GREATERLONDONAUTHORITY

REQUEST FOR MAYORAL DECISION – MD1439

Title: Delegation to Transport for London (TfL) to grant the Metropolitan Police Service (MPS) direct access to Automatic Number Plate Recognition (ANPR) data

Executive Summary:

TfL currently operates Automatic Number Plate Recognition (ANPR) cameras with the capacity to identify and record vehicle registration plates. In the 'Harnessing Technology" section of his 2012 crime manifesto the Mayor proposed that the MPS be given access to TfL's ANPR cameras to enable it to make London safer without duplication and incurring significant cost building its own camera network.

Following MD1267, a major consultation exercise took place and found broad public support in favour of the proposal, with 8 in 10 respondents across all polling in support of the Mayor's policy to give the MPS access to TfL's ANPR cameras. A number of concerns were raised during the consultation exercise and these have been responded to by MPS Assistant Commissioner Cressida Dick (Appendix C).

In order to enable TfL to grant the MPS access to a feed of the data collected through its ANPR network, the Mayor must delegate to TfL the exercise of the power in section 30 of the Greater London Authority Act 1999 ('the Act') for the Mayor, acting on behalf of the GLA, to do anything which the Mayor considers will further the promotion of social development in Greater London.

Decision:

The Mayor delegates to Transport for London the exercise of the power in section 30 of the Act for the Mayor, acting on behalf of the GLA, to do anything which the Mayor considers will further the promotion of social development in London, in order for TfL to provide the Metropolitan Police Service with general access to a feed of the data collected by and through TfL's ANPR cameras.

This is on the basis that doing so will further the promotion of social development in Greater London by assisting with the detection and prevention of crime.

The Mayor directs TfL to provide such access as set out in Appendix E.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature: **Date:**

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

1.1 TfL currently operates, for the purposes of enforcing and monitoring the congestion charging zone and the low emission zone, ANPR cameras with the capacity to identify and record vehicle registration plates.

1.2 In his crime manifesto published in April 2012 the Mayor proposed that the MPS be given access to TfL's ANPR cameras in order to:

- **help the police make London even safer** by allowing the MPS to make greater use of ANPR in order to detect more crime, act more swiftly and build stronger cases against criminals;

- **stop criminals using London's roads** by making it more likely criminals will be detected and/or stopped; and

- **save money** as it is estimated that it would cost the MPS almost £32 million to build the equivalent ANPR camera coverage.

1.3 The MPS have tested this rationale over the previous 12 months and there is now robust evidence that providing ANPR access would help prevent crime and improve detection rates.

1.4 In order to ensure the proposals are in line with public expectations and to identify any issues that might be encountered or need addressing before the policy was implemented, the Mayor also proposed to undertake a communications and consultation exercise to inform the work. This exercise was undertaken and a consultation report is enclosed at **Appendix A**.

1.5 As found by earlier polling this consultation exercise found strong public support in favour of the policy.

1.6 This consultation also informed the development, by the MPS, of a Privacy Impact Assessment (PIA) for the proposals, which identifies and addresses any issues around privacy resulting from the work. This PIA is enclosed at **Appendix B**.

1.7 MPS Assistant Commissioner Cressida Dick has written to the Mayor in order to answer outstanding concerns and queries arising from the consultation exercise, and to reaffirm that access to TfL's ANPR network would be a powerful tool to prevent crime and improve detection rates. This letter is enclosed at **Appendix C**.

1.8 TfL has no power to give access to the MPS to the data feed from its ANPR cameras. In order to implement the policy, therefore, the Mayor must delegate to TfL the power for the Mayor, acting on behalf of the GLA, to do anything which he considers will promote social development in Greater London – in this case by assisting with the prevention and detection of crime - and the Mayor directs TfL to exercise that delegated power by providing the MPS with direct access to a data feed from such cameras. This delegation is enclosed at **Appendix D**, and the Direction is enclosed at **Appendix E**, in both cases for the Mayor's signature.

2. Objectives and expected outcomes

a) Links to Police and Crime Plan and MOPAC priorities

In the 'Harnessing Technology" section of his 2012 crime manifesto the Mayor proposed that the MPS would be given access to TfL's ANPR cameras, tripling the level of coverage the MPS has. He stated:

> "I will ensure Automatic Number Plate Recognition (ANPR) is used across all London to help identify and track down the vehicles of criminals, which has proved of particular use against burglars. Ensuring strong protections against misuse, I will extend this approach by requiring Transport for London (TfL) and the Metropolitan Police Service to assume joint responsibility for TfL's ANPR camera system which is used for the operation of the Congestion Charge and the Low Emission Zone. This would give the Met straightforward access, with an explicit purpose for crime prevention and detection."

b) Consultation

GLA Intelligence conducted a communication and consultation exercise (approved through MD1267) which ran for a period of eight weeks, from 11th February to 8th April 2014. Over this period, views were sought from 562,000 Londoners – a significant percentage of the 1.3 million drivers directly affected by this proposal.

The main consultation web page received over 16,800 hits itself over this time period and 2,315 responses were received to an online consultation. GLA Intelligence also undertook representative surveying with over 6,000 Londoners, 1,000 through a telephone survey in June 2013, 1000 sample online survey in Sept 2013 and then a further 4,000 through online surveys in Feb/March 2014.

