

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2977

**Title: Delegation to Transport for London to grant the Metropolitan Police Service continued direct access to Automatic Number Plate Recognition Camera data**

### Executive summary:

Under MD1439 (January 2015), the then Mayor directed Transport for London (TfL) to grant the Metropolitan Police Service (MPS) direct access to the Automatic Number Plate Recognition Camera (ANPRC) networks it operated at the time for the enforcement and monitoring of various road user charging and traffic schemes in central London and along the Greater London boundary. Subsequently, TfL has both upgraded its existing network infrastructure and installed new ANPRCs across Inner London. It will do the same in due course at the Silvertown and Blackwall tunnels (the “Tunnels”).

This Mayoral Decision (MD) seeks to: increase the accuracy of the ANPRC dataset obtained by the MPS by adding corroborating contextual still visual imagery; and secure the opportunity to develop the MPS’s ANPRC coverage in the future with reads from additional TfL cameras as TfL’s schemes develop, should it be considered proportionate and necessary, for the purposes of the prevention and detection of crime.

To enable this the Mayor must delegate to TfL the exercise of the power in section 30 of the Greater London Authority Act 1999 on the basis that sharing such data with the MPS will further the promotion of social development in Greater London. The new Delegation will permit MPS access in stages: initially to the enhanced contextual imagery data from the cameras to which the MPS already has access (Stage 1); and then to additional data feeds, including enhanced contextual imagery, at the MPS’s request from the ANPRC networks across Inner London and the Tunnels (Stage 2). The new Delegation applies to any extension of the Ultra-Low Emission Zone (ULEZ) London-wide, (proposed in 2023); and to any “next generation” smart road user charging scheme superseding the Congestion Charge, and/or ULEZ, LEZ and Tunnels charges, which the Mayor has recognised may be needed in future to meet London’s carbon reduction goals.

### Decision:

That the Mayor delegates to TfL, under Sections 30 and 38 of the GLA Act 1999, the power to grant the MPS continued general access to its ANPRC Network data feed for the purposes of the prevention and detection of crime in accordance with the attached Instrument of Delegation at Appendix A and thereby revokes the previous 2015 delegation (approved under MD1439).

### 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:

16/5/22

## **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 Charge (CC) scheme, the Ultra-Low Emission Zone (ULEZ) scheme, the London Low Emission Zone (LEZ) scheme and the London HGV Safety Permit Scheme (HSPS) – ANPRCs with the capacity to identify and record vehicle registration plates.
- 1.2. Individual TfL ANPRCs capture the following data (“ANPRC data”) for each vehicle passing within their fields of view:
  - vehicle registration number (VRN)
  - contextual, still, digital photographic images that show the vehicle’s make, model and colour (“Enhanced Contextual Data”)
  - related metadata (including date, time and location)
  - the individual camera’s identification data.
- 1.3. The MPS currently uses access to London’s ANPRC data to prevent and detect crime by pursuing criminals through their use of vehicles. The ability to carry out live-time and historic ANPRC searches is essential for policing to support operations and investigations. Having access to ANPRC network data helps the MPS to solve crime more efficiently and effectively and has a positive impact on the quality of life of residents in London and visitors to it.
- 1.4. In January 2015 the then Mayor, under MD1439 (“the 2015 Delegation”), enabled TfL to grant the MPS direct access to the data feed from its ANPRC networks – which then consisted of the Central London Camera Network used for enforcement of the CC, and the Outer London Boundary Camera Network used for enforcement of the LEZ. TfL does not have the power to do this of its own accord; so to implement the proposal, the then Mayor also delegated to TfL the use of powers under section 30 of the GLA Act for the Mayor, acting on behalf of the GLA, to do anything that the Mayor considers will further the promotion of social development in Greater London – in this case by assisting with the prevention and detection of crime by the MPS as a result of having access to the camera data.
- 1.5. The 2015 Delegation followed a public consultation in 2014 that found broad support amongst Londoners (eight out of 10 respondents) for granting the MPS access to TfL’s ANPR data.
- 1.6. Since 2015, TfL has upgraded its cameras on the ANPRC Network. The MPS is also now able to receive transfers of the Enhanced Contextual Data from TfL, which it could not do previously. Additionally, TfL has also broadened its ANPRC Network coverage to include the Inner London ANPRC Network (for enforcement of the expanded ULEZ scheme from 25 October 2021) and, in due course, an ANPRC Network is to be installed to enforce vehicle user charges at the Silvertown Tunnel and Blackwall Tunnel (“Tunnels Network”) at both tunnels once the Silvertown Tunnel opens to traffic in 2025. The entire ANPRC Network is also used to enforce the HSPS scheme that applies to HGVs, which has been enforced from March 2021 onwards.
- 1.7. On 4 March 2022 the Mayor announced proposals to expand the ULEZ to cover almost all of Greater London in 2023 (“London-wide ULEZ Scheme”). He also asked TfL to start exploring how a new “next generation” smart road user charging scheme could be introduced in the future to supersede the CC, ULEZ, LEZ and Tunnels charges (“Next Generation RUC Scheme”). Any future road user charging proposals would be subject to full public and stakeholder consultation, and Mayoral confirmation of any such proposals (with or without modifications) under paragraph 4(1)(b) of Schedule 23 to the GLA Act.

