



BRITISH TRANSPORT POLICE

British Transport Police LFR | Legal Mandate

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Summary	Outlines the legal basis for the British Transport polices use of overt LFR technology to locate Sought Persons on a LFR Watchlist
Department	B DIV
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Contents

1. Introduction
2. Common law
3. Police and criminal evidence act 1984.

4. Human rights act 1998.
5. Equality act 2010
6. Data Protection Act 2018
7. General Data Protection regulation
8. Protection of Freedoms act 2012
9. Freedom of Information act 2000
10. Governance & Accountability
11. Performance & Bias Mitigation
12. Mandate Appendix

1) INTRODUCTION

The Purpose of Live Facial Recognition (LFR)

1.1 In pursuance of its policing objectives, the BTP may need to locate individuals, and in the context of Protective Security Operations (PSOs) to deter and disrupt criminal activity. Overt use of LFR is a policing tool which harnesses biometric and digital technology, and particularly live FR technology, to significantly enhance the ability of the BTP in locating Sought Persons. In addition, in relation to PSOs, the deployment of LFR may help to deter or disrupt the attendance of those who pose a threat to the relevant critical national infrastructure and/or to public safety.

1.2 The objectives outlined at paragraph 1.1 above, are reflective of the three permissible use cases for LFR as set out in Section 4 of the Overt LFR Policy (the “Policy”). These relate to the Deployment of LFR:

To support the policing of Proactive deployments as further described at Section 4.11.1 of the Policy.

To support the policing of a specific intelligence deployment as further described in 4.11.2 of the policy

To support protective security operations as further described at Section 4.11.3 of the Policy;

1.3 The Deployment of LFR will always be in response to one or more use cases set out in the Policy, by which the BTP can pursue one or more legitimate aims. The applicable legitimate aims to any deployment will require specific consideration by the LFR Authorising Officer (“LFRAO”) via the Written Authority Document, in relation to the specific use case, and confirmation of the relevant legitimate aims being pursued before the necessity and proportionality of any Deployment of LFR may be considered in line with Section 5 of the Policy.

Legal Framework

1.4 LFR for law enforcement purposes is not subject to dedicated primary legislation. LFR is regulated by several sources of primary and secondary legislation as well as both national and local policy. This framework of legislation combines to provide a multi-layered legal structure to use and regulate the use of LFR. (NPCC Legal Framework for LFR can be found in Appendix B of his Legal Mandate)

Tier one legislation	Legal Power to use LFR	• Common Law
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		<ul style="list-style-type: none"> • Police and Criminal Evidence Act 1984 code D (revised)
	Regulating the use of LFR	<p>Operational</p> <ul style="list-style-type: none"> • Human rights act. • Equality act 2010 <p>Data management</p> <ul style="list-style-type: none"> • Data protection act 2018 (Part 3) • UK General data Protection regulation • Protection of freedoms act 2012
	Requests for information in relation to LFR	<ul style="list-style-type: none"> • Freedom of information act 2000 • Data protection act 2018 (Subject access requests)
Tier Two: Code and Guidance	Regulating the use of LFR	<ul style="list-style-type: none"> • Secretary of State’s Surveillance Camera Code of Practice. • Guidance issued by the Surveillance Camera Commissioner (Facing the Camera) • Information Commissioner’s Office Code of Practise for Surveillance Cameras and associated guidance issued by the Information Commissioner • Information Commissioner Office Facial Recognition Technology (FRT) and surveillance
Tier Three: BTP LFR Documents	Regulating the use of LFR	<ul style="list-style-type: none"> • BTP Policy Document • BTP Standard Operating Procedures • BTP Training Documents • BTP Data Protection Appropriate Policy Document • Data Protection Impact Assessment • Equality Impact Assessment • Community Impact Assessment • BTP Legal Mandate

2) COMMON LAW

2.1 The police have a number of long-established policing responsibilities and powers derived from common law which have been recognised by the courts. BTP is obliged to comply with common law and statutory safeguards in delivering its policing operational duties and relies on common law to discharge several of its duties.

2.2 Key Common Law powers BTP may rely on when using LFR technology include the policing common law powers to:

(a) protect life and property.

(b) preserve order and prevent threats to public security.

(c) prevent and detect crime; (d) bring offenders to justice.

(e) uphold national security. BTP intends its use of LFR as a policing tactic for locating those who are wanted for an outstanding warrant. In this context the use of LFR technology to facilitate officers to promptly locate those evading arrest would enable BTP to discharge its responsibilities to protect life and property. It would also be compatible with BTP's duty to bring offenders to justice by facilitating a prompt and effective investigation.

2.3 The use of common law power as a legal basis to support the deployment use of LFR has been considered and recognised in the 'Bridges' case: a) R (on the application of Edward Bridges) v The Chief Constable of South Wales Police [2019] EWHC 2341 (Admin) (the "High Court Bridges" decision); and then on Appeal in, b) R (on the application of Edward Bridges) v The Chief Constable of South Wales Police [2020] EWCA Civ 1058 (the "Court of Appeal Bridges" decision). The Court of Appeal further summarised the legal basis in relation to compilation of Watchlists as being "both authorised under the Police and Criminal Evidence Act 1984 and within the powers of police at common law." The reference to the 1984 Act is a reference to imagery obtained pursuant to Section 64A (Photographing of suspects etc.) of the Act and particularly section 64A(4)(a) which allows a photograph taken under the section to be "used ... for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution or to the enforcement of a sentence".

2.4 When authorising a LFR deployment, the Authorising Officer must be satisfied that the proposal fits squarely within the scope of common law policing powers—namely the duty to prevent and detect crime, protect life, and maintain the Kings peace. These powers form the *primary legal mechanism* that enables the police to deploy LFR, as confirmed in the *Bridges* litigation, where both the High Court and the Court of Appeal recognised that operating LFR to identify individuals wanted for arrest or otherwise legitimately sought falls within established common law duties. The AO must therefore determine not only that the deployment is directed to a legitimate policing purpose, but that LFR is a necessary and proportionate means of achieving that purpose, and that compiling the watchlist relies on lawfully acquired images (including those permitted under PACE s64A). Approval can only be granted where the AO is satisfied that the common law power is being exercised in a way that is operationally justified, rights-compliant, and supported by appropriate safeguards, and that no lesser intrusion would achieve the operational aim.

2.5 While common law duties provide the *power* to deploy LFR, they do not provide a complete legal basis. The interference with Article 8 rights requires a clear, accessible and foreseeable regulatory framework, which must include published policies, watchlist criteria, governance structures and safeguards. This is derived directly from the Court of Appeal in *Bridges* (2020).

3) POLICE AND CRIMINAL EVIDENCE ACT 1984

3.1 Section 64A of PACE allows photographing a person who is detained at a station.

3.2 Allows for the photographs to be used for the prevention and detection of crime, the investigation of offences or the conduct of prosecutions.

4) HUMAN RIGHTS ACT 1998

4.1 All BTP use of LFR must comply with the Human Rights Act 1998. Before authorising a Deployment, the LFRAO must consider whether the proposed deployment would be a proportionate means of achieving the BTP's policing objectives, considering the impact of deployment on the rights and freedoms of members of the public. The operational compliance with the Human Rights Act is expressly considered at section 5 of the Policy.

4.2 LFR technology engages the Human Rights Act 1998 and has the potential to impact upon an individual's Article 8 rights, the right to respect for private and family life. As confirmed in Bridges, Article 8 is engaged by (i) the capture of facial images, (ii) algorithmic processing and comparison, (iii) inclusion on a watchlist, and (iv) any biometric decision-making, even in public locations. Private life is a broad concept, covering a person's physical appearance and social identity. It extends to afford people a reasonable expectation of privacy, particularly regarding their personal identity. It also protects how people go about their daily lives, particularly where they have an expectation of privacy. This provides: "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

4.3 As a qualified right, any interference with an individual's Article 8 rights is only permissible if:

- there is a legal basis for the interference with the qualified right that the public can understand.
- the use of LFR seeks to achieve a legitimate aim (referenced in section 1 of this Legal Mandate).
- it is necessary for the purposes of that aim in a democratic society; and
- the use of LFR is proportionate to the legitimate aim being sought.

4.4 The Court of Appeal Bridges decision noted that, to be 'in accordance with the law' for the purposes of Article 8, the legal basis must: "be 'accessible' to the person concerned, meaning that it must be published and comprehensible, and it must be possible to discover what its provisions are. The measure must be 'foreseeable' meaning that it must be possible for a person to foresee its consequences for them and it should not 'confer a discretion so broad that its scope is in practice dependant on the will of those who apply it, rather than on the law itself'".

4.5 In considering accessibility and foreseeability, the Court of Appeal examined the level of discretion that South Wales Police officers held to determine where they deployed facial recognition technology and who they deployed it to locate. The court refers to this as the "Who Question" and the "Where Question."

- **The 'Who' Question:** Following an approach recognised by the Court of Appeal the 'WHO question' is addressed at Section 9 of the APD. The BTP sets the criteria that applies to govern the images that may be included on a watchlist and in what circumstances. The inclusion of a

'Sought Person' on an LFR watchlist is responsive to the Use Case being considered for the LFR deployment. Use cases are outlined within Section 3 of the APD. To ensure accessibility and foreseeability, the BTP provides express definition within its use cases such as 'proactive deployment' to ensure they can be readily understood by both officers and the public. It sets out the standard required for inclusion on a Watchlist, linking the necessity and criteria for inclusion on a watchlist with the policing need and the proportionality of taking any action. Sought persons wanted for questioning or wanted on warrant (by the courts) for the following categories of offences will be included in the watchlist:

CATEGORY A – Serious Offences

CATEGORY B – Victim Based Offences

CATEGORY C – All other offences (only included on watchlist if aggravated by violence against women and girls or domestic violence)

Given the high volume of passenger movements across the rail network and that 'sought' offenders by BTP have already demonstrated use of rail networks to facilitate their offending, BTP watchlist inclusion criteria will recognise the transient nature of criminal mobility on the railways. A 'sought person' will be included on a watchlist if they meet the above offence categories above and:

- Lives or offends in the LFR deployment location 'police division' or
- Specific intelligence demonstrates that the sought person may pass through the zone of recognition.

If a sought person has bail conditions from the Police or courts, they will be included on a watchlist if they meet the below offence categories:

CATEGORY A – Serious Offences

CATEGORY B – Victim Based Offences

CATEGORY C – All other offences (only included on watchlist if aggravated by violence against women and girls or domestic violence)

And

- Lives or offends in the LFR deployment location 'police division' and
- Has a specific bail condition that gives the Police the opportunity to check, without reasonable suspicion for a breach around compliance issues or,
- By virtue of a specific bail condition would evidence a material breach if the person was found at an LFR deployment location.

If a sought person has any of the below ancillary court orders:

- Sexual Harm Prevention Orders (SHPO)
- Sexual Offences Prevention Order (SOPO)
- Sexual Risk Orders (SRO)
- Criminal Behaviour Orders (CBO)
- Serious Crime Prevention Orders (SCPO)
- Domestic Abuse Protection Notice (DAPN)
- Domestic Abuse Protection Order (DAPO)
- Stalking Protection Order (SPO)

And

- Lives or offends in the LFR deployment location ‘police division’ and
- Has a specific condition that gives the Police the opportunity to check, without reasonable suspicion, evidence of a breach or,
- By virtue of a specific condition would evidence a material breach if the sought person was found at an LFR deployment location,

Will be included on a watchlist.

- **The ‘Where’ Question:** The Court of Appeal noted that the South Wales Police team “was not able to draw to our attention anything which specifies where [LFR] may be deployed.” The BTP addresses this question at various stages of the policy. The location for a specific LFR Deployment is responsive to the Use Case for which the LFR is proposed for deployment and the policing objectives relevant to each individual Use Case, the LFR Use Cases are outlined within Section 3 of the Policy. The BTP intelligence case for LFR deployment locations will determine the expectation that a sought person on a watchlist will pass through the zone of recognition based around the following points:

Crime hotspots – The frequency and severity of serious offences define a hotspot. The BTP strategic assessment scores serious offences against the Management of Risk In Law Enforcement (MORILE) matrix and defines the forces ‘priority offences’ in the most current BTP control strategy. This demonstrates areas that high harm (CAT A / CAT B) offenders utilise for criminal activity and represent a reasonable likelihood of an offender passing through a zone of recognition.

Offender home address – Likelihood of offenders utilising the rail networks that are located in a reasonable distance to where the offender resides.

Offending location – Offence locations as evidence of criminal mobility on the rail network which may be a significant distance from the offenders last known address.

Transport Hubs & the transient nature of BTP offenders – Given the high volume of passenger movements across the rail network and that ‘sought’ offenders by BTP have already demonstrated use of rail networks to facilitate their offending, BTP will recognise the transient nature of criminal mobility on the railways and the facilitative gateways that major transport hubs have in terms of onwards travel, mobility and offending opportunities to the criminal community.

