



Home Office

Rt Hon Chris Philp MP
Minister of State for Crime, Policing
and Fire

2 Marsham Street
London SW1P 4DF

www.gov.uk/home-office

Joanna Cherry MP
Chair
Joint Committee on Human Rights
House of Commons
London
SW1A 0AA

19 March 2024

Dear Joanna,

Criminal Justice Bill

Thank you for your letter of 1 March.

Clause 27 is a replacement for the existing section 71 of the Criminal Justice and Court Services Act 2001, a provision which contains a number of areas of uncertainty. It replaces the term “constable” with “authorised person” and explicitly lists the law enforcement bodies for which access is permitted by such authorised persons. This will remove any uncertainty regarding who has access and avoid difficulties with the term “constable” which has a number of meanings across the British Islands. We are also adding two bodies without current access to DVLA drivers data - the Service Police Complaints Commissioner (Armed forces) and the Royal Gibraltar Police force.

In addition, Clause 27 will make it clear that the chief officer of each law enforcement body is accountable for their body’s access to DVLA data and will bolster data governance arrangements, for example by providing a power to issue a code of practice to which any person accessing DVLA data will have to have due regard.

The regulation making power in clause 27 replicates that in existing legislation and adds the power to make additional provision relating to governance. Our intention, supported by the police service and the National Crime Agency, is for new regulations to permit use of automatically provided DVLA data for wider law enforcement and policing purposes. I should clarify that, while regulations made under the new provisions which amend the list of bodies permitted to access DVLA data will be subject to the draft affirmative procedure, any other regulations made under the provisions in Clause 27 (such as about the purpose for such access) will be subject to the negative procedure, in line with the current position in the 2001 Act.

I want to see police forces make greater use of facial recognition technology in all areas where it will assist them with their roles and responsibilities. I have seen numerous examples of how it has helped them identify high harm offenders or those who would not otherwise have been caught. For example, using facial recognition technology to retrospectively check against police held data, the Metropolitan Police

were able to quickly identify and arrest a man for a knife attack on a bus driver in Tower Hamlets. He was subsequently charged with grievous bodily harm with intent and sentenced to more than 5 years in prison.

In response to your questions, I am, of course, aware that any expansion of the datasets on which a facial recognition search can be made must be considered carefully, including the legal and practical considerations. Currently, police forces do not conduct facial recognition searches against images contained on the DVLA database as there is no DVLA capability to enable this. There will be significant technical issues to overcome before the DVLA image gallery can be used for this purpose, including a full policy and operational assessment of the value against the cost of being able to conduct searches. Any proposed use of the DVLA database for this purpose will also require detailed work to determine whether any further legislation or consultations are needed.

It is thus clear that clause 27 will not lead to the immediate searching of the DVLA image gallery by the police to identify those suspected of committing crimes. It is also clear that any regulations introduced under clause 27 will not, of themselves, lead to the DVLA image gallery being checked by the police for facial recognition purposes.

I am committed to ensuring the police have the tools and technologies they need to detect and deter crime, bring offenders to justice and keep the public safe. As I have said, any move beyond using images for checking whether a motorist is entitled to drive a specific vehicle will be a matter for proper debate at the time. This will also include carrying out the necessary human rights analysis.

Finally I must stress that there is a comprehensive legal framework governing police use of live facial recognition. This includes police powers under the common law, the Data Protection Act 2018, the Human Rights Act 1998, the Equality Act 2010, the Police and Criminal Evidence Act 1984, the College of Policing's Authorised Professional Practice on live facial recognition, and published police policies.

I look forward to receiving the Committee's report on the Bill.

Your Sincerely

A handwritten signature in black ink, appearing to read 'C. Philp', written in a cursive style.

Rt Hon Chris Philp MP
Minister of State for Crime, Policing and Fire