

16 February 2011

<redacted>

<redacted>

<redacted>

New Scotland Yard

Broadway
London SW1H 0BG

Tel: <redacted>

Fax: <redacted>

Dear <redacted>

Please find attached the Second Annual report on the Operation of the Data Protection Certificate relating to ANPR Data. This relates to the year ending December 2009.

Please accept my apologies for the late submission of this report. This is due to an administrative error caused by a change of personnel in the lead department. I have asked for measures to be put in place to ensure that this does not happen again.

Yours sincerely

<redacted>

<redacted>

Metropolitan Police Service

Second Annual Report to the Home Secretary
on the Operation of the Data Protection
Certificate relating to ANPR Data

For the year ending December 2009

<redacted>

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 Home Secretary in October 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 It has been agreed between the Home Office 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;
- Challenges;

<redacted>

<redacted>

- Transfers;
- Requests;
- General Privacy Issues;
- Usefulness; and
- TtL.

2.2 The remainder of this Annual Report provides the information relating to each of the above sections. The report covers the period from 5^h July 2008 to 4^h July 2009.

3 Analysis of Personal Data

3.1 The ANPR Data are collected by TfL <redacted> by the MPS <redacted> interrogate the ANPR Data (the system)

3.2 <redacted>

3.3 <redacted>

3.4 The National Joint Unit within the MPS is responsible for managing the System.

<redacted>

3.5 <redacted>

3.5.1 <redacted>

3.5.2 <redacted>

3.6 <redacted>

3.7 <redacted>

3.7.1 <redacted>

3.7.2 <redacted>

3.7.3 <redacted>

3.7.4 <redacted>

<redacted>

4 Summary of Use

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

4.2 The ANPR Data have been used for the following purposes:

4.2.1 general intelligence gathering; and

4.2.2 the use of the Personal Data as a post-incident investigative tool.

4.3 <redacted>

4.4 <redacted>

4.5 <redacted>

4.6 <redacted>

4.7 <redacted>

4.8 <redacted>

4.9 <redacted>

<redacted>



4.10 <redacted>

4.11 <redacted>

5 Difficulties

5.1 <redacted>

5.2 The MPS is not aware of any breaches of the exemptions confirmed by the Certificate relating to the ANPR Data.

5.3 The MPS is not aware of any breaches of the provisions of the DP A which relate to the ANPR Data.

5.4 <redacted>

5.5 <redacted>

5.6 <redacted>

5.7 <redacted>

6 Technical Difficulties

6.1 <redacted>

6.2 <redacted>

6.3 <redacted>

6.3.1 <redacted>

<redacted>

6.3.2 <redacted>

6.3.3 <redacted>

6.3.4 <redacted>

6.3.5 <redacted>

6.4 <redacted>

7 **Audit**

7.1 The audit of the System has established that:

7.1.1 <redacted>

7.1.2 <redacted>

7.1.3 <redacted>

7.1.4 <redacted>

7.1.5 <redacted>

7.1.6 <redacted>

7.1.7 <redacted>

<redacted>



7.1.8 <redacted>

7.1.9 <redacted>

7.2 Therefore, in summary, the Audit team has undertaken the first annual audit of the use of the System and confirms that:

7.2.1 the System is only accessed by authorised people;

7.2.2 the ANPR data is only being used in relation to national security investigations and intelligence; and

7.2.3 ANPR data is stored in an appropriate security environment and that all security requirements are met.

8 General Issues

8.1 <redacted>

8.2 <redacted>

8.3 <redacted>

8.4 <redacted>

8.5 <redacted>

9 Challenges

9.1 As the Home Secretary is aware, <redacted>

9.2 <redacted>

<redacted>

10 Transfers

10.1 <redacted>

10.2 <redacted>

10.3 <redacted>

10.4 <redacted>

10.5 <redacted>

11 Requests

11.1 As of the date of this report no requests have been made for the ANPR Data by d11ta 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 d ta are not considered to be valid requests.

11.2 When specific information is requested in relation to 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.

12 General Privacy issues

12.1 <redacted>

12.2 <redacted>

12.2.1 <redacted>

<redacted>

<redacted>

12.2.2 <redacted>

12.2.3 <redacted>

12.2.4 <redacted>

12.3 <redacted>

12.4 <redacted>

12.5 <redacted>

12.6 <redacted>

12.7 <redacted>

12.8 <redacted>

13 <redacted>

13.1 <redacted>

13.2 <redacted>

<redacted>

<redacted>

13.3 <redacted>

14 TfL

14.1 <redacted>

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

14.2.1 <redacted>

14.2.2 <redacted>

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 Home Secretary on the operation of the Certificate as outlined above, in respect of the period ending December 2009.

Date: <redacted>