4.6 The deployment of LFR may have an impact on Article 9 rights of individual’s freedom of thought, belief, and religion. Article 9 seeks to afford protections and an individual’s right to put their beliefs into action, this may include wearing religious clothing, talking about their religious beliefs, and/or taking part in an act of religious worship. The law provides: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in worship, teaching practice and observance. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

4.7 As a qualified right, any interference with an individual’s Article 9 rights is only permissible if:

- there is a legal basis for the interference with the qualified right that the public can understand.

- the use of LFR seeks to achieve a legitimate aim).
- it is necessary for the purposes of that aim in a democratic society; and
- the use of LFR is proportionate to the legitimate aim being sought.

4.8 In the context of Article 9, the LFRAO should be particularly mindful of the location of the proposed deployment. For instance, if LFR is deployed in a station near a place of worship or during a religious festival, this may have a chilling effect on the willingness of individuals to attend that place for the purposes of manifesting their religious beliefs (e.g. by praying there).

4.9 There is no LFR-specific power to require those passing the LFR system to remove headwear or uncover their face. In the normal course of events, individuals are entitled to keep their face covered whilst passing the LFR system.

Article 10 and 11

4.10 The deployment of LFR may have an impact on the Article 10 rights of individuals, freedom of expression. Article 10 seeks to protect the rights of persons to hold their own opinions and to be able to express these freely without interference. Article 11 rights of individuals concern freedom of assembly and association. Article 11 seeks to protect the rights of individuals to peacefully assemble and the freedom to associate with others. The two rights are often engaged together with interplay between them. The law provides:

Article 10: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Article 11: “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.”

4.11 As qualified rights, any interference with an individual’s Article 10 and/or 11 rights is only permissible if:

- there is a legal basis for the interference with the qualified right that the public can understand.
- the use of LFR seeks to achieve a legitimate aim (referenced in section 1 of this Legal Mandate).
- it is necessary for the purposes of that aim in a democratic society; and
- the use of LFR is proportionate to the legitimate aim being sought.

4.12 Engagement with Article 10 and 11 will be relevant in some cases, for example,

(i) The police do have powers under Section 60AA of the Criminal Justice Act 1994 whereby if an authorisation is in force, a police officer can demand the removal of any item used to conceal identity. This is not an LFR specific power and would not solely be authorised to facilitate the use of LFR.

(ii) where a particular deployment may otherwise affect persons engaged in protests, demonstrations, or other types of assembly (e.g. because a demonstration is scheduled to pass through an LFR crime hotspot). LFRAOs should have regard to the risk that deployment will have a chilling effect on the willingness of some individuals to take part in a lawful assembly and express their views,

4.13 Article 14. This right requires that all the rights and freedoms set out in the Human Rights Act 1998 must be protected and applied without discrimination. This is based on the principle that everyone, no matter who they are, should enjoy the same human rights and have equal access to them. The law provides: “The enjoyment of the rights and freedoms set forth in the European Convention on Human Rights and the Human Rights Act shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

4.14 Article 14 is not a stand-alone right – there is a need to show that discrimination has affected the enjoyment of one or more of the other human rights, not that the other rights have been breached. Further consideration of Article 14 and the relevant safeguards are noted within the Equality Impact Assessment, and deployment specific considerations are applied by way of the LFR Application / Written Authority Document / Cancellation Report.

4.15 BTP will ensure transparency by publishing deployment criteria, watchlist composition principles, and summary reports on its public website. Public engagement measures, including signage at deployment sites and community liaison, will be implemented to enhance foreseeability and trust.

Operational Duties (Human Rights)

4.16 In addition to these the LFRAO should also expressly consider the duty to uphold an individual’s right to life (Article 2) and freedom from torture (Article 3), as referred as the ‘operational duty’ or ‘Osman duty’ concerning duties to investigate risks to life or serious injury which the police force were aware of, or ought to have been aware. Article 2 and Article 3 of the Human Rights Act form part of the non-derogable duties that underpin all policing activity and must therefore be considered in every operational deployment, including the use of LFR. Although LFR does not ordinarily interfere with the right to life or risk inhuman or degrading treatment, the police have a positive obligation to ensure that any tactic they deploy does not create, contribute to, or overlook risks that could engage these rights. This means ensuring that the use of LFR does not expose individuals to unnecessary risk, does not facilitate discriminatory or harmful treatment, and is deployed within a framework that safeguards vulnerable persons and supports the wider duty to protect life. ***At commencement of LFR pilot (Feb 2026) missing people will not be included in watchlists until further DPIA and EIA consideration is concluded***These obligations form part of the overarching assessment of lawfulness, necessity, and proportionality that must be satisfied before any LFR deployment can be authorised.

