

Metropolitan Police Service

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

For the period November 21st 2010 to December 31st 2011

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 **DPA**) 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 DPA 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 DPA 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 DPA.
- 1.4 On 4 July 2007 the Home Secretary signed a certificate under Section 28 of the DPA providing conclusive evidence that exemption from certain provisions of the DPA 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**). On 16th July 2011 the Home Secretary signed an amended certificate that provided DPA exemption in relation to the transfer of ANPR data from other TfL traffic enforcement cameras outside of the Congestion Charge Zone (**CCZ**); for example Low Emission Zone (**LEZ**) enforcement cameras.
- 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 now the fourth Annual Report submitted to the Information Commissioner. Reports to the Home Secretary and TfL were also provided in accordance with the requirements of the Certificate in the case of the Home Secretary and the contract between the Police Commissioner and TfL in respect of TfL

2 Annual Reporting Requirements

- 2.1 It has been agreed between the Information Commissioner and the MPS that I will report on the following issues as part of this Annual Report:
 - Analysis of Personal Data;
 - Summary of Use;
 - Difficulties;
 - Technical Difficulties;

3

- Challenges;
- Transfers;
- Requests;
- General Privacy Issues;
- Usefulness; and
- TfL.

2.2 I also comment on steps taken to simplify and harmonise the timing of future reporting and audit.

2.3 The remainder of this Annual Report provides the information relating to each of the above sections.

3 Analysis of Personal Data and Clarifying the Reporting/Audit Period

3.1 ANPR Data is collected by TfL⁴ [redacted]
[redacted] the MPS⁶ [redacted]
[redacted] interrogate the ANPR Data (the **System**).

3.2 [redacted]

3.3 This fourth Report and associated audit covers the period from⁹ [redacted]
November 2010 until 31st December 2011. All subsequent reports concerning the analysis of
personal data will cover the calendar year, and this will enable comparison with other relevant and
annually measured data. TfL are in agreement with this change, of which notice was first given in the
third Annual Report.

3.4 [redacted]

3.5 Within this reporting period The National Joint Unit (NJU) and latterly the SO15 ANPR Unit (the
ANPR Unit) within the MPS was responsible for managing the System and undertaking such
analysis of the ANPR Data as was required and was the single point of entry for all inquiries.

4 Summary of Use

4.1 As required by the Certificate the ANPR data has only been processed for the purposes of
safeguarding national security.

4.2 The ANPR Data has been processed for the following purposes:

4.2.1 To assist in intelligence research.

4.2.2 To support national security investigations.

11

4.2.3¹²

4.3 The majority of the searching on the System has been used to identify the movement¹³ of vehicles¹⁴ of interest related to national security investigations.

15

4.4

16

4.5

4.6

4.7

5 Audit

5.1 The audit of the system, conducted by the MPS Directorate of Information (DOI) - Information Assurance Unit - took place after the end of the reporting period and established that:

5.1.1

17

5.1.2

5.1.3 Access to the System is through individual user name and password.¹⁸

19

21

5.1.4 There is not a single set of System Operating Procedures describing the system management and instructions on use to users. System Operating Procedures are an effective means of describing roles and responsibilities for the management and use of a system. In assessing the implications of this fact it should be noted that whilst no single set of Operating Procedures has been formally shared with Tfl and published via the Project Board there are comprehensive internal Police guidance documents for staff to comply with in relation to the governance of the System (see appendix A for update at time of submission of report).

22

5.1.5 The System servers are located in secure accommodation managed by DOI Secure Systems Group.

5.1.6 23

5.1.7 Responses are supplied to requestors on an approved form. Clear handling instructions are included on the response.

5.1.8 At the time of the audit no data protection subject access requests had been received.

24

8 Challenges

8.1 No new challenges of any kind have been made.

9 Transfers

26

10 Requests

10.1 As of the date of this report no requests have been made for the ANPR Data by data subjects. Due to the amount of personal data held by the MPS, the MPS requires all personal data requests to be specific and general requests for all data are not considered to be valid requests.

10.2 If specific information is requested in relation to ANPR Data the MPS will review the request and, if possible, provide a specific response. However, if the MPS believes that providing a response in relation to the question may prejudice the national security of the UK or its allies it may limit any response to confirming that if a person has driven a vehicle in central London, of which they are the registered keeper, then their personal data will be processed by the MPS for the purposes of the safeguarding of national security.

11 General Privacy issues

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

27

[Redacted content]

13 TfL

13.1 TfL has been of great assistance to the MPS in:

13.1.1 ³⁰ [Redacted content]
13.1.2 [Redacted content]

13.3 TfL has been shown a copy of this Report and endorses the content where relevant to that organisation.

Certification

I certify that this is the fourth annual report for the Information Commissioner on the operation of the Certificate as outlined above, in respect of the period from 21st November 2010 to 31st December 2011.

**Sir Bernard Hogan-Howe
Commissioner of Police of the Metropolis**

Date:



The System Operating Procedures have now been collated into one reference document and available for inspection within the ANPR Bureau offices.

MPS FOIA Disclosure