

**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION (ADMINISTRATIVE COURT)**  
**CARDIFF DISTRICT REGISTRY**

Haddon-Cave LJ and Swift J  
[2019] EWHC 2341 (Admin)

**BETWEEN:**

**THE QUEEN**  
**(on the application of EDWARD BRIDGES)**

**Appellant/Claimant**

**-and-**

**THE CHIEF CONSTABLE OF SOUTH WALES POLICE**

**Respondent/Defendant**

**-and-**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Interested Party**

**-and-**

**THE INFORMATION COMMISSIONER (1)**  
**THE SURVEILLANCE CAMERA COMMISSIONER (2)**  
**THE POLICE AND CRIME COMMISSIONER FOR SOUTH WALES (3)**

**Interveners**

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**ORDER**

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**BEFORE: THE MASTER OF THE ROLLS, THE PRESIDENT OF THE QUEEN'S BENCH DIVISION, AND LORD JUSTICE SINGH**

**UPON** hearing (by way of video link) Dan Squires QC and Aidan Wills of Counsel for the Appellant, Jason Beer QC and Francesca Whitelaw of Counsel for the Respondent, Gerry Facenna QC and Eric Metcalfe of Counsel for the Information Commissioner, Richard O'Brien of Counsel and Thomas Yarrow of Counsel for the Secretary State for the Home Department, and Andrew Sharland QC and Stephen Kosmin of Counsel for the Surveillance Camera Commissioner

**AND UPON** receiving written submissions from Fiona Barton QC for the Police and Crime Commissioner for South Wales

**AND UPON** the parties having agreed that each shall bear their own costs

**AND UPON** the handing down of a judgment on 11 August 2020

**IT IS ORDERED THAT:**

1. The appeal is allowed on Grounds 1, 3 and 5.
2. Grounds 2 and 4 of the appeal are dismissed.

3. There shall be no order as to costs.

**AND IT IS DECLARED THAT:**

4. The Respondent's use of Live Automated Facial Recognition technology on 21 December 2017 and 27 March 2018 and on an ongoing basis, which engaged Article 8(1) of the European Convention on Human Rights, was not in accordance with the law for the purposes of Article 8(2).
5. As a consequence of the declaration set out in paragraph 4 above, in respect of the Respondent's ongoing use of Live Automated Facial Recognition technology, its Data Protection Impact Assessment did not comply with section 64(3)(b) and (c) of the Data Protection Act 2018.
6. The Respondent did not comply with the Public Sector Equality Duty in section 149 of the Equality Act 2010 prior to or in the course of its use of Live Automated Facial Recognition technology on 21 December 2017 and 27 March 2018 and on an ongoing basis.