The law provides:

Article 2: Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. Deprivation of life shall not be regarded as inflicted in

contravention of this Article when it results from the use of force which is no more than absolutely necessary: a) in defence of any person from unlawful violence; b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

4.17 As absolute rights, there are no circumstances when a public body such as the BTP can interfere with the rights and freedoms afforded to individuals by way of Article 2 and Article 3. However, these articles can impose positive duties on the state to take action to prevent the public from harm.

4.18, the ‘operational duty’ was first outlined in the case of *Osman v United Kingdom* and concerned an alleged failure to prevent the young victim and his family from the risk to life posed by a stalker. The European Court of Human Rights in *Osman* found that the police were under a positive duty to take reasonable measures to avert a real and immediate risk to the life of an identified individual or individuals of which the police were, or ought to have been aware. Case law also supports that the police are under an *Osman* style duty to investigate serious allegations in a timely and efficient manner in order to uphold an individual’s Article 3 rights.⁵ There may be circumstances in which LFR is part of the means by which the Police discharge the operational duty, for instance, where LFR is appropriately used to locate those posing a threat to the public or themselves where a real and immediate risk to life is identified.

Proportionality

4.19 Before authorising a deployment, the LFRAO must consider whether the proposed deployment would be a proportionate means of achieving the BTP’s policing objectives, considering the impact of deployment on the rights and freedoms of members of the public.

4.20 The COAP (Combine Operational Authority Pack which includes the WAD – Written Authority Document) process builds proportionality into every stage of an LFR deployment by requiring applicants, the LFRAO and Gold to demonstrate that the activity is necessary, targeted and the least intrusive means of achieving the policing objective. (Part 1) requires the applicant to justify the intelligence case, consider protected characteristics, assess equalities impacts and explicitly document both non-LFR alternatives and less intrusive LFR options. (Part 2) then provides the LFRAO with a structured opportunity to challenge, amend or decline the application where the impact on rights is not justified or where the risk of disproportionality is unacceptable. Before deployment, Gold conducts a further review (Part 3), including sex, race and age composition of the watchlist within the 24-hour period prior to go-live. This layered scrutiny ensures that any disproportionality concerns are identified early and that the LFRAO retains full authority to refuse a deployment if the balance between public safety and intrusion is not objectively justified.

4.20.1 EXAMPLE 1 - An application is submitted proposing the use of LFR at a planned demonstration outside a major railway station, justified on the basis that some attendees are believed to include individuals linked to past public-order offences. During their review of Section 1(I) and Section 1(K), the LFRAO notes that the deployment could have a chilling effect on lawful protest by scanning large numbers of people who have no link to criminality, and that the watchlist—although compliant—primarily contains individuals associated with lower-level disorder rather than the serious threat described. Given the broader context of a protest, the heightened sensitivity around freedom of expression and assembly, and the risk that the deployment could disproportionately impact particular groups attending the demonstration, the LFRAO determines that the interference with rights is not justified. As a result, the LFRAO declines the application and directs the applicant to reconsider whether non-LFR options could

adequately mitigate the identified risks. This demonstrates how the COAP process identifies disproportionality concerns at a thematic level and empowers the LFRAO to prevent a deployment where the balance between operational benefit and rights impact is not met.

4.20.2 EXAMPLE 2 - An LFR application is submitted for a proactive deployment at a known hotspot for theft-from-person and robbery. When reviewing the COAP, the LFRAO notes that although the watchlist has been compiled in accordance with policy and offence criteria, the resulting list is overwhelmingly composed of individuals from a single ethnic group. The LFRAO recognises that deploying LFR with such an imbalanced watchlist could undermine public confidence, particularly within the affected community, and create a perception that LFR is being used disproportionately against certain groups. This could raise heightened equality and legitimacy concerns, including the risk that the deployment might reinforce mistrust or encourage disengagement with policing activities in the area. Given these concerns and considering the need for LFR deployments to be not only lawful, necessary and proportionate but also demonstrably fair, the LFRAO determines that it would not be appropriate to proceed. Instead, the LFRAO directs that further community engagement be carried out, and a community impact assessment be completed to understand local context and any potential negative effects. Only once those steps have been taken — and once it is clear that LFR would be the necessary, justified and least intrusive tactic in that setting — would the application be reconsidered. This illustrates how the COAP process ensures that disproportionality concerns and public-confidence impacts are formally identified and addressed before any deployment can go ahead.

4.21 If the proposed deployment is not proportionate, the LFRAO must not authorise the proposed deployment, even if the proposed deployment falls within a permitted use case, is to a permitted location, and involves a Watchlist compiled in accordance with the requirements of the Policy.

4.22 Having considered the interference on the rights of individuals created by the LFR deployment the LFRAO should go on to consider whether the deployment is a proportionate means of achieving the BTP's policing objectives. The LFRAO should approach their proportionality analysis in three stages outlined at section 5 of the BTP policy.

5) EQUALITY ACT 2010

5.1 The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Equality Act 2010 prohibits discrimination based on different treatment based on a protected characteristic. Specific consideration of the composition of LFR Watchlists and protected characteristics (Appendix C of policy) is outlined within the EIA document..

5.2 The prohibition of discrimination applies to both direct and indirect discrimination. As a public authority, the BTP must also comply with section 149 of the Equality Act 2010 that is most commonly known as the Public Sector Equality Duty ("PSED").

5.3 The BTP are required to take measures to ensure that the use of LFR complies with the Equality Act 2010. Particular attention is needed in two respects: (a) the technical performance of the LFR system (and then, if performance varies by any particular demographic), and (b) the operational deployment of the LFR system including in relation to the demographic profile of the deployment location, the profile of the Alerts and the composition of the Watchlist. These points are addressed further in the impact assessments applicable to LFR and Deployment of LFR.

6) DATA PROTECTION ACT 2018

6.1 To process data under Part III DPA 2018, the processing needs to fall within a law enforcement purpose. Law enforcement purpose is defined at Section 31 DPA and means: 'The prevention, investigation detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.'

6.2 Given consent is impractical in the context of LFR, where sensitive processing occurs it will need to be a strict necessity standard, pursuant to 35(5)(b) of the DPA 2018. Additionally, at least one Schedule 8 ground must apply and be made out. The Schedule 8 grounds are as follows:

- (i) necessary for judicial and statutory purposes – for reasons of substantial public interest.
- (ii) necessary for the administration of justice.
- (iii) necessary to protect the vital interests of the data subject or another individual.
- (iv) necessary for the safeguarding of children and of individuals at risk.

6.3 In relation to the use cases for LFR, Schedule 8, paragraph 1 is applicable – this condition being met if the processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law and is necessary for reasons of substantial public interest. The specific necessity case to act and public interest to do so will be made out in the approved deployment plan, the LFRAO must justify the need to process more sensitive data for a law enforcement reason with greater specificity than would otherwise be the case for wider processing pursuant 35(2) of the DPA 2018.

6.4 Additionally, pursuant to section 35(5)(c) at the time when processing is conducted the BTP are required to have an appropriate policy document in place in line with section 42 DPA 2018.

7 UK GENERAL DATA PROTECTION REGULATION (UK GDPR)

7.1 As part of BTP's common law powers to protect and preserve life and property, we process special category data in accordance with the requirements of Article 9 of the UK GDPR (which is incorporated into UK law under and supplemented by Part 2 and Schedule 1 of the DPA). Please see our latest DPIA for LFR at [Facial Recognition Technology | British Transport Police](#).

7.2 The Schedule 1 DPA conditions for processing special category data require BTP to have an Appropriate Policy Document (APD) in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 UK GDPR (relating to processing of personal data) and policies regarding the retention and erasure of such personal data. Please see our latest Appropriate Policy Document (APD) for LFR at [Facial Recognition Technology | British Transport Police](#).

7.3 Article 9 conditions of UK GDPR are engaged:

- explicit consent and
- substantial public interest

7.4 Section 10 DPA supplements Article 9, requiring the following conditions of Schedule 1 to be satisfied (historical research part 1 of schedule 1 / substantial public interest part 2 of schedule 1).

