Tully about the decision-making process not being aligned with the advice that was coming out. Given what you have described for someone very experienced in this, do you not take away the need to look at the mismatch between the decision-making process and the advice that is being given?

Kit Malthouse: I do. As I said right at the start, this is an area of significant importance and concern for us, both on forensics and

biometrics, because it is central to the success of the mission into the future. We are constantly reviewing those kinds of interactions. My view at the moment is that I would like to see how the new regulator intervenes. When the first compliance notice is issued, that will have an impact culturally that will send a message. I know that the urgency of getting this right is impressed upon policing in its widest sense, not least because, as you say, the impact is felt out on the frontline in court and elsewhere, and I hope that we will see significant improvement shortly.

Q68 **Chair:** What do you have to say about Professor Tully's evidence that in the fields of digital forensics and toxicology there is insufficient current capacity?

Kit Malthouse: On digital forensics, I am not sure it is necessarily capacity as opposed to capability. The software and the ability to train is there. There are some forces that are doing it better than others. For example, as part of our work on the rape review, we have given a commitment that in a fairly short period nobody will have to give up their phone for more than 24 hours and that we want to compress the time between report and a file going to the CPS. That will naturally require us using software to interrogate, to do the digital forensics work that is required for disclosure and investigation on both the perpetrator's and accuser's phone. That capability is there, and forces are doing it already.

Certainly, as part of the implementation of the new Attorney General's disclosure guidelines on forces—I was in Thames Valley just the other week—the adoption of those new techniques and that new training is all being rolled out. The capability is what is required rather than the capacity.

On toxicology, I am a bit concerned about capacity, if truth be told, not least because somebody mentioned to me that there are something like only 20 forensic toxicologists in the whole country. Notwithstanding us wanting to access more capacity, our ability to have those expert individuals at our disposal is somewhat limited. Please God, they don't all go off on holiday or to a conference somewhere at the same time. One of the lessons coming out for me is looking at the specific individual capacity that we require as a science base and seeing what we can do to stimulate more people to join.

Q69 **Chair:** That is right. We should not be relying on the Almighty to save us from this. There are situations in which things are decentralised; if there is a problem, ultimately, the buck stops with Ministers to intervene and correct what might be an exception. Are you prepared to do that?

Kit Malthouse: We certainly want to have a think about what we can do to stimulate more forensic toxicologists to join the profession. Absolutely. There was a mythology after the years of "CSI" and all the rest of it on TV that there were thousands of young people going off to do forensics courses at university, but it does not seem as if many of them have gone into the toxicology field. That is certainly what I was told. However, we

will be having an urgent look at that and thinking about what we can do to stimulate more to join that profession.

Chair: Thank you. I will turn to Chris Clarkson.

Q70 **Chris Clarkson:** Thank you, Chair. Just touching on accreditation again, obviously, we want to get as many organisations accredited as possible. Two organisations can hold the same ISO accreditation but in very different scopes. Are you at all concerned that having the same standard of accreditation can mean something wildly different from one organisation to the next?

Kit Malthouse: To be fair, I am not technically skilled enough to judge whether two applications for a similar ISO will have a different application. As I say, I would be concerned about a lack of consistency across policing. I hope that having a statutory regulator will enable us to make sure that, when all those forces are accredited, the accreditation means what it says on the tin.

Chris Clarkson: Thank you.

Q71 **Chair:** On accreditation and the regulator, obviously, the regulator can blow the whistle and draw attention to areas of poor practice. Will you address the question that came up as to why you think the power to demand accreditation would diminish the independence of the regulator?

Kit Malthouse: It is a very good question. Obviously, we are urging accreditation and encouraging accreditation, and investing in a network to get police forces to accredit. I guess, to a certain extent, that there is, by default, the power to demand so that, if the regulator decides through the Bill that a particular operation of a particular activity is deleterious to the operation of the criminal justice system, they can issue a prohibition notice¹ that they cannot continue. That may be that they cannot continue in the absence of accreditation. There is a sort of de facto power there to propel improvement and to get towards accreditation.

Q72 **Chair:** In your view, it would be open to the regulator to require accreditation as an alternative to issuing a prohibition.

Kit Malthouse: You would expect, would you not, that any sensible regulator would be in discussion with a force about the operation of a forensic science activity that they felt was negatively impacting or not going well and be able to say, "I may issue a prohibition notice² unless and until you do X, Y and Z"? One would hope that there would be an agreed improvement programme that might include achieving accreditation.

Q73 **Aaron Bell:** Thank you, Ministers, for coming in. I want to go back to custody images. I think you heard some of the evidence at the end of the last session with Professor Wiles. I do not mind who answers, but I know Baroness Williams has answered the Committee on this a lot in the past.

¹ Note by witness: The witness should have referred to compliance notices.

² Note by witness: The witness should have referred to compliance notices.

In a letter to the Chair of the Committee dated 21 June the Ada Lovelace Institute, which specialises in data and artificial intelligence, stated that their research had found that “extensive retention of custody images for retroactive use in biometric systems” did not meet public expectations for proportionality or consent. Is that a position the Government shares?

Baroness Williams: We thank the Ada Lovelace Institute for the work that it has done and, obviously, we take their reports very seriously. I think it is important in terms of retention of custody images that although we cannot automatically delete them—in fact, the police have just finished and put out guidance on the police’s obligations—there will be a presumption of deletion unless there are specific reasons why an image should not be deleted.

That could be in the areas of either serious crime or, indeed, for terrorism reasons. There is a presumption to delete. It has been mentioned earlier that there is automated deletion at this point. The police are now putting out that information, as I say, both on gov.uk and in custody suites so that people know what their rights are in regard to deletion.

Q74 **Aaron Bell:** You said there is a presumption to delete.

Baroness Williams: Yes.

Q75 **Aaron Bell:** Is that at the six-year point, or is that earlier?

Baroness Williams: Or if someone has not been convicted. You could go to the police the week after you have been charged but not convicted and say, “Delete my image.”

Q76 **Aaron Bell:** The Government have repeatedly claimed that it is too complex to weed out the old custody images manually. Could you explain what that complexity is?

Baroness Williams: There are something like 18.3 million custody images. That is an awful lot of custody images for the police to manually trawl through. However, they have an obligation to review their custody images and when someone requests deletion there is a presumption to delete. That is why we will be in a much better place when the police are able to delete automatically.

Q77 **Aaron Bell:** You are offering to comply with the High Court ruling in *R v MPS* from 2012 that the indefinite retention is unlawful. Is the alternative that, when we get to the Law Enforcement Data Service, that will address those concerns?

Baroness Williams: There are two alternatives. The alternative is that when someone requests deletion there is that presumption to delete. There is then the ambition we have to ensure that the new systems—and through the police, obviously—enable that automatic deletion.

Q78 **Aaron Bell:** You have already referenced this, but the Information Commissioner’s Office has highlighted the seeming lack of awareness of unconvicted individuals of the right to request deletion. You have said there is some better practice now. Is that uniform across the country?

Baroness Williams: It probably is not because none of these things is uniform across the country. We now have a lead for science, Paul Taylor, and also two groups that the NPCC leads on. One is the AFR board and the other is the biometrics strategy board. I would say there is a definite focus from the police on their obligations in this area.

Of course, technology is evolving. It is getting more complex. I think Graham talked about gait analysis. There are so many different biometrics now that that legal framework for their use, retention and deletion is becoming more important.

Q79 **Aaron Bell:** Understood. When you were in front of the predecessor Committee in 2019, you said there was an updated custody images review in progress that was expected to conclude in 2020. I think we would all understand if there had been some slippage on that because of coronavirus, but can we expect to see conclusions imminently?

Baroness Williams: We expect the police to review their custody images regularly. It is not as if it happens once and then we look at it six years later. We expect this to be an ongoing process. As I say, it will be a good day when we can automatically do it without people having to ask us.

Q80 **Aaron Bell:** Is there a formal custody image review that will be presented to Parliament? You are nodding, Mr Malthouse.

Kit Malthouse: No, not necessarily to Parliament, but there is a formal review period for custody images that police forces should enact in line with MoPI, as you heard earlier, and only retaining those images that they are supposed to keep.

Q81 **Aaron Bell:** Has an assessment therefore been carried out to evaluate whether the findings from the previous custody image review in 2017 comply with all our other legislation around data protection? Has that assessment been made?

Baroness Williams: I am not sure if an assessment is being made, but, in order to comply, if someone requests deletion and there is no reason to keep that image, it should be deleted. In a perfect world, the image will be auto-deleted, and we hope to do that by the end of this Parliament.

Q82 **Aaron Bell:** Thank you. Finally, to widen it out a bit more because Professor Wiles did as well, do the Government intend to produce more widespread legislation to keep pace with developments in biometric technology, not just in fighting crime and all the rest of it, but in the sort of things we heard about—the commercial uses and so on? Will that be a Home Office remit even if it is not directly about preventing crime?

Kit Malthouse: As I said at the opening, we have a manifesto commitment to create a legal framework. Obviously, there is a framework at the moment and that has been adduced through the courts, but, as technology advances, we would like to get to a position where both the police and the public can be confident about the legislative architecture that enables the adoption of future technology. Whether that is required

through legislation is a matter for discussion, but, as I say, we have the manifesto commitment, so no doubt we will be bringing forward plans before the next election.

Q83 Aaron Bell: Are you able to be any more precise about the timescales for that?

Baroness Williams: It is interesting to compare the comments of our new biometrics commissioner/surveillance camera commissioner with the comments of Paul Wiles. Our new commissioner—and I really am in tune with his comments—said, as I said earlier on, that biometric technology is changing all the time.

It is not individual technology that we need to home in on; it is actually the legal framework that allows the police use that is both necessary and proportionate, and that has public trust. If we can get that right, that is where I will feel satisfied. There may be legislation in the future that we have not thought about that needs to come in, but I think that is the central point. If gait analysis this time next year is suddenly the thing that the police feel is a really valuable tool, that framework is in place.

Q84 Aaron Bell: Are there any timescales as to when we might expect a Bill or a White Paper?

Kit Malthouse: I cannot give you a timescale other than, as I say, we had a manifesto commitment, so we would imagine that plans would be outlined before the next election. To be honest with you, we can already start to feel a growing call from the House of Commons for some of this stuff to come for democratic consent, whether that is through the Westminster Hall debates, the Back-Bench debates and all the rest of it. As this technology starts to advance and be used by the police, it would be desirable for there to be an element of democratic consent around it. That is certainly where our manifesto commitment was aimed.

We need to take care about the use of this in inspiring confidence in people. I happen to be married to a Canadian. When the Canadians introduced fixed speed cameras on roads, there was such a clamour from the population that it was so unfair and not fair play that after two or three years they were all removed. They do not have those fixed cameras because they had not established that element of public consent for the use of them. We need to think about that, and, no doubt, plans will be forthcoming.

Q85 Aaron Bell: To look at it from the other angle, people would expect that we keep custody images or facial recognition images of people of ongoing concern. How confident are we of our legal position in those cases where they may be unconvicted or they may never even have been charged? How confident are we of the legal position of retaining those images and biometric data of interest?

Baroness Williams: It goes back to the fundamental point that the police have to assure themselves that they are using images for policing purposes, it is necessary and it is proportionate. Some of those images

will be for people wanted for some pretty serious crimes but not yet convicted. They have to have that rationale around the list.

Aaron Bell: Thank you very much.

