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# **Metropolitan Police Service**

**First Annual Report to the  
Information Commissioner on the  
Operation of the Data Protection  
Certificate relating to ANPR Data**

November 2008

MPS FOIA Disclosure

## REPORT FOR THE INFORMATION COMMISSIONER

### 1 Background

- 1.1 In 2004 the Metropolitan Police Service (the **MPS**) and Transport for London (**TfL**) agreed that it was in the public interest and within their respective powers for TfL to transfer to the MPS Automatic Number Plate Recognition (**ANPR**) data collected by traffic management and congestion charge cameras managed by TfL (the **Cameras**) solely for the purposes of safeguarding national security.
- 1.2 It was agreed by the MPS and TfL that the ANPR data collected by the Cameras (the **ANPR Data**) could only be transferred by TfL to the MPS if the exemption offered by Section 28 of the Data Protection Act 1998 (the **1998 Act**) could be utilised by both the MPS and TfL. It was subsequently agreed by both the MPS and TfL that the exemption under Section 28 of the 1998 Act would apply. The MPS recognised the advantages of having a certificate confirming that the exemption was necessary for the purposes of safeguarding national security. It was the opinion of TfL that it would not be acting reasonably if it made such a transfer without a confirmatory certificate made by a member of the Cabinet under Section 28 of the 1998 Act being in place. The MPS accepted TfL's position.
- 1.3 The MPS applied to the Secretary of State for the Home Department (the **Home Secretary**) for a certificate under Section 28 of the 1998 Act.
- 1.4 On 4 July 2007 the Home Secretary signed a certificate under Section 28 of the 1998 Act providing conclusive evidence that exemption from certain provisions of the 1998 Act was required for the purpose of safeguarding national security in relation to the transfer of the ANPR Data to the MPS by TfL (the **Certificate**).
- 1.5 Under the terms of the Certificate the Commissioner of Police of the Metropolis (the **Police Commissioner**) is required to make an annual report to:
- 1.5.1 the Home Secretary on the operation of the Certificate; and
  - 1.5.2 the Information Commissioner on the general operation of the Certificate.
- 1.6 This is the first annual report to the Information Commissioner on the general operation of the Certificate.

### 2 Reporting Requirements

- 2.1 No particular requirements were laid down by the Home Secretary in relation to the reporting requirements to the Information Commissioner. However, the requirements are considered to be different as whilst the Home Secretary required a report on the "operation of the Certificate", the Certificate only requires the Commissioner to report on "the general operation of the Certificate" to the Information Commissioner.
- 2.2 On this basis, whilst the general format of the Report to the Home Secretary has been followed the information included has been limited to the general operation of the Certificate.

<sup>3</sup> [Redacted]

### 3 Establishing the Data Transfer

3.1 No steps were taken prior to the Certificate being signed to facilitate the transfer of the ANPR Data. <sup>4</sup> [Redacted]

<sup>5</sup> [Redacted]

3.2 <sup>6</sup> [Redacted]

3.3 [Redacted]

3.4 [Redacted]

3.5 [Redacted]

3.6 The transfer of the ANPR Data from TfL to the MPS is governed by a contract which was signed in January 2008 (the **Contract**).

### 4 The ANPR Data

4.1 The Certificate only covers those ANPR Data processed for purposes required for the safeguarding of national security. Therefore the MPS has limited access to the MPS Server and access to the ANPR Data on the MPS Server to specified police officers and police staff working on national security measures. Searches can only be undertaken by a trained officer following a written authorisation from a senior officer.

4.2 The MPS Server has been subjected to the MPS Information Access and Security section's verification requirements and has been certified as being secure as a result of such verification requirements. <sup>7</sup> [Redacted]

<sup>8</sup> [Redacted]

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4.3 The MPS is in the process of developing detailed operational guidelines for those officers with access to the system. In the test phase access is restricted to a specified team within the MPS who receive all requests for information relating to the ANPR Data and if the national security criteria are met undertake the searches and provide a report on any results.

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4.5 The MPS will agree with the Association of Chief Police Officers a protocol governing how such ANPR Data are used by each police service should any transfer of the ANPR Data be made. The Protocol shall be in place and agreed by all relevant Chief Officers prior to transfers regularly taking place.

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## 5 MPS Processing of the ANPR Data

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5.2 In one case it was established that national security had ceased to play a part in the investigation and at this point access to the ANPR Data was stopped.

5.3 On a review on 4 October 2008 it was established that all searches that had been undertaken had been required for national security intelligence or investigatory purposes.

5.4 No subject access requests have been made for information relating to the ANPR Data or any more general requests which may include a reference to the ANPR Data.

## 6 Compliance with the 1998 Act

6.1 The Certificate exempts the ANPR Data from only part of the 1998 Act. The MPS has procedures in place to ensure that processing other than that which relates to the Certificate is undertaken in accordance with the provisions of the 1998 Act.

6.2 A review has been undertaken in relation to the requirements of the 1998 Act in respect of the ANPR Data and no breaches have been identified.

## 7 Difficulties

7.1 The MPS is not aware of any:

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7.1.1 breaches of the exemptions confirmed by the Certificate relating to the ANPR Data;

7.1.2 breaches of the provisions of the 1998 Act which relate to the ANPR Data; and

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## 8 General

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8.5 A challenge to the Certificate is currently being considered by the National Security Panel of the Information Tribunal.

8.6 As of the date of this Report no requests have been made for the ANPR Data by data subjects. Should such a request be made each request will be considered individually and an appropriate response will be made.

8.7 No complaints about the use of the ANPR Data under the terms of the Certificate have been raised with the MPS.



**Certification**

I certify that this is the first annual report for the Information Commissioner on the general operation of the Certificate as outlined above.

**Sir Paul Stephenson**  
**Deputy Commissioner of Police of the Metropolis**  
**Signed in the absence of and for and on behalf of the**  
**Commissioner of Police of the Metropolis**  
**\_\_\_ November 2008**