7.5 Schedule 1 DPA (part 1) are engaged:

- statutory etc and research government purposes; and
- safeguarding of children or individuals of risk

7.6 Schedule 1 DPA (part 2) are engaged:

- statutory and government purposes.
- safeguarding of children

7.7 Appropriate Policy Document (APD): Schedule 1 DPA conditions for processing special category data require BTP to have an APD in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 UK GDPR. BTP has produced this document and published it. This document allows the public to understand details of the:

- a. the data being processed by the LFR system, how often it is processed and whose data is processed.
- b. procedures, safeguards, and accountability principles for complying with the data protection principles when relying on a condition from Article 9 to process biometric personal data both for those on the Watchlist and those passing an LFR system.
- c. BTP policy for the retention and erasure of personal data for LFR processing.

7.8 Appropriate Policy Document (APD) is available at [Facial Recognition Technology | British Transport Police](#)

7.9 Information / Data Protection processing summary table.

Processing Activity	Legal Regime	Lawful Basis	Notes
LFR deployment to locate wanted persons	DPA 2018 Part 3	s35(2), Sch 8(1)	Law enforcement purpose
Safeguarding / missing persons	UK GDPR	Art 6(1)(e) + Art 9(2)(g)	Not for law enforcement, requires APD
Blue-watchlist testing (staff volunteers)	UK GDPR	Art 6(1)(a)/(e) + Art 9(2)(a)/(g)	Must avoid conflating consent with law enforcement necessity

8) PROTECTION OF FREEDOMS ACT 2012

8.1 The Protection of Freedoms Act 2012 (PoFA) has seen the introduction of a surveillance camera code issued by the Secretary of State (the Code) and the appointment of a Biometrics and Surveillance Camera Commissioner. Section 33(1) PoFA requires the BTP to have regard to the Code for the use of LFR. This includes compliance with the twelve guiding principles that system operators should adopt. The Code makes several specific points in relation to automated recognition technologies which the BTP have regard to as follows.

CODE	BTP Approach
Fair processing information to data subjects	The BTP's processing of information is publicly available to data subjects. It makes information relating to the LFR and data processing available via its website. The LFR deployments are publicly disclosed with supporting information.
Appropriate retention and disposal systems	The necessary systems are addressed in the policy S.7
Suitable technological and physical security measures	These measures have been addressed by design through a robust commercial procurement process and are also covered in the policy S.5
Cameras of sufficient quality to meet the intended purpose	These measures have been addressed by design through a robust commercial procurement process
Monitored by trained individuals	The LFR system will always flag potential matches to a trained member of BTP personnel for a decision on any further action. In this way, the LFR system works to assist BTP personnel to make identifications rather than acting as an autonomous machine-based process devoid of user input.
Some level of human interaction.	

8.2 The BTP has also given regard to the then Surveillance Camera Commissioner's guidance on the use of automated facial recognition technology with surveillance camera systems to comply with Code and its obligations under s.33 PoFA with several points being covered in this Legal Mandate.

9) FREEDOM OF INFORMATION ACT 2000

9.1 The Freedom of Information Act 2000 (FOIA) provides public access to information held by public authorities. It does this in two ways:

9.2 public authorities are obliged to publish certain information about their activities; 9.1.2 members of the public are entitled to request information from public authorities.

In recognition of its FOIA duties, BTP makes significant LFR information available via its website. This includes summary information relating to LFR deployments including the Watchlist size, the total number of Alerts, positive action and incorrect identification numbers, arrests and disposal numbers and estimates of the total number of faces seen as people passed the LFR system. BTP will also be responsive to FOIA requests.

10) GOVERNANCE & ACCOUNTABILITY

10.1 BTP will maintain clear governance structures for LFR deployments. Authorising Officers (LFRAOs) written authority documents will be composed with support from the LFR team to ensure legal, ethical and operational requirements are fully rationalised. Each deployment will generate an audit trail, including watchlist creation, authorisation decisions, and post-operation reviews. An annual review of the mandate will be conducted, with escalation to legal services for any out-of-scope cases.

11) PERFORMANCE & BIAS MITIGATION

11.1 BTP will monitor algorithmic performance and demographic accuracy through regular testing and vendor support. Bias mitigation strategies will include periodic evaluations against NIST/NPL standards and corrective actions where disparities are identified.

