

# **Metropolitan Police Service**

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

**For the period December 2009 to November 20th 2010**

## 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**).
- 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 The first Annual Report was provided to the Information Commissioner in October 2008, with a second Annual Report covering the period ending on the 30th November 2009. 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 No particular requirements were laid down by the Home Secretary in relation to the reporting requirements to the Information Commissioner. It has been agreed between the Home Office and the MPS that I will report on the following issues as part of this Annual Report and I see no reason why this model should not be adopted in my report to the Information Commissioner.
  - Analysis of Personal Data;
  - Summary of Use;
  - Difficulties;
  - Technical Difficulties;

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

2.2 I also comment on steps taken to simplify and harmonize 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 The ANPR Data is collected by TfL<sup>4</sup> [redacted]  
[redacted]<sup>5</sup> the MPS<sup>6</sup> [redacted]  
[redacted]<sup>7</sup> interrogate the ANPR Data (the System).

3.2 [redacted]<sup>8</sup>

3.3 In order to move towards the harmonization of the Reporting Period with the System Audit and the Calendar Year the period covered by the Second Report (previously submitted) was extended to include qualitative and quantitative comment on data fed between July 2009 (when the 2009 Audit was conducted) and<sup>9</sup> [redacted] November 2009.<sup>10</sup>  
[redacted]<sup>11</sup>

3.4 The Fourth Report will cover the period from [redacted]<sup>12</sup> November 2010 until 31st December 2011, as will the next Audit of the system. 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.

3.5 [redacted]<sup>13</sup>

3.6 The National Joint Unit (NJU) 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.<sup>14</sup> [redacted]  
[redacted]<sup>15</sup>

**4 Summary of Use**

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**5 Audit**

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<sup>19</sup>

**8 General Issues**

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8.5 MPS operational guidance under which the System will be operated is being completed.

**9 Challenges**

9.1 No new challenges of any kind have been made.

**10 Transfers**

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**11 Requests**

11.1 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.

11.2 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.

**12 General Privacy issues**

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

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**14 TfL**

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

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14.3 TfL has been shown a copy of this Report and endorses the content.

**Certification**

I certify that this is the third annual report for the Information Commissioner on the operation of the Certificate as outlined above, in respect of the period from December 1st 2009 to 20th November 2010.

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

**Date:**

MPS FOIA Disclosure