- 1.8. The proposed delegation that the Mayor is now asked to approve ("the 2022 Delegation") again concerns the Mayor's powers of social development under section 30 of the GLA Act, on the basis that permitting TfL to share data from its ANPRC Network with the MPS significantly contributes to the prevention and detection of crime and thereby furthers the social development of London.
- 1.9. The 2022 Delegation will permit the MPS access to the ANPRC Network data feed in stages dependent on the MPS undertaking impact assessments regarding privacy/data-protection, including equalities impacts. These stages are:
- Stage 1: initially, from the date of the Mayor's approval of the 2022 Delegation, access by the MPS to the Enhanced Contextual Data from the Central London and Outer London Boundary Camera Networks, i.e. those networks that the MPS currently has access to under the 2015 Delegation.
  - Stage 2: from such date(s) as TfL and the MPS agree upon, access by the MPS to the data feeds (including Enhanced Contextual Data) from single ANPRCs or group-camera locations on the Inner London Camera Network and/or on the Tunnels Camera Networks, when the Silvertown Tunnel opens (the "Additional Camera Data-feeds"), should it be considered proportionate and necessary.
- 1.10. The MPS has undertaken an impact assessment (data protection, privacy law and equalities) regarding the Stage 1 access to Enhanced Contextual Data from the Central London and Outer London Boundary Camera Networks. Further information about this is provided in Appendices B and C. Stage 2 access is dependent upon the MPS undertaking in support of requests for data feeds from additional cameras one or more privacy and equalities impact assessments to demonstrate that such access is proportionate and necessary. These MPS Additional Camera Impact Assessments must meet the following conditions to TfL's reasonable satisfaction:
- they must be prepared in accordance with relevant data protection law and Information Commissioner's Office requirements, guidance and best practice
  - they must involve (whether separately or in the same document) the preparation of a revised equalities impact assessment (or equivalent), consistent with TfL's and MPS's obligations under section 149 of the Equality Act 2010; and any relevant and applicable Equalities and Human Rights Commission guidance and recommended practice.
- 1.11. The MPS is currently carrying out a Strategic Camera Assessment of the expanded ULEZ area, which will assess the existing MPS camera estate and make the case for Stage 2 access to Additional Camera Data-feeds on a necessity and proportionality basis. Each camera location will be assessed from a privacy impact perspective and enhanced Privacy Impact Statements will be completed where potentially sensitive locations are identified. The Strategic Camera Assessment will be maintained as a 'living document' to support the case for any further access requests in the future.

## London-wide ULEZ Scheme and "Next Generation" Road User Charging

- 1.12. In the event, following public and stakeholder consultation, the Mayor confirms (with or without modifications) variation orders and/or scheme orders, in accordance with paragraph 4(1)(b) of Schedule 23 to the GLA Act, that provide for the London-wide ULEZ Scheme and (subsequently) any future Next Generation Road User Charging (RUC) Scheme, the 2022 Delegation will then also permit the MPS access to the ANPRC Network data feed from any TfL ANPRCs used in the enforcement of those schemes. Before TfL grants the MPS such access, the MPS must undertake MPS Additional Camera Impact Assessment(s) regarding access to that additional data, as referred to in paragraph 1.10, for Stage 2 access.

