



**ACS Submission: Consultation on a new legal framework for law enforcement use of biometrics, facial recognition and similar technologies**

ACS is a trade association, representing over 50,000 convenience stores across the UK. Members include the Co-op, Spar UK, One Stop and thousands of independent retailers.

**5. Do you think a new legal framework should only apply to law enforcement organisations' use of facial recognition and similar technologies for a law enforcement purpose?**

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer:

We believe that the development of a clear, proportionate and risk-based legal framework that also applies to the private sector suppliers of facial recognition would be a benefit for the retailers that currently employ this technology or retailers considering deploying this technology in future.

Feedback we have received from retailers suggests that retailers seeking to deploy facial recognition and related technologies face significant uncertainty due to the lack of clear, sector-specific guidance from the ICO. Existing guidance on biometric data, CCTV and AI does not provide definitive answers on acceptable retail use cases. This ambiguity has led some retailers to delay or abandon the use of preventative technologies altogether.

Facial recognition technology (FRT) and other systems referenced in this consultation have been used by a smaller proportion of convenience retailers for a number of years, either through trials or as permanent fixtures within stores. The adoption of these technologies has accelerated in response to persistently high and rising levels of retail crime, including theft, violence, abuse and repeat offending, which disproportionately affects convenience stores due to their accessibility, long opening hours and small staffing models. We welcome that the Home Office polling of consumers acknowledges the value of technologies in tackling theft, with 76% of the public endorsing the use of live facial recognition technology for theft offences<sup>1</sup>.

ACS' 2025 Crime Report finds that:

- The total cost of crime to the convenience sector is £316 million per year, equating to a 10p crime tax per transaction.

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<sup>1</sup> Home Office Public Attitudes Survey: Question: For which offences do you think police use of retrospective facial recognition or live facial recognition would be acceptable? Select all the options you think apply. Respondents: N=3,920; unweighted base

- There were 6.2 million incidents of shop theft last year, with 45% of offenders being repeat offenders.
- 57,000+ incidents of violence against people working in convenience stores.
- 87% of store colleagues experienced verbal abuse, and 44% experienced hate-motivated abuse.
- Retailers invested £265 million in crime prevention measures over the past year, averaging £5259 per store.

For many retailers, these technologies are viewed as preventative tools intended to deter criminal behaviour, protect staff and customers, and reduce repeat victimisation, particularly where traditional enforcement routes have proven ineffective or insufficient.

Across the convenience sector retailers are using three categories of technology to prevent crime that fall into the following categories:

- Facial recognition systems - primarily focused on identifying known repeat offenders who have previously committed serious or violent offences in-store.
- Motion-sensitive or gesture-based technologies - which can detect suspicious behaviour (for example, concealment movements) and alert staff.
- Zonal or spatial analytics, which monitor movement patterns within specific areas of a store, often to identify high-risk zones or unusual activity

It is important to recognise that the way in which facial recognition and related technologies are used by retailers differs significantly from their use by the police and other law enforcement agencies. Retailers are not using these systems for criminal investigation or enforcement purposes, but as preventative, in-store tools to deter repeat offending and protect staff and customers.

In some cases, information captured by these systems is processed locally within the store and is not uploaded to a central database or shared more widely. In other cases, particularly where retailers operate multiple sites and use managed service providers, they rely on the service provide to set out legal compliance. These approaches are generally designed to minimise data retention and scope, but the absence of a clear, consistent regulatory framework means there is currently variation in how systems are configured and governed across the sector.

Our members indicated that the development of a clear, proportionate and risk-based legal framework would go a significant way towards addressing these challenges. In particular, a defined framework would help to raise and standardise expectations of technology providers, ensuring greater consistency around system accuracy, alert thresholds, data handling and transparency. Retailers believe this would improve confidence in the products available on the market and reduce the risk of deploying systems that fall short of regulatory expectations.

- Retailer feedback: *“Without clearer rules, too much responsibility is pushed onto retailers to interpret whether a system is compliant. Stronger standards for technology providers would reduce that risk and create a more level playing field.”*

Retailers have also highlighted the value of having clearer expectations around evidence capture and reporting processes. Guidance on what constitutes appropriate evidence, how long it should be retained, and how it may be shared with enforcement bodies would support more

effective engagement with police and local authorities, while maintaining compliance with data protection principles.

Taken together, retailers believe that a well-defined legal and regulatory framework would reduce uncertainty could lead to more responsible adoption of preventative technologies across the sector. This would likely result in greater uptake by retailers, particularly smaller operators who currently lack the resources or legal assurance to deploy such systems, despite being disproportionately affected by retail crime.