

## **Automatic Number Plate Recognition (ANPR) – National Advisory Group**

Time and date; 11:00am Wednesday 17<sup>th</sup> January 2018

Meeting venue - Home Office, 2 Marsham Street, London SW1P 4DF (Room P327)

### **Minutes of Meeting**

1. Attendees:

Tony Porter (TP) (Chair) – Surveillance Camera Commissioner

William Perrin (WP) –

Mark Burns – Williamson (MBW)– PCC West Yorkshire Police

Griff Ferris – (GF) Big Brother Watch

Professor Lorna Woods (LW) – Essex University

Darren Mercer (DM) – Metropolitan Police

John Guadener (JG) – Metropolitan Police

Sam Smith (SS) – Med Confidential

Chris Joslin (CJ) - Home Office Policy

Bill Mandeville (BM) – Home Office

Superintendent John Dwyer (JD) – Police National ANPR Co-ordinator

Meagan Mirza (MM) – Information Commissioner's Office (dial in attendee).

David Buxton – (DB) Head of Policy and Support – SCC

Katie Scotton – (KS) Dep.Head of Policy and Support

2. Apologies - There were no apologies

3. Background and context

3.1 TP welcomed everyone to the meeting. He provided a brief overview of the background to the police use of ANPR and the current police and Home Office aspirations regarding the National ANPR Service (NAS). He explained that for a number of years he had raised a number of what he considered to be significant concerns regarding the size, reach and intrusive capabilities of ANPR, its legitimacy and governance. Those views were more widely shared. As a regulator of ANPR he was determined to ensure that decisions regarding its continued development and use were challenged, influenced and informed by an independent group of informed stakeholders which had strategic gravitas. He had recommended the establishment of an Advisory Group to the former NPCC lead for ANPR, Deputy Chief Constable Paul Kennedy, as being conducive to the public interest. He had agreed to that suggestion and asked if he as the Surveillance Camera Commissioner would be prepared to chair such a forum, a position endorsed by the current NPCC lead for ANPR, Chief Constable Charles Hall (CC Hall), Hertfordshire Police.

3.2 TP explained that he wanted this first meeting to shape the terms of reference of the group, its membership, ways of working and frequency, and thereafter to discuss the key issues of concern to the group and how they should be addressed. He emphasised that in the context of ANPR the public interest was the primary consideration for this group, not the successful implementation of NAS as that was a responsibility which lay elsewhere.

4. Discussion to determine terms of reference (ToR) , frequency of meetings and communication channels.

a) ToR

4.1 TP circulated a draft ToR document for consideration by the group and invited comment as he went through the draft in detail.

4.2 A detailed discussion ensued. GF highlighted that he wanted to ensure that nothing agreed within the meeting should be interpreted as being that Big Brother Watch (BBW) were 'signing off' with approval to anything in relation to ANPR as part of this group. BBW were firmly of the view that there was insufficient basis in law for the size and scale of ANPR and that it was contrary to the direction of travel from EU jurisprudence.

- 4.3 Observations were made about the scope of use of NAS and BM explained that currently no non law enforcement agencies (LEA's) could use NAS. TP clarified that he intended that this group would hold the police to account for the decisions and use made of ANPR, and indeed any use of NAS in the future.
- 4.4 It was agreed that for this group to be truly effective there needed to be mutually agreed communication channels to and from interested stakeholders of NAS and police strategic leads with the group. TP agreed he would clarify these before the next meeting.
- 4.5 MM suggested there needed to be greater clarity of meaning regarding references to 'product' for example whether it is data, value or something else. MBW suggested references to PCC's should be included as they ultimately provide funding and hold police chiefs to account.
- 4.6 It was agreed that issues of scrutiny as to the declared benefits of the system against loss of privacy and adverse impact should be key elements within the ToR.
- 4.7 Other observations included the need for greater emphasis within the document on the issues of legality, transparency and accountability.
- 4.8 TP said that a fundamental approach of the group was that everything must be viewed through the prism of privacy. He suggested circulating the ToR's electronically to members of the group and for them to be considered further and to provide details of any observations they have to his office by the end of February. The next meeting will seek to formalise them.

**Action 1 . Members of the group to consider the draft ToR's in detail and to provide details of any suggestions they have as to his office by the end of February.**

b) Process

- 4.9 It was agreed that TP would consult with CC Hall to determine a process whereby information and referrals would be made to the group and also how the group would discharge its function in terms of informing/challenging the national programme.

**Action 2. TP to determine communication processes to and from ANPR Advisory Group.**

c) Membership of the group.

- 4.10 A discussion regarding membership resulted in agreement that there should be representation from the motor industry, DVLA, Highways Agency and the Equalities and Human Rights Committee. It was agreed that access to legal advice would also be helpful to the group.

**Action 3. TP to write to additional parties to invite them to become members of the group.**

d) Frequency of meetings.

- 4.11 It was agreed that the group would meet three times a year.

e) Publication of Minutes

- 4.12 It was agreed that in the interests of transparency the minutes would be published in the public domain, suitably sanitised and redacted where necessary where to do otherwise would compromise sensitive matters. MM urged caution where breaches of data protection legislation were to be discussed in her presence as future data protection laws would place obligations on her arising from mandatory breach reporting.

5. NAS Programme – Superintendent John Dwyer

- 5.1 JD provided a briefing as to the background and current position regarding NAS. Since 2016 the system had moved in to an implementation phase and was being piloted in a regional police force. It would be eventually rolled out throughout England and Wales and Police Scotland and Police Service of Northern Ireland may later become included. It was anticipated that NAS would be fully implemented by March 2019.
- 5.2 BM explained that a suite of NAS standards had been completed and were in the public domain. They had been completed in consultation with the ICO. TP said that they should also be Protection of Freedoms Act 2012 (PoFA) compliant.
- 5.3 MBW said it was important to scrutinise costs, particularly transition costs.
- 5.4 WP said there were issues of proportionality regarding the use of NAS. Tackling terrorism was one consideration however using such a powerful and intrusive capability to deal with car insurance offences was entirely another.
- 5.5 LW added that accountability for the decisions as to where cameras were placed is a concern. MM said that this would be an issue of scrutiny by ICO

when new data protection laws come in. LW said that the legality issues re ANPR went far beyond data protection laws as this was just one facet.

5.6 TP thanked JD for his contribution and said that there would be a standing agenda item for him to brief the group regarding progress and issues as NAS develops.

6. Home Office Research – Chris Joslin

6.1 CJ explained his role in Home Office Policy which included stocktaking where the Home Office was in terms of ANPR and the issues of value to public confidence. He was aware of many of the issues raised, particularly the inability to clearly evidence value. He presented a document which illustrated the legal framework which underpinned the functions of ANPR. LW said that a legal framework was arguably not a basis in law for ANPR

6.2 CJ said that a key consideration of his work was what audit and compliance should look like. Accepting there were NAS standards they are voluntary and compliance is not policed.

6.3 LW said that emerging EU law is beginning to suggest that a legal basis and governance should be in the same law. The new data protection laws may pick up some of this but by no means all of it.

6.4 SS said group should be clear as to what statistics ANPR should produce so as to provide a meaningful evidence base of value against risk.

6.5 TP thanked CJ for his contribution and looked forward to the end product of his work.

*( A short lunch break ensued and MM left the meeting together with DM and JG).*

7. Priority areas for consideration.

7.1 TP suggested that this particular section of the agenda should be a plenary session where members of the group were invited to express their views as to what the key issues were from their perspective regarding the NAS ambition. Headline issues raised were as follows:

7.2 WP suggested that the establishment of an evidence justifying or otherwise the use and continued use of NAS was a fundamental consideration. This should ensure that both quantitative and qualitative evidence is gathered, for instance:

- i. *Input* (e.g. how many number plates are captured for every 100 cars going past?),
- ii. *Processing* (e.g. accuracy, any loss of data falling between gaps, data rejected due to quality, what are officers looking for, why are they doing it and how do we find out? If the system can't tell us then survey every 1,000<sup>th</sup> police officer making a request as an example),
- iii. *Output* (e.g. what are the outcomes, to what extent were the outcomes useful to a stated purpose such as prevention of crime or prosecution).

7.3 GF said that some key concerns from his perspective were;

- i. Is ANPR compatible with data protection law, for example Principle 2 DPA, what is the stated purpose of ANPR?
- ii. How is ANPR necessary and proportionate to the categories of data retained? It is simply switched on and left to run and harvest data on law abiding citizens all of the time.
- iii. Data retention – is the 1 year data retention period a reasonable and evidence based decision, if so what is that evidence?
- iv. The size and scope of ANPR and NAS is contrary to emerging EU jurisprudence.

7.4 LW said key concerns for her were;

- i. Legality of the system; It is not just a matter of compliance with data protection legislation, the use of ANPR as a system extends far beyond to a broader legal and regulatory framework.
- ii. The intensity of cameras in a location; how are they justified as being necessary and proportionate or indeed lawful. How are those decisions scrutinised beyond simply data protection compliance.
- iii. How is compliance by the police with NAS standards, policed.
- iv. What is happening with the data and what is it being used for. Serious matters such as trafficking, or mundane low level issues.
- v. There should be a response invited from the Home Office as to what the legal basis for ANPR and NAS is. It is too big and too powerful.

- vi. Transparency would be welcomed as to the various investigative techniques employed by the police involving the use of ANPR.

7.5 MBW said that key issues for him were as follows:

- i. As an elected PCC he has found when speaking to people that they are broadly supportive of ANPR once they understand what it is for and how it works.
- ii. There has to be balance in acknowledging the positives of the system.
- iii. Scrutiny of costs, who is paying for what and to what outcome are important considerations.

7.6 TP thanked the group for their candid and well reasoned observations. He suggested that he would arrange for CC Hall to be sighted on these key concerns in the first instance and ask for further information where it was needed with a view for further debate at the next meeting. He encouraged the group to let his office know of any subsequent issues which they may identify so that they could be included in his discussions.

8. Summary of Actions.

8.1 **Action 1 - Members of the group to consider the draft ToR's in detail and to provide details of any suggestions they have as to amendments to be sent to his office by email by the end of February.**  
*(scc@scccommissioner.gsi.gov.uk)*

8.2 **Action 2 - TP to determine communication processes to and from ANPR Advisory Group.**

8.3 **Action 3 – TP to write to invite additional parties to become members of the group.**

9. AOB

9.1 There were no other items identified for discussion.

**END**

Time date and location of next meeting: To be confirmed