

NPCC Council Update

Custody Image Retention

1. For information only

1.1 Chief Officers should note that facial recognition legislation will be clarified by the government, which includes aligning custody images with other biometric data, such as DNA and Fingerprint.

2. Emerging Position

2.1 In a recent letter to CC Gavin Stephens, ****S40(2)**** (Director of Data and Identity at Home Office) stated the intention to clarify the position on facial recognition legislation to ensure parliamentarians and civil society groups have confidence in the tool to contribute to the Government's Safer Streets Mission. The letter made it clear that the government's intention was to align custody image retention with other biometrics, such as DNA and fingerprints.

2.2 CC Vaughan, in his capacity as Vice-Chair of NPCC, responded by welcoming the government's position in clarifying facial recognition legislation and NPCC supports the introduction of a clear and robust statutory framework. He recognised that there is an opportunity to clarify the legal position surrounding the use and retention of custody images to align with other biometric data, such as DNA and Fingerprints.

2.3 Home Office are briefing the Home Secretary and Policing Minister on the detail. It is very likely that the government will announce public consultation on facial recognition legislation in summer 2025. Policing has been represented in facial recognition legislation working group to co-develop a framework that is operationally viable, ethically grounded and publicly accountable. Lindsey Chiswick and ACC Matt Welsted were among the key policing leaders within that group.

2.4 If public consultation is agreed, the facial recognition legislation will become part of the 2nd session of the session of the parliament, which is likely to conclude in May 2026. Forces will need to comply with the legislation at an agreed commencement date, which is likely to be no earlier than 2029-30, due to the complexity of technology and business change activities required.

2.5 There is discussion with HO around the funding requirements for the change and this will form part of SR2 negotiations/allocations.

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