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Mr C Nolan
request-16753-b4af744f@whatdotheyknow.com

Date: 4th September 2009

Tel No. (DDI) 01622 664429

FOI Ref. 6094/2009

Dear Mr Nolan,

FREEDOM OF INFORMATION REQUEST 6094/2009

I write in connection with your request for information received by Kent Police on the 11th August 2009.

I note that you seek access to information relating to Automatic Number Plate Recognition (ANPR).

Following receipt of your request searches were conducted within Kent Police and I can now respond as follows.

The use of Automatic Number Plate Recognition (ANPR) technology can help to detect, deter, and disrupt criminality, including terrorism, and is a tactical option providing new lines of enquiry and evidence in the investigation of crime. ANPR is a technology that automatically reads vehicle registration marks (VRM's) allowing these details to be compared against database records.

ANPR data comprises 'read' and 'hit' data. A read is the capture of the VRM and image of the vehicle as it passes through the camera: read data is the term used to describe all the data collected as vehicles pass through the ANPR reader. A hit is a match to a VRM held within the database being searched.

The strategic intent of the ANPR strategy for the Police Service is to target criminals through their use of the road. In fulfilling this intention, the ANPR strategy will help meet the primary Police Service aims to:

- Reduce crime and terrorism
- Increase the number of offences brought to justice, including serious major crime
- Reduce road traffic casualties
- Increase public perceptions
- Make more efficient use of police resources

The ANPR strategy aims to meet these police service targets using ANPR to complete the following actions:

Deter criminals and terrorists through an increased likelihood of detection
Disrupt criminal activities and networks by intelligence led interventions
Remove prolific and serious offenders from the streets
Increase arrests
Increase sanctioned detections
Improve compliance with road traffic laws
Increase visible policing

An ANPR database is a list of vehicles of interest to a particular force or specialist area against which ANPR read data is checked. There are a number of databases loaded onto the ANPR system. These databases include for example PNC files, local force databases, foreign force databases, and MIDAS (motor insurance) database. The read data from ANPR cameras is checked against these databases in order to identify vehicles of interest.

The above information has been provided from the document entitled 'Practice Advice on The Management and Use of Automatic Number Plate Recognition' which can be located on the Association of Chief Police Officers (ACPO) website which can be located using the following link <http://www.acpo.police.uk/>

This document includes for example a full list of all databases included on the ANPR database, details of further actions that ANPR cameras can be used in relation to, and information regarding how ANPR cameras operate. This document explains how the images are stored and how ANPR can be used in operational policing.

1. The total number of images recorded/processed by the ANPR system in the Kent region in 2008.

Answer: In 2008 there were 227,170,606 reads recorded by the Automatic Number Plate Recognition (ANPR) system.

2. The total number of these images that were flagged as "vehicles of interest" in 2008.

Answer: In 2008 there were Kent Police recorded 561,449 vehicles as 'vehicles of interest'.

3. The total number of arrests made due to an ANPR lead being followed (i.e. pulling over of a vehicle) in 2008.

Answer: It would be theoretically possible for us to extract this data from our systems. However, this would require the manual examination of a 227,170,606 records, which would involve an expenditure of resources that would far exceed the amount that a public authority is required to invest in responding to a request, i.e. the cost of locating and retrieving the information exceeds the "appropriate level" (currently eighteen hours) as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. The information is therefore exempt under Section 12(1) of the Freedom of Information Act and in accordance with section 17(1) of the Act this letter must act as a Refusal Notice for this part of your request.

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

FOIA, Section 12 - Exemption where cost of compliance exceeds appropriate limit

4. The location of all ANPR sites currently in use by Kent Police.

Answer: This information is exempt from disclosure under the exemptions at Section 24(1) - National Security, and Section 31 (1)(a)(b) and (c) - Law Enforcement, of the Freedom of Information Act 2000. This letter must therefore act as a refusal notice for this part of your request.

Section 24 of the Freedom of Information Act (2000) creates an exemption from disclosing information where the exemption is required "for the purpose of safeguarding national security". Section 31 of the Act creates an exemption from the right to know if releasing the information would or would be likely to prejudice a range of law enforcement functions and activities, including the prevention and detection of crime. In this case, to release the information would have a detrimental impact on the prevention and detection of crime, and therefore the information is exempt from being released. Sections 24 and 31 are prejudice-based, qualified exemptions, which require that I consider the public interest, and provide evidence of harm that may be caused by disclosure. I am including the relevant subsections of the exemptions, the public interest test and the evidence of harm below.

Section 24 (1) National Security

(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

Section 31 (1) (a) (b) (c) Law Enforcement

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,*
- (b) the apprehension or prosecution of offenders,*
- (c) the administration of justice,*

Public Interest Test

Kent Police should be accountable for any decision that they make in relation to ANPR cameras, including decisions surrounding where these cameras should be located, and the disclosure of the location and purpose of each ANPR camera would ensure that Kent Police remain accountable.

Concerns have been voiced in the public arena concerning the number of cameras used for surveillance and disclosure of this information could also serve to ensure that public debates on the subject of ANPR cameras are correctly informed and accurate by assisting the public in gaining a clear understanding of how and why locations for permanent cameras are selected.

However, public safety is of paramount importance to the policing purpose and the disclosure of this information could have a detrimental impact on public safety. The aim of the force is to protect and serve the people of Kent by preventing crime, protecting property and saving and preserving life, and the release of this information could compromise this aim. The release of this information would lead to less crimes being prevented, and less lives being preserved as information from these cameras is used to improve road safety and detect serious offences.

ANPR cameras are used to detect a multitude of traffic offences, including for example detecting cars that have no tax or insurance, and for detecting stolen vehicles. Revealing the location and purpose of each camera would be providing the criminal fraternity with information that could be used to avoid arrest and detection.

Further to this it is occasionally necessary to use ANPR cameras in covert surveillance operations, and to reveal the location and the purpose of these cameras would detrimentally impact upon these investigations, having a negative impact on law enforcement, which would also affect the safety of members of the public.

Evidence of Harm

The harm here is twofold. The most important argument is that to provide the locations of all ANPR cameras would assist those committing offences, including criminals and terrorists planning to commit serious offences, and help them evade detection. The ANPR network is an important tool in the fight against serious and organised crime and terrorism and anything that could lessen the effectiveness of that tool would be harmful to our national security, law enforcement and public safety. Although it is not possible to provide concrete evidence that such harm may occur, the police service considers the risk to be likely and the harm self-evident.

The second harm that may occur relates to the cameras themselves becoming the targets of criminal activities. In a similar example, the location of speed cameras was previously provided in response to a Freedom of Information request and this led to a number of camera sites being vandalised. Whilst the original request was for information relating to speed camera sites, it is felt that the same harm could occur if the sites of permanent ANPR cameras were disclosed.

On the 6 September 2007 a response was sent to Matthew Davis of John Connor Press Associates in relation to a Freedom of Information Act request for information connected with ten cameras in Wiltshire that detected the most speeding offences.

The response given listed the ten cameras and the response stressed that they were listed in no particular order. The camera locations were also given (as requested) using Ordnance Survey map references. The information was published in a National Newspaper.

On the following night - the 1st October 2007 - one of the cameras – situated at Devils Batch on the A303 was attacked and set on fire. The camera housing, pole and camera, were all destroyed in the fire and replacements cost £42060. Although this camera had been damaged before, it is the police service's considered opinion that the adverse media coverage directly contributed to the attack in October 2007.

Although this case does not relate to an ANPR camera the disclosure of this information could result in ANPR cameras being targeted in a similar way. Speed Cameras are overt devices and are often subject to such attacks. Indeed, there are websites devoted to celebrating these acts of criminal destruction.

When one considers that there are clearly persons in the community who are prepared to commit acts of serious criminal damage on cameras that are used for speed enforcement, it is likely that persons who are engaged in more serious criminal activities would have a vested interest in the destruction of cameras that can be used to detect more serious offences.

Balancing Test

In this case, whilst awareness of the location of ANPR cameras would ensure that Kent Police remains accountable, and would provide the community with detailed information making them aware that forces are tackling the issue of crime and road safety, these arguments are outweighed by the reasons against disclosing this information. Much of the purpose of accountability, in terms of informing public debate, is already served by the information that is available and which has been referred to earlier in this response.

Public safety is of the highest importance and as releasing this information would compromise effective law enforcement and by extension, public safety, I believe that the harm considerations and the importance of the factors favouring non-disclosure outweigh those in favour of disclosure. I have therefore determined that the disclosure of the above information would not be in the public interest.

Thank you for your interest in Kent Police and I hope that the information we have been able to provide is of use to you. A sheet, which summarised your rights, was enclosed with the acknowledgement sent to you and as suggested therein, should you have any further questions concerning your request, please contact me quoting the reference number shown above.

Yours sincerely,

Laura Birchley
Freedom of Information Administrator

Your right to complain

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will conduct an internal review to investigate the matter and endeavor to reply within 20 working days.

You may lodge your complaint by writing to:

Supt. Paul Gladstone
Head of the Information Compliance Unit
Professional Standards Department
Kent Police Headquarters
Sutton Road,
Maidstone Kent
ME15 9BZ

Or by e-mailing
freedomofinformation@kent.pnn.police.uk

If you are still dissatisfied following our internal review, you have the right under section 50 of the Act to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Kent Police.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF