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Metropolitan Police Service

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

For the year ending December 2009

MPS FOIA Disclosure LF

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 November 2008. Reports to the Information Commissioner and TfL were also provided in accordance with the requirements of the Certificate in the case of the Information Commissioner 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. 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 Police Commissioner to report on the "general operation of the Certificate" to the Information Commissioner. This report covers the period from 5th July 2008 to 4th July 2009.

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3 Managing the transfer of Data

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

3.2 The ANPR Data is collected by TfL³ [redacted]
[redacted] the MPS⁵ [redacted]
[redacted] interrogate the ANPR Data (the System).

3.3 [redacted]

3.4 [redacted]

3.5 The National Joint Unit within the MPS is responsible for managing the System.⁹ [redacted]
[redacted]

4 The ANPR Data and Transfers

4.1 The Certificate only covers the 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 matters. Searches can only be undertaken by a trained officer following a written authorisation from a senior officer.

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

4.3 [redacted]

4.4 The MPS Server has been subjected to the MPS Information Access and Compliance Team's verification requirements and has been certified as being secure as a result of such verification requirements.¹² [redacted]
[redacted]

5 MPS Processing and use of ANPR Data

5.1 Since 4 July 2008 the unit undertaking the work has received an increasing number of requests for searches.¹⁴ [redacted]
[redacted]

5.2 [redacted]

5.3

¹⁸

6 Compliance with the Act and general difficulties

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 which relates to the Certificate is undertaken in accordance with the provisions of the 1998 Act.

6.3 The MPS is not aware of any breaches of the exemptions confirmed by the Certificate relating to the ANPR Data. The MPS is not aware of any breaches of the provisions of the DPA which relate to the ANPR Data.

7 Audit

7.1 An Audit process was established in order to account for MPS usage and management of ANPR Data received from TfL. The audit of the System for the review period has established that:

7.1.1 The System has only been used to search data in accordance with the terms of the Certificate.

7.1.2

¹⁹

7.1.3 the System is only accessed by authorised people.

7.1.4 the ANPR Data is only being used in relation to national security investigations and intelligence.

8 General Issues

8.1

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9 Challenges

9.1

A challenge was launched against the Certificate²¹

²²

9.2

The Challenge was considered by the National Security Panel of the Information Tribunal and dismissed.²³

²⁴

10 Requests

- 10.1 No requests have been made for the ANPR Data by data subjects within the review period. 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.
- 10.2 When specific information is requested in relation to the ANPR Data the MPS reviews the request. If possible the MPS provides 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 responds 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.

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12 TfL

12.1 ²⁷

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

12.2.1 ²⁸

12.2.2

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

Certification

I certify that this is the second annual report for the Information Commissioner on the operation of the Certificate as outlined above, for the period ending December 2009.

Tim Godwin
Acting Commissioner of Police of the Metropolis

Date: