

January 2020

Surveillance Camera Commissioner's consultation response to the Department for Transport consultation on introduction of Green Number Plates for Ultra-low Emission Vehicles.

1. The Surveillance Camera Commissioner is appointed by the Secretary of State but independent of Government. As a regulator his responsibilities are to encourage compliance with the [Surveillance Camera Code of Practice](#), review the operation of the code, provide advice about the code (including changes to it or breaches of it) and provide advice and information to the public and system operators about the effective, appropriate, proportionate and transparent use of surveillance camera systems.
2. The Commissioner chairs an ANPR independent advisory group (ANPR IAG) which has been established to scrutinise the deployment and operation of automatic number plate recognition as a surveillance tool. It comprises specialist external interests as well as the police, Information Commissioner's Office and the Home Office.
3. The Commissioner welcomes the opportunity to provide input in to the Department for Transport consultation on introduction of Green Number Plates for Ultra-low Emission Vehicles on behalf of the ANPR IAG.
4. The views of ANPR IAG members were collated for this submission at the [ANPR IAG meeting](#) on 2 October 2019 and by email.
5. This submission sets out the following points from the Commissioner and the ANPR IAG members:
6. The Commissioner is supportive of the government's policy of reducing emissions and encouraging road users to shift to cleaner vehicles.
7. The Commissioner's view is that whichever green number plate design is chosen, it should have no impact on the National ANPR service (NAS).
8. The view of the ANPR IAG is that the green number plate is an unqualified extension to the role of ANPR. Where is the evidence to prove that the extension to the ANPR function is justified? Limited evidence was presented that car drivers want green number plates or that it is for the benefit of society. Therefore, the legality was questioned. Clean air is fully recognised as being paramount. The group felt there was limited evidence that this scheme would significantly contribute towards that.
9. There is a strong view from the IAG that the extension of the role of ANPR for such a high value scheme is beyond the initial purpose of ANPR and further stretches its legitimacy.
10. The ANPR IAG raised the issue of a lack of statutory footing for ANPR and hence the problems caused by the extension to its role and function.
11. The Protection of Freedoms Act 2012 (PoFA) created the role of the Surveillance Camera Commissioner (SCC) and required the Secretary of State to issue a Surveillance Camera Code of Practice (SC Code). The Code provides a 'whole system' approach to the provision of guidance on

surveillance cameras and systems connected to them. Police forces (and local authorities) in England and Wales MUST pay regard to the Code by virtue of Section 33(1) PoFA.

12. If local authorities (LAs) intend to use ANPR to support clean air zone compliance, LAs will have to pay due regard to the SC Code. The consequences of failing to 'pay due regard' to the Code is a matter subject to formal disclosure proceedings at any tribunal. The Crown Prosecution Service have updated their Disclosure Manual Guidance to reflect these requirements. LAs should complete the Commissioner's [self-assessment tool](#) to ensure compliance with the SC Code. This should be kept under consideration and amended where circumstances change.
13. Consideration given to incentives for green plates could lead to misrepresenting plates on vehicles – cloned plates. This leads to a greater risk to the national ANPR system regarding the potential of more cloned plates on the road. The process of getting green number plates should therefore be tightly controlled.
14. Furthermore, incentives for green plates raise questions around the proportionality of the scheme and who gets access to the data.
15. The SC Code anticipated the use of ANPR and other technology enhanced capabilities integrated with the surveillance camera systems it regulates and therefore provided the following additional guidance:
16. Paragraph 4.12.1 (principle 12) – “Any use of technologies such as ANPR or facial recognition systems which may rely on the accuracy of information generated elsewhere such as databases provided by others should not be introduced without regular assessment to ensure the underlying data is fit for purpose.”