Q86 **Chair:** To pick up on something that Aaron said, when you appeared before the predecessor Committee in 2019, you said that the custody image review would be completed by 2020, but it has not been published yet. Do you know when it will be published?

Baroness Williams: I can find that out for you, Chair.

Q87 **Chair:** Will it be published?

Baroness Williams: I am assuming, if I said it would, it will.

Q88 **Chair:** I am assuming so too.

Baroness Williams: I can clarify that in writing. Christophe might be able to tell you.

Q89 **Chair:** Dr Prince?

Dr Prince: We are continuing to work with police and colleagues around ensuring that the rules we have from the custody image review of 2017 stay relevant today. We are confident that they meet the legal frameworks we have at the moment. As the Minister has said, one of the key questions is our ability to support automatic review on automated deletion going forward.

Q90 **Chair:** That was not the question. Has the review that Baroness Williams promised by 2020 been completed?

Dr Prince: There is not a completed review that we would provide to Ministers at this stage.

Q91 **Chair:** Why not?

Dr Prince: Because the work is ongoing, and, in particular, with the developments in the Bridges case and other developments we have not been in a position to complete that work.

Q92 **Chair:** It was promised in 2019 that it would be ready in 2020. It is now the last day of June 2021. When might we expect it?

Dr Prince: That would be in discussion with Ministers.

Q93 **Chair:** Broadly, in the next month or the next three months?

Dr Prince: Chair, we are continuing the work in light of the developments that are currently under way. I am not in a position to give a commitment to you at this stage.

Q94 **Chair:** Mr Malthouse?

Kit Malthouse: To be fair, we need to go away and discuss—

Baroness Williams: I was just going to say that.

Kit Malthouse: —a possible timescale and then we will write to you.

Q95 **Chair:** If a commitment is given in 2019 that something will be provided in 2020, to come back in 2021 and have only the vaguest sense as to where this is, is not in line with what we would expect. I am sure if there are reasons why it has not been completed—and I am sure there are—that is fine, but a commitment is a commitment and cannot simply be dropped and replaced by a set of vague references.

Baroness Williams: It is probably fair to say that we are in a new Parliament and we have had the Bridges appeal judgment. I would request that perhaps we could go away and clarify that for you, Chair.

Chair: Of course. Absolutely. Graham Stringer wants to come back in.

Q96 **Graham Stringer:** I never thought I would say this to one or even two Ministers that we have before us. Where there is quickly moving technology or information, or changing behaviour by the population, it is normal for Governments to take Henry VIII powers and use statutory instruments to deal with it so that, although there is a quickly changing situation, you can have clarity on the Government's intentions to alter regulation and for the courts to deal with it. I never thought I would ask this, but why have the Government not taken Henry VIII powers in these areas? That is the easiest question ever to be asked.

Kit Malthouse: That is a very good suggestion. I hope that if it appears, Mr Stringer, you will speak heavily in favour of that particular legislation. I understand what you are saying and the fact that having a framework that would allow us to adopt that stuff and do it through possibly secondary legislation as it comes might be a route. But at the same time it is quite cumbersome and slow, and may end up with us producing lots of SIs—for example, pilot use of a particular technology that ends up being a dead end. I would much rather that we have a go at having a general framework that provides consent and approval rather than bother you with SIs every couple of weeks when somebody has a smart idea about a particular surveillance technology.

For example, the Home Office holds a security conference every year at Farnborough—or did before Covid—where lots of companies come to display their technology in policing to an international audience. It is a vast, great hall filled with stands, people, and lots and lots of technology that may or may not alarm but nevertheless is dedicated to making the police more effective at doing their job.

We would love to have a go at some of it. As you know, as part of the Forensic Capability Network, there is an R&D function that we are looking at—what is coming down the track and what we should be pursuing. To have endless SIs for us to have a look at that stuff might seem a little cumbersome. I will have a think about it if you are offering.

Q97 **Graham Stringer:** It is an idea.

Kit Malthouse: Yes.