Across all polling 8 in 10 respondents supported the Mayor's policy to give the MPS access to TfL's ANPR cameras. In fact, around half of all respondents thought the MPS already had full access to TfL's camera data. 83% of respondents agreed that the Mayor should ensure that organisations such as TfL and the MPS share information to make them more effective and save money.

c) Impact assessments / implications

See Appendix B

3. Equality comments

3.1 Public authorities such as the GLA must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not, under section 149 of the Equality Act 2010. This involves having due regard to the need to removing or minimising any disadvantage suffered by those who share a relevant protected characteristic that is connected to that characteristic, taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. The "protected" characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a decision is taken in the exercise of the GLA's functions. Conscientious regard must be had that is appropriate in all of the circumstances.

Consultation results were weighted by gender, age, social class, tenure, working status, ethnicity and area of London lived in to ensure data was representative. Variations between groups were identified, though trends in opinion were broadly consistent.

3.2 Age played some role, with older respondents more likely than younger to support the proposals (88% of those aged over 55, compared with 80% of those aged 16-34). Female respondents were also slightly more likely than males to support the proposal, 85%, compared to 82% for men. White respondents were more likely to agree (85%) that the Mayor should ensure organisations such as TfL and the MPS share information, compared to Asian and Black respondents (79% each).

3.3 Appendix B sets out further details which fall to be considered pursuant to the public sector equality duty analysis.

4. Financial comments

4.1 By using the TfL ANPR camera network the MPS will gain access to substantially more ANPR data for Crime Fighting purposes, from a network that would require £32 million in new capital costs and £4.6 million in new annual revenue costs to replicate

4.2 At its Joint Investment Board in July 2013 the MPS allocated:

- £134,000 for a 3-month Public Consultation and
- £51,000 to procure Information Road Signs and install them at 332 sites across London

4.3 The MPS has examined the benefits of having access to TfL ANPR camera data and concluded that this proposal meets the requirements of a pressing social need that includes national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health and morals, or the protection of the rights and freedoms of others. Having access to this data will help to solve crime and have a positive impact on Londoners' quality of life.

4.4 Any costs arising from the implementation and operation of the decision will be borne by the MPS and therefore there are no direct financial implications for the GLA.

5. Legal comments

5.1 As noted above, TfL has no power to provide the MPS with access to a data feed from its ANPR cameras. The Mayor however has power under section 30 of the GLA Act, acting on behalf of the GLA, to do anything which he considers will further the promotion of social development in Greater London. Further, the Mayor has power under section 38 (1) and 38(2) of the GLA Act to delegate any function exercisable on behalf of the Authority by the Mayor to TfL (with exceptions not applicable here) and subject to any controls in the Act on how those delegated powers should be exercised.

5.2 On the basis that providing the MPS with general access to a feed of the data collected by and through TfL's ANPR cameras is expected to promote social development in Greater London by assisting with the prevention and detection of crime, the proposal is within the the GLA's social development function for that purpose which Mayor has the power to delegate to TfL to exercise on behalf of the GLA.

5.3 The Mayor also has power under section 155 of the GLA Act to direct TfL, in writing, as to the manner in which it is to exercise its functions (including delegated functions).

5.4 Both the MPS and TfL are public authorities, within the meaning of the Human Rights Act. They are therefore both subject to a statutory duty under that Act not to act inconsistently with a Convention right. The relevant Convention right for this purpose would be the right to respect for private life, under Article 8(1) of the Convention.

5.5 The key question in relation to Article 8 of the Convention would be whether the proposed camera sharing scheme is proportionate. The MPS has recognised in its Privacy Impact Assessment that the processing of the data engages the Human Rights Act 1998 ("HRA") and Article 8 of the European Convention on Human Rights (the right to a private and family life), and has addressed Article 8 and data protection issues, including that all personal data will be managed in accordance with the Data Protection Act 1998 ("DPA") (see Appendix B to this MD, in particular the section headed "Data Protection and 'Privacy Law' Assessment" at pages 10-23).

5.6 It is relevant for the Mayor to carefully consider the information in Appendix B and C before making his decision as well as the representations made as part of the public consultation and the MPS response to those representations set out in Appendix B.

6. Investment & Performance Board

6.1 This decision does not fall under the IPB terms of reference

Appendices and supporting papers:

Appendix A – Automatic Number Plate Recognition: consultation report

Appendix B – Metropolitan Police Service - ANPR Privacy Impact Assessment

Appendix C – Letter of response from AC Cressida Dick

Appendix D – Mayoral delegation to TfL in respect of ANPR data

Appendix E – Mayoral Direction to TfL in respect of ANPR data

Public access to information
Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note**: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:
Is the publication of Part 1 of this approval to be deferred? Yes
If YES, for what reason: Until public announcement with the Mayor is made.

Until what date: Expected date of 15 February 2015

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:	Drafting officer to confirm the following (✓)
Drafting officer: Gail Hackston has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.	✓
Assistant Director/Head of Service: Tom Middleton has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.	✓
Sponsoring Director: Martin Clarke has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.	✓
Mayoral Adviser: Stephen Greenhalgh has been consulted about the proposal and agrees the recommendations.	✓
Advice: The Finance and Legal teams have commented on this proposal.	✓

EXECUTIVE DIRECTOR, RESOURCES:
I confirm that financial and legal implications have been appropriately considered in the preparation of this report.
Signature **Date**

CHIEF OF STAFF:
I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature **Date**