11.2 BTP have completed a detailed Equality Impact Assessment (EIA) and Data Protection Impact Assessment (DPIA) around how LFR use can interact and impact on various categories of personal data, protected characteristics and inclusion topics. These documents are available at [Facial Recognition Technology | British Transport Police](#).

11.3 Key Performance Indicators around accuracy of the system, stakeholder engagement and crime reduction will be used to evaluate LFR value and success. These will be made available during annual LFR reports and published on the [Facial Recognition Technology | British Transport Police](#). Governance of LFR use will take place through the Facial Recognition tactical board chaired by BTP's Head of Intel along with the National Facial Recognition Board chaired by LFR lead for the National Police Chiefs Council.

12) MANDATE APPENDIX

A – Acronyms

Expression or Acronym	Definition
BTP	British Transport Police
LFR	Live Facial Recognition
LFRAO	Live Facial Recognition Authorising officer
APD	Appropriate Policy Document
WAD	Written Authority Document

B – Legal Framework

	Level 1	Level 2	Level 3	Level 4
<p>This area reflects that biometric and other personal data is processed by the LFR system. It reflects the application of the Data Protection Act 2018 (under GDPR/ Part III, as applicable) and underlying documents that govern and reflect this.</p> <p>Oversight: Information Commissioner's Office</p>	Data Protection Act 2018	ICO codes and guidance	Force policy documents	Records of decisions/ assessments of risk - DPIA
<p>This area reflects the relevance of human rights to the use of LFR. Some, like the right to privacy, will be engaged by those on the LFR watchlist and/or passing the LFR system. The engagement of other rights will be context dependant.</p> <p>Oversight: Equalities and Human Rights Commission</p>	Human Rights Act 1998 Article 8, 9, 10, 11, 14 and Osman	Bridges v South Wales Police 2020	Force policy documents	Records of decisions
<p>This area reflects the relevance of equality considerations and the application of the Public Sector Equality Duty. It shows the underlying documents which also govern and show compliance with this duty.</p> <p>Oversight: Equalities and Human Rights Commission</p>	Equality Act 2010 PSED	Bridges v South Wales Police 2020	Force policy Documents	Records of decisions
<p>This area reflects the potential application of the Regulation of Investigatory Powers Act 2000. For an overt capability, it is important to have regard to RIPA to ensure the use of the LRF does not become directed surveillance.</p> <p>Oversight: Investigatory Powers Commissioner's Office</p>	Regulation of Investigatory Powers Act 2000	Regulation of Investigatory Powers Act Code of Practice	Force policy documents	Records of decisions
<p>This area reflects that LFR uses CCTV cameras to film those passing through the zone of recognition as part of the wider LFR system. It recognises the relevance of the Protection of Freedoms Act 2012 to CCTV in public spaces by policing in England and Wales.</p> <p>Oversight: Surveillance camera commissioner</p>	Protection of Freedoms Act 2012	Surveillance camera code of practice	Force policy documents SCC self-assessment checklist	<p>This level of documentation reflects the use of the legal framework in practice - ensuring relevant decisions, including the rationale, necessity and proportionality for use is recorded. It is also the place where decisions of relevance to the Public Sector Equality Duty should be recorded.</p>
<p>Legal basis: Statutory (eg, S.64A PACE) case law and policing common law powers</p> <p>This is the legal basis for the action - ie, the legal power(s) that supports the compilation of the watchlist and the use of the LFR.</p> <p>Ethics, APP guidance and scrutiny Oversight: PCCs</p>	Primary legislation	Secondary legislative instruments		

The dashed line shows that there are a number of aspects to the lawful and ethical use of LFR systems that are all encompassing and do not just relate to one area of law.

Primary legislation This level of the legal framework reflects a statutory legislation enacted by Parliament that combines in its application to provide a framework for the regulation of LFR.

Secondary legislative instruments This level of the legal framework reflects statutory codes, non-statutory guidance typically issued at national level that chief officers should have regard to when seeking to apply the Level 1 legal framework, and relevant case law. Authorised Professional Practice (APP) issued by the College of Policing also sits at this level within the legal framework. However, given some APP is not specific to a particular area of primary legislation, it is reflected as an overarching consideration in the legal schematic to reflect its pervasive application.

Force Policy This reflects policy document issues at a force level. They provide for the operational implementation of the legal framework in a way that helps the use of LFR to be both accessible and foreseeable to the public.