Metropolitan Police Service

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

For the period January 1st 2012 to December 31st 2012

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.
- 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 Fifth 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;

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• Challenges;	
• Transfers;	^
• Requests;	
General Privacy Issues;	
Usefulness; and	
• TfL.	
The remainder of this Annual Report provides the information relating to each of the above	sections.
Analysis of Personal Data	
ANPR Data is collected by TfL 4	
5 the MPS 6	
interrogate the ANPR Data (the System).	
Summary of Use	
Within its provision for National Security Purposes, the ANPR Data has been processed following purposes:	ed for th
4.2.1 To assist in intelligence research.	
4.2.2 To support national security investigations.	
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Searching on the System has been used to identify the movement 9 of vehicles 10	
of interest related to national security investigations 12	

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During this reporting period the ANPR Unit supported the delivery of a	safe and secure Olympic
Games. 15	
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During the same period the ANPR Data was used to support General Policing and Crime Investigation 18 34 The practise of using the ANPR Data in

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such circumstances has been agreed at MPS Chief Officer level. The audit report below will outline some of the safeguards put in place in respect of using the ANPR Data for general policing purposes, although such reporting is not required within the provisions of the Certificate as the MPS contends that no breach has occurred and neither is access to the data dependent on the Certificate. Other legal gateways for access under the Data Protection Act (principally section 29) are relied upon. For further information on this matter the ANPR Unit should be contacted directly.

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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:

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- 5.1.2 The ANPR servers are held within a secure Technology Equipment Room (TER) 21
- 5.1.3 Access to the system is through individual user name and password. The auditors note that a separate list of authorised users is maintained although it is maintained as a living document and does not cover the period of this audit. In assessing the implications of this it should be noted that at any time during the period of the audit a system enquiry would have revealed the live user accounts and the staff they were attributed to.
- 5.1.4 A single set of System Operating Procedures for the use of the ANPR system is in place and available for perusal by staff within the relevant offices. It is entitled 'ANPR Bureau Investigation TFL Data Use Policies' (February 2013). This collection of guidance documents had not been consolidated into a single publication during the audit period itself and was therefore not available to staff. In assessing the implications of this fact it should be noted that whilst no single set of operating procedures had been compiled a number of separate documents comprised comprehensive guidance. The implication is that there was never a point at which staff were without direction or during which there was a lack of clear policy as to the use and governance of the System as may unwittingly have been inferred when commenting on the lack of a consolidated report in previous reports.

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5.1.6 Since the period of the last audit a senior level decision has been taken to extend use of TfL ANPR data to support General Policing and Crime Investigation. The MPS and TfL have been working together to implement a commitment in the Mayor's 2012 manifesto to enable routine MPS access to ANPR data collected by TfL. Ahead of formal agreement by the Mayor, the MPS ANPR Bureau have established an interim policy for use by MPS ANPR Bureau personnel. The issue of use of the TfL ANPR data for these purposes does appear to have been carefully considered by the MPS ANPR Bureau and discussed at length with TfL. 24

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5.1.7	27
5.1.8	Data requests for periods of 90 days or over, require a Superintendent authority. There are no other authority levels required for Counter Terrorist requests.
5.1.9	Requests from other Forces/Agencies must be submitted as per national ANPR regulations for Counter Terrorist requests. Any 'high level' crime requests must come through an appropriate MPS sponsor.
5.1.10	All responses include clear handling instructions on the use of the ANPR Data.
5.1.11	At the time of the audit no data protection subject access requests had been received.
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8	Challenges
8.1	No new challenges of any kind have been made.
9	Transfers

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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

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13 TfL

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

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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 fifth annual report for the Information Commissioner on the operation of the Certificate as outlined above, in respect of the period from 1st January 2012 to 31st December 2012.

Sir Bernard Hogan-Howe Commissioner of Police of the Metropolis

Date:

