

## Minutes

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

**Date and time:** 26 March 2019, 11:00 - 14:00

**Attendees:**

Tony Porter (TP) – Surveillance Camera Commissioner (SCC)  
Chief Constable Charlie Hall (CH) – Hertfordshire Constabulary  
James Hughes (JH) – The Association of Police and Crime Commissioners (APCC)  
Mark Burns-Williamson (MBW) – Police and Crime Commissioner, West Yorkshire  
Mark Jones (MJ) – Information Commissioner’s Office (ICO)  
Richard Hartell (RH) – Home Office policy team  
Jamie Hassall (JH) – Highways England  
Lynette Rose (LR) – Driver and Vehicle Licensing Agency (DVLA)  
Derek Roberts (DR) – National Roads Policing Intelligence Forum  
Sam Smith (SS) – MedConfidential  
Griff Ferris (GF) – Big Brother Watch  
Jack Cousens (JC) – The Automobile Association (The AA)  
William Perrin (WP) – Talk About Local  
Professor Lorna Woods (LW) – Essex University  
Tim Everington (TE) – Home Office National ANPR Service Programme Team  
Julia Mason (JM) – Home Office National ANPR Service Programme Team  
Katie Scotton (KS) – SCC Office  
Olahan Akande (OA) – SCC Office

**Apologies:**

Silkie Carlo – Big Brother Watch  
Meagan Mirza – ICO  
Chris Joslin – Home Office policy team  
Lynette Rose – DVLA  
Bill Mandeville – Delivery Manager - National Police System, Home Office Digital, Data and Technology  
Hannah Hall – National ANPR Change Lead, Hertfordshire police  
Dr Rachel Adams – Information Law and Policy Centre, Institute for Advanced Legal Studies  
Owen Weatherill – T/Assistant Chief Constable, Hertfordshire Constabulary  
Nicholas Muddle – Home Office National ANPR Service Programme Team

## **Welcome and Introductions**

1. TP welcomed everyone to the meeting and the group members introduced themselves.

## **Minutes of last two meetings and summary of matters arising**

2. The minutes of the last meeting were agreed as being an accurate record of the meeting. The actions arising from the last meeting were addressed as follows:
3. **Action 1: SCC to write to AA regarding the invitation to join the group.** This action has been discharged and a representative of the AA was present at this meeting having accepted the invite.
4. **Action 2: TP to write to DEFRA and ICO and arrange meeting to discuss CAZ and the need for national guidance.** The SCC Office has had a brief discussion with DEFRA in respect of national guidance and is currently engaging with the ICO to arrange a meeting between the 3 offices. This action is ongoing.
5. **Action 3: TP to consult with HO lawyers and obtain a legal view on the application of ANPR for cutting emissions, in the context of the Watson Davis Tele2 decision and the threshold of 'serious crime'.** This action has been discharged. TP wrote to Home Office (HO) lawyers and this was passed onto the HO policy team to give a view. RH summarised the HO response – that Watson Davis Tele2 judgement focused on telecommunications and there was not a substantial cross over between this and the uses of ANPR which were raised by the IAG (cutting emissions through 'Clean Air Zones' and tackling uninsured drivers via Operation Tutelage).
6. TP said he had referred back to HO policy prior to this meeting as opinion of advisers indicates that this view did not sufficiently address the legal issues requested. He asked the IAG members to respond and a lengthy discussion ensued.
7. WP said that the Tele2 judgement referred to telecommunications. The case highlighted there is no democratic oversight for the use of ANPR and the ANPR IAG is the only form of legitimacy for this. HO response was not accepted. It is perilous not to ensure ANPR operates on a firm statutory footing.
8. LW echoed WP's thoughts that the HO response was not a comprehensive assessment of the legal issues arising. She said that the court in the Tele2 judgement set out general principles of Articles 7 and 8 of the Charter, and whilst it may not have focussed on ANPR the principles have a general application across the board.
9. CH said the police recognise it is a big and powerful dataset which has an impact on the public. ANPR therefore needs to be used responsibly and the police have put in place measures and guidance documents to ensure it is

used by the police to protect the public and for clear demonstrable and law enforcement purposes.