Q98 **Graham Stringer:** Certainty and legislation can be helpful in both directions. For a Government that have put through 550 SIs over the last 12 months on one area of health, it should not be impossible.

Kit Malthouse: I agree with you. To be honest, there might be some value in that because things are changing so quickly, but if we could get an overall framework it might be better. For example, the reason it is called an iPhone 12 is that the iPhone is only 12 years old. The development of the technology of that particular device over those 12 years has been extraordinary.

Each iteration of it and its competitors produces a new technology. For example, one of the things of the latest iteration of phones that, sadly, we have seen in a couple of cases, not least that case in Greece, has been the monitoring of biometrics, the functioning of a body, which allows you to pinpoint the moment of death in the event of a murder from the data on the phone. That was not available even two or three years ago and is now. The police's ability to adopt and use these technologies and adduce them as evidence seems to change with every iteration of a new phone. It might get a little complicated, but we will definitely think about it.

Graham Stringer: Thank you.

Q99 **Chair:** To return to some of the themes that we have heard during this session, Professor Wiles talked about a complete discretion on the part of chief police officers in considering requests for the deletion of custody images. Do you recognise that description? Is it one that you would agree with?

Baroness Williams: They do not have complete discretion. If a member of the public comes and requests deletion because there is no reason for that custody image to be there, they have to delete it.

Q100 **Chair:** Who determines whether they delete it?

Baroness Williams: It is different if there is an ongoing investigation into you, but if there is no policing reason or criminal justice reason for your image to be there, it should be deleted.

Q101 **Chair:** I assume that Professor Wiles is referring to that policing reason, and that is in the sole judgment of the chief constable, is it not, which is potentially subject, at the very least, to opacity and possibly some injustices in the sense of being more cautious than might be in the interests of the individual?

Baroness Williams: I think the guidance is very clear on deletion. I do not know if Christophe wants to say anything more about that, but I do not think there is much wriggle room on deletion of custody images.

Q102 **Chair:** Dr Prince?

Dr Prince: Chiefs have that discretion, but they are required to have an exceptional reason to retain it, and for an under-18-year-old it should be

a highly exceptional reason to do that. They have discretion in other areas but they do in that.

Baroness Williams: The discretion is quite tightly defined.

Q103 **Chair:** It is tightly defined as being exceptional, but is it rigorously scrutinised to see that it genuinely is? How do we know that that intention that it should be literally exceptional is in practice not being interpreted more loosely by certain chief constables? How do we guard against that?

Baroness Williams: That is a good question.

Q104 **Chair:** Does the policing Minister have any comments?

Kit Malthouse: While chief constables have a lot of power and discretion, it is testable, I guess, through a number of routes. You, as a constituency MP, will have had correspondence, I have no doubt, from constituents who are complaining about the discretion of chief constables.

There is obviously a complaints mechanism that can be pursued by individuals as well as appealing to the local police and crime commissioner, all of whom can at least request re-examination of the case for retention. But, in the end, very often we find in situations where police forces use their discretion that it is a judicial decision.

Q105 **Chair:** Reflecting on what we have heard and as both Ministers have said, the technology is developing very rapidly indeed, and, therefore, practice and to a certain extent regulation has to keep pace with that. You might have heard me put to Professor Wiles in the last session that the use of live facial recognition can be quite important in preventing current terrorist attacks and, therefore, this might need to be weighed in the balance.

What is coming out of this is that these are important issues that perhaps have not had the degree of parliamentary consideration that they merit. It is not to say that the resolution of this will be on one side or the other. Is there a case for a piece of legislation that could consider the right way forward with combining the safeguards for civil liberties against the protection that we owe to our fellow citizens?

Baroness Williams: The legal framework confirmed in the Bridges appeal said that there was a combination of four things that confirmed the legal grounds on which it was used: common-law powers; data protection; equality and human rights legislation; and surveillance camera code. Nevertheless, I think what you are asking is slightly different, which is: is there further work to do to scrutinise whether what we have in place is sufficient? Of course, the answer is yes, because these technologies are evolving all the time.

