

SOCIOTECHNICAL AUDIT SCORECARD

We present this sociotechnical audit as a tool for external stakeholders to assess the ethics and legality of police use of FRT. Contextualised for England and Wales, the audit should be used to reveal risks and harms, not green-light the adoption of FRT. The audit questions are not exhaustive and not to be treated as a checklist. We note that currently there is no explicit legal basis for police use of FRT.

Audit scoring: Each yes/no question of the audit is scored with either **1 (yes)** or **0 (no)** accompanied by an explanation. If the answer is unknown or inaccessible to the public, the question is scored with **0 (no)**. Note that there is no partial credit when scoring each question. Each subsection is then scored by the number of questions within it that scored **1 (yes)**.

1 Legal standards

In Accordance with the Law (Human Rights Act 1998)

A. Are there clear, objective, and limited criteria for who can be included in the watchlist, including with regard to the image source and the seriousness of offence or risk?

B. Are there clear, objective, and limited criteria for where and when FRT can be used, including mandating reasonable suspicion that persons on the watchlist will be at the location and requiring a high grade of intelligence for the police intelligence case that supports FRT use?

C. Are there clear, objective, and limited criteria concerning third-party access to the data collected or retained, including with regard to what data can be shared, with whom it can be shared, and for what specific purpose it can be shared?

Score: / 3

Necessary in a Democratic Society (Human Rights Act 1998)

D. Have police identified less intrusive alternative measures and proven that FRT is strictly necessary compared to these measures using scientifically verifiable evidence?

E. Have police conducted distinct necessity tests with an evidence-based justification for each category of individuals on the watchlist?

F. Have police shown that FRT does not disproportionately limit the human rights of affected persons, including those who are misidentified, not on the watchlist, or impacted by unwarranted intrusions?

Score: / 3

Data Protection (Data Protection Act 2018)

G. Before using FRT, have police carried out and published a data protection impact assessment and appropriate policy document for sensitive data processing?

H. Beyond social media or website publishing, have police used other means to inform potential data subjects or most people in their jurisdiction in advance about when, where, why, and how FRT is being used and how they can exercise their individual rights?

I. Are there clear measures to ensure data subjects can exercise their individual rights including the rights to rectification, erasure, and object with clear justifications if exemptions apply?

J. Do police check the watchlist against the data source close to the time of deployment to ensure the watchlist is accurate and up to date?

K. Are there clear measures to ensure that watchlist images are lawfully held, have a known provenance, and exclude unconvicted custody images?

L. Via direct consultation, have police proactively considered views of the public, especially marginalised communities, on the particular type of FRT and justified a disregard of the views if relevant?

M. Have police published their procurement contracts and data-sharing agreements with other parties?

Score: / 7

Non-Discrimination (Human Rights Act 1998 and Equality Act 2010)

- N.** Before using FRT, have police carried out and published an equality impact assessment?
- O.** For each deployment, have police published the demographic makeup of the watchlist?
- P.** For each deployment, have police published the demographic makeup of the population where FRT is used?
- Q.** For each deployment, have police published the demographic data for arrests, stop and searches, and other outcomes resulting from the use of FRT?

Score: / 4

Free Expression and Assembly (Human Rights Act 1998)

- R.** Have police assessed FRT's potential 'chilling effect' on the rights to freedom of expression and assembly to inform the legal test of 'necessary in a democratic society'?
- S.** Do police preclude using FRT to identify those peacefully participating in an assembly?

Score: / 2

2 Technical Reliability

Algorithmic Fairness (Equality Act 2010)

A. Before using FRT, have police evaluated and published the demographic makeup of the training dataset to ensure the dataset is representative of the population where it is to be used?

B. Before using FRT, have police evaluated and published FRT's performance across demographic groups, in different conditions that match FRT's operational use, to ensure FRT performs well and similarly across the population?

Score: / 2

Robust Practice (Data Protection Act 2018)

C. Are there safeguards precluding the use of FRT with an unsuitable low-quality probe or watchlist image?

D. Have police pre-established and met thresholds for the FRT system's accuracy (precision, false positive rate, true positive rate) to inform the legal test of strict necessity for personal data processing?

Score: / 2

Deployment Performance (Equality Act 2010)

E. Does FRT perform well (precision, false positive rate, true positive rate) and similarly across demographic groups?

Score: / 1

3 Human decision-making

Human Review

A. Is there a transparent evaluation that shows human review of the FRT matches is reliable, given the accuracy of officer-verified matches and the amount of time an officer has to review an FRT match?

Score: / 1

Preparation

B. Is training for the particular type of FRT mandated for police officers using the technology?

C. Are there clear standards for technical training on using FRT, data protection training, and training on risks including differential treatment, function creep, and unwarranted intrusions?

D. Has there been a documented non-operational research trial of FRT with informed consent from participants before the operational use of FRT for policing?

Score: / 3

Accountability

E. Are there clear measures for police to document cases of harm resulting from the use of FRT such as differential treatment, function creep, or unwarranted intrusions?

F. Do police have a whistleblower protection policy to protect persons who reveal FRT misuse?

G. Is there a clear redress mechanism (beyond judicial review and usual complaint procedures) for harmed individuals and groups to participate in an investigation into police use of FRT?

H. Are there clear measures to ensure that the redress mechanism is procedurally fair?

Score: / 4

4 Expertise and oversight

Ethics Committee

- A.** Is regular oversight from an ethics committee mandated throughout the life of the FRT project?
- B.** Are there clear processes for the committee to influence if and how FRT is implemented, including the power of veto for the FRT project?
- C.** Is the committee an independent body from police organisations with members having non-policing backgrounds and with safeguards to ensure the committee's sustainability even without political support?
- D.** Is the committee diverse in terms of demographic makeup and independent expertise in human rights, equality, and data protection?
- E.** Are detailed meeting minutes published, including briefing papers, discussions, and conclusions?

Score: / 5

Civil Society and Experts

- F.** Are there transparent, proactive consultations with civil society and independent experts on the particular type of FRT?
- G.** Are police required to consider the advice from consultations and transparently explain the outcomes, including providing a justification if the advice is not followed?

Score: / 2

Community Engagement

- H.** Are there clear, proactive processes for the public, especially marginalised communities, to influence if and how FRT is implemented?
- I.** Are all FRT materials accessible to people with disabilities and provided in immigrant languages?

Score: / 2