10. MBW said he would be keen to work with NPCC to look at a framework for Police and Crime Commissioners. He said that as the new ANPR system comes online, it needs strengthening and developing.
11. GF agreed with other IAG members that this group is the only oversight for the use of ANPR. He said there are billions of location points around the UK per annum and retention of such data is not proportionate.
12. LW said that with the national system, the possible intrusion on the public becomes even greater through increased capabilities of the system, and therefore, the proportionality argument becomes harder to justify.
13. TP explained that the IAG exists to support and advise the public, government and police on the use of ANPR. However there has been a major issue with the lack of debate in government on these matters. He mentioned a surveillance camera day being planned for June 2019 and a debate being run by MPs to consider the use of ANPR and its proliferation.
14. **Action 4: TP to write to Chief Executive of DVLA, NPCC, APCC and HO to establish a working group to outline proposals on the impact that cloned plates have on the effectiveness of policing and the ANPR system.** This action has been discharged and LR from DVLA was present at this meeting to give an update on progress (see para 42-46 below).
15. **Action 5: MBW to consider proposal for NPCC to raise with MPs the issue of cloned plates and potential impact on policing.** MBW said it was too early to consider this currently, and it would be better to wait until the ANPR working group (mentioned above) had been established before taking this forward. This action is ongoing.
16. **Action 6: SS to send DR his comments on the Operation Tutelage template letter.** This action was carried out shortly after the last meeting and has been discharged.
17. **Action 7: TP to consult with HO lawyers and obtain a legal view on the application of ANPR under Operation Tutelage, in the context of the Watson Davis Tele2 decision and the threshold of 'serious crime'.** This action has been discharged (see para 5-13 above).
18. **Action 8: CH to reflect on whether ethical considerations can be included as part of NASP training.** This action has been discharged. CH confirmed that this has been included within NASP training.
19. **Action 9: CH and OW to be in a position to provide update at next meeting on rationalisation of ANPR cameras and reduction of ANPR footprint.** This action has been discharged. CH was present at the meeting and gave an update on behalf of NPCC (see para 47-60 below).
20. Actions arising from the above:



21. **Action 1:** TP to arrange meeting with DEFRA and ICO regarding Clean Air Zones (CAZ) and the need for national guidance.
22. **Action 2:** TP to write to IAG members for further feedback on the Tele2 judgement debate and how government should be approached on this issue.
23. **Action 3:** MBW to consider proposal for NPCC to raise with MPs the issue of cloned plates and potential impact on policing, once the ANPR working group being chaired by DVLA has been firmly established.

## **ANPR Value Model**

24. TE gave a presentation on the ANPR value model. To produce the value model, TE worked with economists, police experts and law enforcement data experts.
25. GF asked if there was any proportionality assessment within the value model. TE responded that a proportionality assessment did not form part of the model.
26. WP suggested releasing the spreadsheet of statistics to academics for scrutiny and/or releasing them on Google for any member of the public to access.
27. TE explained this value model has now been passed over to Hannah Hall (HH), the National ANPR Change Lead, to evolve and improve.
28. CH confirmed the model was passed over a few weeks ago but it is a very complex set of statistics and there is a challenge within the police to ensure it is completely understood.
29. TP agreed that the model supports the value of ANPR and putting it up for public scrutiny would be a powerful tool. TP also recognised that the methodology and its impact need to be tested to provide certainty and reassurance before so doing.
30. MBW suggested this model should be fed into the police spending review and TP questioned whether the model is being incorporated into the NAS. CH responded that whilst it is not being formally written into the NAS, the model is complex and it needs to be entirely understood so that no wrong conclusions are drawn.
31. JC said that the AA has 200k panel members and in March 2016 they sought people's views on the use of ANPR. There were 24,000 responses and the majority supported the use of ANPR for prevention and detection of serious crime as well as for ANPR data to be retained to aid in investigations.
32. **Action 4:** CH to be in a position to feed back to the group at the next IAG on ANPR value model progress by the police.

### **Operation Tutelage**

33. DR gave an update on Operation Tutelage ; He re-iterated the strategy (adopted by Thames Valley and some other forces) to encourage individuals to insure their vehicles. Under Operation Tutelage the police send a letter to the registered driver of the uninsured vehicle to encourage them to insure the car.
34. DR explained that in the last 4 years, police have seized over 50,000 uninsured roadside vehicles and that in 41% of cases the driver had secondary criminal offences. There is an estimated 1 million uninsured drivers currently using UK roads. There is a real need to be more efficient in tackling this issue and fully utilise ANPR technology.
35. DR said that when police do nothing or existing processes are followed 30% of uninsured drivers change status, whereas 80% of uninsured drivers change status when sent a letter under Operation Tutelage. Vehicle status is checked 35 days after the letter is sent and formal enforcement follows on roadside vehicle stops where necessary.
36. DR acknowledged that the lawfulness of this process had already been questioned by group members and this had previously been discussed in some detail. Other issues raised included concerns over increase in people being fined, recipients of letters being caused distress and data quality.
37. With regards to data quality, DR said there has been a strong public backlash however when the data is first collected there is always human intervention for manual comparison checks to prevent any misreads occurring. Once the data has been validated there is a live check against driver databases to ensure the most up to date data is used.
38. DR said the ICO have been consulted regarding the DPIA for Operation Tutelage and the regulations relating to automated processing and part 3 of GDPR (law enforcement processing). The police are looking at rolling out Operation Tutelage nationally in September 2019.
39. TP asked the IAG members if they felt this use of ANPR is appropriate for this technology and invited comments from the group.
40. LW raised proportionality issues and asked if camera location and retention of data is justified for serious crime, but is now being used for low level crime, how is that separated out? The camera location doesn't change, nor does intensity of the surveillance. She said this raises a number of questions around proportionality and necessity.
41. **Action 5:** TP to liaise with LW and WP to gather appropriate questions and considerations on the issue of proportionality and necessity for ANPR use under Operation Tutelage.

### **ANPR working group around cloned / defective plates**

42. LR briefed the group on progress made with establishing an ANPR group. DVLA has chaired recently and that future meetings would be held bi-monthly (attendees are representatives of the National Police Chiefs Council (NPCC), the Association of Police and Crime Commissioners (APCC), the SCC Office and the Home Office).
43. The ANPR working group will be looking at the impact of cloned and defective plates and potentially seeking out strategic partners as substantial evidence is needed to get anything considered by parliament. LR told the IAG members that suggestions for the ANPR working group were welcome.
44. LR said there are issues with plates being sold on the internet, and with international plates, and there needs to be more roadside enforcement to tackle this.
45. TP asked if the minutes of the ANPR working group could be circulated to IAG members to discuss at the next meeting. LR agreed to this.
46. **Action 6:** LR to circulate to IAG members the minutes of the ANPR working group meeting chaired by DVLA on the impact that cloned/defective/degraded plates have on operational policing.

### **NPCC update**

47. CH gave an update for NPCC. The police are wrapping standards around ANPR use and law enforcement, and forces are transitioning over a 12 month period to the new ANPR system.
48. CH said the revised documents for the National ANPR Standards for Policing and Law Enforcement (NASPLE) have been consulted on widely, and matters raised include technically how you put cameras up, access to data, retention periods and auditing expectations.
49. TP asked if there will be an inspection regime around HMIC, or whether the audits will be a self-certification process. CH confirmed there will be self-certification audits, and there will be a role for a national auditor who will feed back into national structures.
50. MBW questioned whether the joint audit teams already in existence would carry out the audits. CH said there is a reasonable amount of auditing without being absorbed into current audit teams.
51. CH said the aim is to make information regarding the national infrastructure more accessible so the police can easily get information from neighbouring areas. This also helps to rationalise camera numbers and locations. The police have mapped their ANPR cameras which they are making available to regional groups to identify redundant cameras.
52. LW asked if there were any other considerations for camera locations, such as how it may discriminate certain groups. CH responded that some work is

underway to challenge this and put in place considerations surrounding cameras disproportionately impacting certain communities, and if so, the justification for this. Privacy Impact Assessments (PIAs) should pick up on this issue.

53. TP said the IAG members need an opportunity to scrutinise how this work emerges and the group needs to be robust in its scrutiny of that process.
54. CH said that vetting standards were currently being looked at. As the data is controlled by the police, vetting standards need to be complied with where access to police data is required and the police are taking a proactive look at risks.
55. CH said the DPIA for the National ANPR Service has been widely shared and consultation has taken place with the SCC and ICO. He said that further comments were welcome from IAG members.
56. SS said that the DPIA needs more work and needs to go further in terms of legitimacy for ANPR use. WP said it is a competent document but suffers weaknesses. ANPR is the biggest surveillance system in the UK and needs 'special treatment'. The DPIA in its current form does not reflect the special status of the system. GF said there were assurances in the DPIA on the Human Rights Act but lacked any specific caselaw. He said there is no real consideration of privacy issues or data protection concerns.
57. WP questioned whether the ICO could perform an audit inspection of the system as it needs GDPR oversight. He said the ICO are in a difficult position as they provide advice to government but are also responsible for oversight.
58. TP suggested harnessing these comments back to the SCC Office. He said there is no doubt criticism but this is an opportunity to reflect those.
59. **Action 7:** SCC Office to re-engage with relevant people regarding DPIA for the National ANPR Service.
60. TP said that the police have moved on massively in the last four years and he is keen to see how the IAG can take in extra information, and continue to provide advice and scrutiny.

#### **AOB**

61. JH said the Department for Transport (DfT) will have a consultation out soon for 'green number plates'. There are proposals for green number plates with black font to be used on vehicles meeting Ultra Low Emissions Zones requirements. He questioned whether the ANPR system would be able to read these plates. LR said she had advised DfT to speak to the police and the Home Office (specifically Bill Mandeville) on these matters.
62. TP asked whether this should be fed into the ANPR working group being chaired by DVLA. LR responded this may be appropriate, but that would depend on the outcome of the consultation.

63. Time date and location of next meeting to be notified.

### **Summary of Actions**

**Action 1:** TP to arrange meeting with DEFRA and ICO regarding Clean Air Zones (CAZ) and the need for national guidance.

**Action 2:** TP to write to IAG members for further feedback on the Tele2 judgement debate and how government should be approached on this issue.

**Action 3:** MBW to consider proposal for NPCC to raise with MPs the issue of cloned plates and potential impact on policing, once the ANPR working group being chaired by DVLA has been firmly established.

**Action 4:** CH to be in a position to feed back to the group at the next IAG on ANPR value model progress by the police.

**Action 5:** TP to liaise with LW and WP to gather appropriate questions and considerations on the issue of proportionality and necessity for ANPR use under Operation Tutelage.

**Action 6:** LR to circulate to IAG members the minutes of the ANPR working group meeting chaired by DVLA on the impact that cloned/defective/degraded plates have on operational policing.

**Action 7:** SCC Office to re-engage with relevant people regarding DPIA for the National ANPR Service.