Q106 **Chair:** We are doing this in the online world. There is the online harms Bill. There is a lot of parliamentary attention to this. As Minister Malthouse said in citing the example of Canada, things work best when regulations and practice are in tune with public opinion, or at least public

opinion has been engaged in the development of regulations—and this might be such an area.

That might perhaps address something that the Information Commissioner said earlier this month. She said that she was deeply concerned about the potential for live facial recognition technology to be used inappropriately, excessively or even recklessly. How do you intend to respond to her concerns? Obviously, the Information Commissioner is a serious person in this field.

Baroness Williams: She is right. It has to be used in a necessary, proportionate way as far as the police are concerned and in a way that has public trust. We always need to check ourselves, and that is precisely what we as the Home Office, and they as the police, are doing.

Q107 **Chair:** When she said she is deeply concerned, that flags that she thinks—I do not want to put words in her mouth—that more needs to be done to address these concerns. She is not saying one way or the other what the resolution is. I think she is referring to the potential for harm.

Baroness Williams: She may have been referring also to the commercial use of it. I am not batting it over to another Department, but that is something that DCMS lead on. Always to be checking ourselves that we have that principles-based approach in its use is the right way to go.

Kit Malthouse: To be fair to the police in the relatively limited use thus far, they are also very sensitive to that issue. If you look, for example, at the Met police deployment of LFR, their system for deployment and then scrutiny was fairly elaborate to allow the proper assessment of it and transparency around how, where and when it was going to be used, post-match scrutiny of it being used by non-Met people, all that kind of stuff. I was talking to Assistant Commissioner Nick Ephgrave, who ran that programme. They were very sensitive to the notion that, if this was not used correctly, it had the potential to undermine public trust generally in the use of technology.

Thus far, it seems to have been relatively successful. I think there were eight arrests for some quite serious offences. Obviously, they advertise geographically where it is being used. We know that it has a big psychological impact as well.

There is the famous story about use at a rock concert. A particular band had a particular problem with dippers and pickpockets, with hundreds of phones being stolen. Because of the advertising at one of their concerts of the fact that facial recognition was being used—they put lots of notices up—the number of offences dropped to zero. It can have a powerful deterrent effect in those public order situations. You could see why a private sector organisation wanting to enhance its safety would be interested in that kind of technology.

Chair: Indeed. You can be confident that members of the Science and Technology Committee are not anti-technology; we are concerned that

we can make the best of it. Katherine Fletcher wants to come in before we conclude.

Q108 **Katherine Fletcher:** Thank you, Ministers, and thank you, Dr Prince. In the previous session, we started to touch on some of the concerns about the increasingly globalised nature of technology and that other states use these technologies, biometrics and facial recognition for purposes that perhaps do not sit well within a democracy. Lots of people are concerned about that.

In the process of these discussions of not only the rules but the parameters by which decisions are made within the UK police force, are you confident that the technology is not leaking out the back into other states? Is the database of the photos held in the UK and are those servers backed up in other places? Is that an aspect that the British people can move forward confidently with—that it is a British debate on British data—or are we subject to the dissemination of data across the globe? I do not know who to ask that to; I am very sorry.

Chair: Baroness Williams?

Baroness Williams: I will have a go at it. It is a very good point. We are lucky in the democracy in which we live. Whether it is CCTV or another technology for policing purposes, the clarity around that is very sound. As to whether that data then leaks to other states with benign intent, we put systems and processes in place to ensure that that does not happen.

Kit Malthouse: I guess the question was: is the physical databank in the UK on UK territory? Yes, it is.

Baroness Williams: Yes, sorry.

Katherine Fletcher: That is very helpful.

Kit Malthouse: It is not sitting in an Amazon data farm in the forests of Nevada or, indeed, in France. It is all UK-based.

