

Automatic Number Plate Recognition Independent Advisory Group (ANPR IAG) Meeting

10.30am Monday 21st May 2018

56 Kennington Oval, London SE11 5SW

Chair – Mr Tony Porter – Surveillance Camera Commissioner

Minutes of Meeting

1. Attendees

Tony Porter (SCC) Professor Lorna Wood (LW), Wei Lynn (WL) ICO, James Hughes (JH) APCC, Mark Burns –Williamson (MBW) PCC, Chief Supt Owen Weatherill (CSW) NPCC, Dr Rachel Adams (RA), Bill Mandeville (BM) Home Office, David Buxton (DB) SCCT, Katie Scotten (KS) SCCT, Ola Akande (OA) SCCT.

Apologies

William Perrin, Sam Smith, Silkie Carlo, Anne Russell, Griff Ferris

2. Minutes of last meeting and terms of reference

- 2.1 Minutes were agreed as being an accurate record of the previous meeting as indeed were the terms of reference of the group. The SCC asked that the Minutes and terms of reference be published on his Gov.UK site in the interests of transparency.
- 2.2 SCC clarified that the meeting would take place bi-annually and not tri-annually.

Action 1 – SCC Team to publish the minutes of previous ANPR IAG meeting and the terms of reference on his Gov.UK site.

3. Matters arising from previous meeting

- 3.1 The actions arising from the previous meeting were addressed as follows:
- 3.2 *Members of the group to consider the draft Terms of Reference in detail and to provide details of any suggestions they have as to amendments to be sent to SCC offices by email by the end of February.*
- 3.3 A number of responses and been received and incorporated within the final draft, which had been re-circulated amongst members and agreed. Action discharged.

- 3.4 *SCC to determine communication processes to and from ANPR Advisory Group.*
- 3.5 SCC advised that he had met with NPCC lead CC Hall and agreed that subsequent to each meeting of the ANPR IAG the SCC will notify him of those issues in respect of which they would expect to see action and/or an update provided back to the group. Where SCC felt further action was necessary elsewhere beyond NPCC he will raise these separately in consultation with ANPR IAG members. Action discharged.
- 3.6 *SCC to write to invite additional parties to become members of the group.*
- 3.7 KS said that the Equalities and Human Rights Commission had been invited to attend but had declined to do so. Highways England had accepted the invitation to join the group but were unable to attend on this occasion. Invitations had also been sent to AA and DVLA but no responses had been received from them. Further attempts would be made to contact these parties.

Action 2 – SCC Team to chase AA and DVLA regarding the invitation to join the group.

4. NPCC Brief and response to matters arising from previous ANPR IAG meeting– Ch Supt Owen Weatherill (CSW)
- 4.1 CSW informed the meeting that since the last meeting the funding for Supt John Dwyer as National ANPR Coordinator had concluded and not been renewed. He went on to explain that he had recently been given responsibility for the national coordination role following Supt Dwyer's departure but was not dedicated to the function as he also had a full time day job in his host force.
- 4.2 The new NAS system will become operational at end of year – currently using NADC data sets and these will be withdrawn at end of March next year when NAS data sets should be sufficiently populated. He explained that ANPR had grown over a number of years. NAS replaces all previous architecture to a single architecture and to a single method of operating. There will therefore be a complete national data set in one place rather than being held in back office capabilities.
- 4.3 A discussion ensued in which repeated concerns were expressed about the absence of an embedded national coordination function which was an anomaly when considered alongside other large Home Office IT functions. SCC questioned whether the Home Office sufficiently appreciated the need for operational oversight and coordination and whether there were opportunities to re-vitalise funding.
- 4.4 LW –emphasised the need for clarity. In understanding funding pressures she pointed out that this move to improve the national ANPR capabilities is concerning as the need for a clear system of oversight is all the more important. JH provided added context in that funding for a national police ANPR coordinator

was for two years and the transformation fund found that it was over-subscribed and significantly so. Some really difficult choices were made. Also the funding made available for the national ANPR coordinator's role was primarily to help to deliver the programme. In terms of assuring oversight and governance, even if HO find money it would only be for a couple of years and would not assure oversight and governance.

- 4.5 SCC recognised the sub context and emphasised that good governance is essential. There has to be a conversation about ownership – system, then data. There is more to good governance than holding a contractor to account to deliver a facility. SCC said he was concerned and would raise the issue with both the Home Office and NPCC lead and wanted a clearer picture as to the future of this key role/function at the next meeting.
- 4.6 CSW said that he hoped to have a clearer picture as to the way forwards in 6 weeks time.

ACTION 3– Tony to raise with HO and CC Hall observations from the meeting regarding the National ANPR Coordinator role and function.

- 4.7 CSW provided the following response in respect of key issues raised from the previous meeting:
- 4.8 Justification; Police are not good at evidencing the good they get from ANPR and so work is ongoing in that respect. The data retention period for ANPR data has been reduced from 2 yrs to 1 yr. PSNI have a 5 year retention period as they have a different context in NI and border with Irish Republic and they have an evidence basis for it.
- 4.9 Site of camera selection is a valid challenge as forces have historically chosen the locations of ANPR cameras in their force area themselves and based upon their own criteria. Work is now in progress to look at the national picture to develop a national strategy which in turn will enable conversations to rationalise and better focus camera locations.
- 4.10 SCC suggested the work proposed sounded reassuring and concerning in equal measure given the number of cameras involved and their capabilities and queried the timescales for this work. He added that there should be a strategic objective for police– to assess the national picture of deployment and consider only deploying cameras against pressing need.
- 4.11 CSW said that the work may be two years away but hoped it to be sooner. MBW emphasised that PCC's as elected leaders should be included in decision making. SCC said that the group wanted to know how the system was being reduced and effectively managed and would want a standing agenda item update from the police on this issue at each meeting. LW added

that the input should also be scrutinised for a reduction in surveillance and not just a reduction in cameras and this was agreed.

Action 4 – Police to ensure that each update to ANPR IAG includes a report on intentions and progress on rationalising ANPR cameras in use and reductions in surveillance.

- 4.12 CSW said that the new system would provide better capability to audit, and enable effective national oversight through national audit role. Confidence would come from local application of requirements national evaluation. SCC emphasised that scrutiny of audit was also a function of the ANPR IAG.
- 4.13 In terms of legitimacy, conversations had taken place with the Home Office and it has accepted that the existing legal framework was sufficient for ANPR and that the view from the Home Office was that use of ANPR remains necessary, proportionate and legitimate.

5. ANPR & The legal framework – Professor Lorna Wood

- 5.1 LW presented her paper to the group, the details of which had been circulated in advance of the meeting (Appendix A). In essence she suggested that in the context of Human Rights legislation the legitimacy of ANPR was not as clear cut as suggested. She further indicated that to accord with EU jurisprudence, general monitoring by the system was not consistent with the law however specific/targeted monitoring was or may be for serious crime and similar matters. In any event there needs to be a legal basis for the conduct of surveillance. The new data protection legislation is not a legal basis as there is no clear basis in law for the state to overtly conduct surveillance in her view.
- 5.2 To be legal there needs to be clarity and safeguards against abuse. That gives rise for the need for legislation – if there is a code and it is approved and it is binding, that will be ok. You don't need to clutter up primary legislation.
- 5.3 SCC said that he was aware of constraints to legislative time but the current situation is not acceptable. A private members amendment to the data protection bill regarding ANPR had made a similar suggestion and not progressed. He added that it was unfortunate that Big Brother Watch were not in attendance at the meeting and without apologies as they would have a valuable contribution to make to this particular aspect of debate. He undertook to raise this issue again with the Home Office. RA added that it was possible to raise a tech neutral law but tech specific code to address this matter. SCC thanked LW for her contribution.

(NB subsequent to meeting it was established that Big Brother Watch had in fact sent email apologies shortly before the meeting had commenced)

Action 5 – SCC to raise the issue of legal basis for overt surveillance using ANPR with Home Office.

6 Outcomes of the Home Office ‘Joslin’ report – Bill Mandeville

- 6.1 BM said that the report which had been discussed at the previous ANPR IAG was being managed internally within the Home Office with little to add. SCC raised concerns that the legal framework for ANPR was considered to be a medium to high risk consideration and queried what the position was within the Home Office. CSW added that the police use ANPR for terrorism and serious and organised crime investigation and to look at serious and serial offending – it can vary, but not for minor matters such as minor criminal damage. SCC queried about use of the system for enforcing vehicle insurance, road tax evasion and DVLA sharing of ANPR data to use it for their enforcement purposes. He queried the justification of that use and sharing of data.
- 6.2 BW clarified that the report highlighted that there is there is a framework of law and NAS standards. Its purpose was to provide confidence to the Home Office that there is a legitimacy around ANPR. MBW raised the issue of the Op Tutelege report circulated to members before the meeting adding that the decision to remove tax disc plays into this and comes back to the police demonstrating use of ANPR better than they do at the moment. There is a public safety debate to be had as vehicles using roads with no insurance are linked to deaths, road tax avoidance amounts to huge revenue loss and both are public interest issues.
- 6.3 SCC thanked BM for his contribution and confirmed that his intended course of action in respect of this matter was as set out at Action 5 (above).

7. NAS Standards

- 7.1 BM explained that there had been national ANPR standards since 2013 which set out a framework for governance and statutory compliance. These were in the process of being replaced by a suite of NAS Standards which addressed; data standards; infrastructure standards; access and management standards; and compliance standards. The final draft of the NAS standards were awaiting final approval and had been circulated in draft to members of the ANPR IAG prior to the meeting.
- 7.2 CSW added that ‘policing’ the NAS standards becomes an NPCC issue once Home Office sign off had been secured.
- 7.3 A discussion ensued thereafter regarding how the NAS standards and the manner by which they are policed, and the information thrown up by audit and compliance processes, could be scrutinised by the group. SCC made it clear

that he expected the final NAS standards to be considered by members of the ANPR IAG and any particular comments on their final content to be shared with him.

Action 6 – The NAS standards when launched to be circulated to members of ANPR IAG who will consider their content and feedback to SCC before the next meeting.

- 7.4 Members agreed that the NPCC should provide a mechanism whereby the efficacy of processes to police the NAS standards, and the information derived from those processes are reported to the ANPR IAG so that they can consider the implications of that information.

Action 7 - NPCC in agreement with SCC to provide a mechanism whereby the efficacy of processes to police the NAS standards, and the information derived from those processes are reported to the ANPR IAG so that they can consider the implications of that information.

- 7.5 It was suggested that HMICFRS may have a role to play by factoring in the adherence to NAS standards by the police as part of their independent inspection regime. In that regard the SCC undertook to write to the Chief Inspector of Constabulary. JH asked whether any letter sent could be set in context of a longer period being required to enable the standards to be implemented and settled down and this was agreed.

Action 8 – SCC to write to HMIC to suggest that the compliance with NAS standards in factored in to the police inspection regime conducted by HMICFRS.

- 7.6 BM was thanked for his very informative contribution.

8. ANPR and Smart Cities – Dr Rachel Adams

- 8.1 Dr Adams provided an insightful presentation regarding the opportunities and challenges associated with the use of technologies in society, and in the context of smart cities, highlighting the overlaying issues which the use of ANPR gave rise to. ANPR is a method of geo surveillance. She set out a number of key ethical issues such as:
- 8.2 Profiling/Predictive policing – can lead to discrimination which is sought to be justified by proportionality. Police need an awareness of how discrimination can arise from technology and there needs to be transparency for citizens so that decisions are explained and not seen to be arbitrary or discriminatory.
- 8.3 Also need to address when other technologies are integrated as a more detailed picture is derived. The consequences of technologies such as ANPR are that individuals are no longer lost in the crowd but subject to tracking and geo targeting. Consideration should be given as to how de-identifying of the

citizen can be incorporated in to an ethical framework rather than de-identifying the data.

- 8.4 There should be a move from data informed government to data improved government. Data not just being used for crime prevention as that can be applied to anything. How it is protected from commercial interest and how it is used as it may impact upon data privacy and discrimination issues not foreseen. You may not know that the gathering of that information is resulting in it being assessed for broader purposes.
- 8.5 Notice and consent – do people know and consent to their number plate being tracked, know where cameras are and what they can do and for what purpose? These are clear transparency issues.
- 8.6 Consideration should be given to providing awareness training for police to highlight how discrimination in data processing can occur and how to mitigate against that risk – and people should know how to access their data and understand how their right to be heard is built in to the governance arrangements.
- 8.7 SCC said that he was particularly struck by the content of Dr Adam's presentation and asked whether she would be prepared to consider the NAS standards once agreed in the context of her research and inform the group as to any particular observations she may have. Dr Adams agreed. SCC undertook to raise the issues identified by Dr Adams with the NPCC lead, Chief Constable Hall as part of his engagement role as chair of the meeting and to ensure the points highlighted were reflected to the Home Office.

Action 9 – Dr Adams to review the NAS standards once agreed in the context of her research and to report to the ANPR IAG as to her observations.

9. Operation Tutelege

- 9.1 SCC referenced the Op Tutelege paper he had circulated prior to the meeting but added that due to time pressures encountered by the content of the meeting he simply asked members to consider any observations they had which would be useful for him to consider and let him know subsequent to the meeting.

Action 10– Members of ANPR IAG to inform SCC as to any observations they have arising from Op Tutelege.

10. AOB

There were no other AOB items.

Time date and location of next meeting to be notified.

Summary of Actions

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