

MAYOR OF LONDON

Sian Berry AM
City Hall
The Queen's Walk
London SE1 2AA

Our ref: MGLA080519-2172

Date: 19 SEP 2019

Dear Sian,

Thank you for your letter of 7 May about privacy considerations in the plans for the expanded Ultra Low Emission Zone (ULEZ). I apologise for the delay in responding to you.

I would like to reassure you that both Transport for London (TfL) and I take very seriously our responsibilities to protect personal information and to ensure compliance with the General Data Protection Regulation (GDPR) and associated data protection legislation. A range of robust policies, processes and technical measures are in place to control and safeguard access to, and use of, personal information associated with all the Road User Charging schemes. Full details of how personal data is handled are made available on TfL's Privacy Page at: <https://tfl.gov.uk/corporate/privacy-and-cookies/road-user-charging>.

I know you support the ULEZ, and I am pleased to have your backing for this important project. In the few months following the launch of the world's first ULEZ we have already seen a significant impact on the types of vehicles driving in the centre of our capital and polluting our air. These were big changes, and vital ones – our toxic air is an invisible killer responsible for one of the biggest national health emergencies of our generation.

An expanded ULEZ and tighter standards for buses, coaches and lorries across London, in conjunction with the central London ULEZ, will further transform the air that millions of Londoners breathe.

General Data Protection Regulation (GDPR)

The GDPR came into force on 25 May 2018. It makes conducting a Data Protection Impact Assessment (DPIA) mandatory for the processing of any personal data that is likely to result in a high risk to individuals' rights and freedoms. It also requires consultation with the Information Commissioner's Office (ICO) where any such high risk is identified and there are no measures identified that would either eliminate that risk or mitigate it to an acceptable level.

At the time of the consultation on expanding the ULEZ there was no obligation under the GDPR or other applicable data protection laws to have undertaken a DPIA, either at the consultation stage or at my decision to confirm the Variation Order. This is because no processing of personal data or special categories of personal data was involved at either stage.

Although the consultation material made no specific mention of additional personal data collection, it was implicit in the consultation proposals that an expanded ULEZ would involve the systematic monitoring of new publicly accessible areas on a larger scale which would require further cameras

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for enforcement purposes. In addition, the consultation materials did not include detailed proposals for TfL's camera strategy, including locations and numbers of additional cameras; this was not available and to include this level of detail would have been premature.

The consultation was extensive and encouraged responses from as many individuals and organisations as possible. An Integrated Impact Assessment was carried out for both the consultation and the Mayoral decision. That level of assessment was appropriate to the level of proposals and decisions being taken and was in compliance with requirements regarding personal information under the GDPR and data protection law applicable at the time.

Data Protection Impact Assessment (DPIA)

A DPIA is appropriate and necessary as TfL develops its plans for the implementation of the expansion and begins to plan its camera strategy. TfL has already commenced preparations for carrying out a DPIA.

The DPIA will help to ensure operational decisions made on the locations and numbers of additional cameras that may be installed for an expanded ULEZ, take account of privacy and data security concerns – and identify mitigations for any privacy and data security risks. The DPIA will also consider the increased volumes of personal data processed as a result of the expanded ULEZ and any increase in camera numbers and locations where they are installed. TfL will liaise with the ICO and take advice as to whether a wider stakeholder or public consultation is appropriate. I expect the initial DPIA to be available for publication before the finalisation of the camera strategy.

Protecting privacy

All existing ULEZ enforcement cameras capture an alpha-numeric feed of a vehicle's registration mark using Automatic Number Plate Recognition (ANPR) plus a still photographic image, to enable vehicle recognition and to determine whether the vehicle is compliant or required to pay the charge in question (CC, LEZ or ULEZ). The data collected is 'personal data' within scope of the GDPR. Images of the registration plate which also show a view of the vehicle are captured to provide contextual information, such as vehicle location or colour, make, model. Such details have been used at times to confirm that the vehicle captured was in fact using a false, cloned number plate.

The camera system we will be using is focused on number plate capture and will adhere to both data protection legislation and surveillance camera best practice; for example TfL voluntarily complies with the 12 principles set out in the Surveillance Camera Code of Practice issued by the Home Office and which applies to local authorities and police forces in England and Wales. Cameras will not be directed on people's driveways, fronts of houses or other buildings or on individual people (whether inside or outside a vehicle). In order to meet the GDPR principle of 'data minimisation', we must be able to demonstrate that TfL is capturing the minimum possible data to achieve the purpose (including both minimum number of ANPR and photographic image captures and the minimum possible amount of physical infrastructure). Evidence of this will be captured through the DPIA.

Data sharing with the Metropolitan Police

A Mayoral Decision (MD1439) was approved in 2015 by the previous Mayor to share ANPR data with the Metropolitan Police. The purpose of this MD was to enhance the Met's ability to detect and prevent crime by enabling them to make use of existing camera infrastructure in London.

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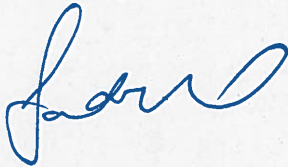
A PIA (privacy impact assessment, the fore-runner of a DPIA) was undertaken at the time and involved wide public consultation as well as direct engagement with the ICO and representatives from civil liberties groups. The PIA was appended and considered when the MD was approved. MD1439, and its delegation and direction to TfL, remains in place and is still applicable and current.

In principle, the nature and purpose of the data stored are unchanged by the volume collected or geographic area covered by the expanded ULEZ. It is TfL's current working assumption that the data captured in the expanded ULEZ will be subject to the same sharing arrangements with the Met. However, the DPIA that TfL will undertake will consider whether current arrangements are adequate and compliant with GDPR requirements, including whether those approved under MD 1439 remain appropriate and reflect ICO guidance and best practice.

As always, I am committed to addressing concerns, including those relating to privacy, which will help to inform the implementation of the ULEZ.

Thank you again for writing to me.

Yours sincerely,



Sadiq Khan
Mayor of London