Katherine Fletcher: What is very striking is that the application of AI where others have made significant advancements, and a decent database that is not from the 1970s and coded in Fortran, has implications for where you walk in front of a CCTV camera in this country. That is great to hear. Thank you, Chair.

Q109 **Chair:** Thank you very much, Katherine. Finally, I have a couple of questions. Baroness Williams, do the Government intend to issue guidance on the watch list compilation for automatic facial recognition? There are two sides to the equation: you detect people's images, but then they have to be checked against a watch list. Will you issue guidance on that?

Baroness Williams: There is NPCC guidance that is going to be national guidance. In terms of the police issuing guidance, I am not sure. Kit, do you know?

Q110 **Chair:** Mr Malthouse?

Kit Malthouse: I do not know. I imagine we will have to come back to you. It is quite a difficult one to issue guidance on other than that the image that is being used is already held properly for a policing purpose. I do not know—Christophe may be able to advise us—what the particular techniques of putting people on a watch list are.

Q111 **Chair:** Dr Prince?

Dr Prince: The College of Policing has just closed a consultation on national guidance in respect of live facial recognition that contains guidance on the selection of images for watch lists, so there is guidance in preparation.

Q112 **Chair:** That will come out shortly. There is no particular reason why the compilation of a watch list should be different in Kent than it is in Hampshire or Greater Manchester, is there?

Dr Prince: No.

Q113 **Chair:** Katherine mentioned Fortran, which takes us back to remarks that were made about the Police National Computer and the fact that we are relying on technology that, at least in some components, goes back to the 1970s. Kit Malthouse, when will the Police National Computer be replaced?

Kit Malthouse: As you know, we are in the middle of a fairly large programme to replace it. We are, it is fair to say, going through a reset of that particular programme at the moment. Our communications programme and this programme are two big delivery programmes, and we are resetting at the moment. We are hoping that it will be delivered by 2020.

Baroness Williams: The end of this Parliament.

Kit Malthouse: Who knows when the Prime Minister may or may not call an election. I think the idea is that it is by autumn 2024.

Q114 **Chair:** Autumn 2024. Finally, to end on one of the themes that we have mentioned briefly, there are lots of opportunities and potential for the deployment of technology to keep people safer here. We are a leading science and technological nation. We know through the integrated review that the Government have an ambition to do even better on this. What part will the Home Office play in it?

Kit Malthouse: As I said earlier, we are very keen to harness and stimulate the use of science and technology in policing and indeed in the wider operation of the Home Office. One of the things that we committed to as part of our manifesto was the creation of a national criminal justice laboratory. One of the things that I hope it will turn its mind to when it is established is exactly that: the research and development, the prediction of technology that is coming and its adoption.

At the moment, we have a slightly odd access point for new technology, particularly into policing, where, if somebody has a technique, a gizmo, a gadget or whatever it might be, they need to find a sponsoring organisation, a police force, which wants it looked at before it will be put through the assessment process and all the rest of it.

That means that, unless you can find somebody who is interested in policing to sponsor the acquisition of the technology, it does not really go anywhere. That is not ideal or giving us enough of a scope of the horizon to adopt new technology that is coming along. The idea behind the criminal justice laboratory, as well as doing lots of work on data and all that kind of stuff, was that it would do some of that work to scan what is available, decide what we need, what is looking good and then stimulate or invest in it.

Chair: We would be very interested in following this up and keeping pace with the developments that you are responsible for. It has been a very interesting session with lots of things coming out for both the future of regulation and the deployment of technology.

Going back to this point of accreditation, the word "encouragement" has been used about the means at your disposal to get good practice. My experience of working with both Ministers is that you are very experienced as Ministers and as leaders in local government. I have seen you deploy encouragement very effectively, and I am confident and hopeful that you will do that with all the skills at your disposal during the months ahead.

Kit Malthouse: Thank you.

Chair: That concludes this session of the Committee.