## **2. Objectives and expected outcomes**

- 2.1. The benefits to the public of police use of ANPR have been established over many years. The integrated ANPR system in London helps the MPS to uphold national security, public safety and the economic well-being of the country; prevent disorder and crime; and protect the rights and freedom of others. Reads from ANPRCs have, for example played a critical role in the investigations into all major terrorist incidents over the past seven years. At a serious-crime level, ANPR data is used in every investigation where the suspect is known or suspected to have travelled by vehicle. It corroborates other digital evidence, and it is critical in identifying and locating a large proportion of the most dangerous criminal subjects in London. ANPR data is also an essential tool in identifying offending which crosses the Greater London boundary, safeguarding individuals, and tackling County Lines. Key operational benefits for the MPS having access to this data include:
- the identification and location of vehicles/offenders involved in criminality
  - intercepting vehicles involved in criminality, and therefore deterring, disrupting and detecting offending
  - identifying individuals involved in terrorist activity
  - enhancing the protective security of individuals and property
  - prioritising the allocation of policing resources and methods of intervention
  - post-incident interrogation of ANPR data to identify offenders and evidential opportunities.
- 2.2. With the expansion of the ULEZ to Inner London, TfL installed approximately 800 additional ANPRCs around London (the Inner London Camera Network); and upgraded its network infrastructure so that the TfL ANPRC Network is now able to support the MPS receiving Enhanced Contextual Data to corroborate the TfL ANPR data that they already take. All ANPRCs occasionally misread number plates and as a result, vehicles are either missed or wrongly identified. The accompanying Enhanced Contextual Data from ANPRCs allows users to confirm the make, model, colour and VRN of the vehicle in question and corroborate the accuracy of the textual data. This is valuable in confirming critical individual reads, maintaining overall data accuracy, and identifying faults in cameras or the wider infrastructure.
- 2.3. The newly expanded TfL camera infrastructure would create the opportunity for the MPS to replace some of its own more aging and potentially less reliable or accurate camera stock with brand new TfL ANPRCs on a like-for-like basis. It would also create the opportunity for the MPS to take reads from new additional TfL sites connected with any ULEZ expansion and cameras on the Tunnels Network, if this is considered to be proportionate and necessary in the future, as set out in in paragraph 1.10, above.

- 2.4. The MPS has carried out assessments covering the data protection and privacy law (Appendix B) and the equalities (Appendix C) implications of the proposed Stage 1 access.

### **3. Equality comments**

- 3.1. Under section 149 of the Equality Act 2010, as a public authority the Mayor is subject to a public sector equality duty and must have 'due regard' to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

TfL and the MPS are subject to the same legal duties under section 149.

- 3.2. The duty involves having due regard to these matters as they apply in the circumstances, including having regard to the need to: remove or minimise any disadvantage suffered by those who share a protected characteristic or are connected to a protected characteristic; take steps to meet the different needs of such people; and encourage them to participate in public life or in any other activity where their participation is disproportionately low. This can involve treating people with a protected characteristic more favourably than those without a protected characteristic. Relevant protected characteristics under section 149 of the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 3.3. The MPS has carried out an Equality Impact Assessment concerning Stage 1 access to the Enhanced Contextual Data from the current feeds it receives from cameras that form part of the Central London and Outer London Boundary Camera Networks (Stage 1), included here as Appendix C. As noted in a summary of implications (page 9), there are likely to be implications for those with protected characteristics regarding race, age and gender, and which are likely to be as relevant to the proposed Stage 2 access. These implications include the following:

- The variation of demographics and crime types across the boroughs of London is likely to result in a disproportionate number of ANPR returns for demographic groups when ANPR reads are taken from different areas. For example, inner London boroughs are home to a significantly higher proportions of people who are Black, Asian, or from a mixed heritage background than the national average; and the demographic profile of inner London boroughs tends to be younger than the rest of London or the UK as a whole. It is important to note that people belonging to these groups are also most likely to be the victims of serious crimes.
- The majority of individuals connected to ANPR-flagged vehicles in relation to violence, firearms, hidden knife crime and gangs are those aged under 25. In relation to all other crime types there is a large age cross-section (sex offenders/acquisitive crime).
- People who are Black, Asian, or from a mixed heritage background are disproportionately victims of violence in London. This disproportionality increases as the severity of the violence increases. Police data, and Accident and Emergency data, indicate that young Black men are disproportionately represented as offenders and victims of serious violence. ANPR vehicle-of-interest lists for violence are reflective of this; however all other ANPR lists (safeguarding/sex offenders and acquisitive crime) have a large age cross-section. As the 2021 Independent Report on Crime and Policing noted: "Ethnic minority people, and specifically Black people, are disproportionately victims of violent crime and homicide; for every White victim of homicide aged 16 to 24 in 2018/19, there were 24 Black victims."
- Males are disproportionately represented on vehicle of interest lists. A large proportion of vehicles attributed to violence, sex offending and acquisitive crime are owned or in the control of males.

The MPS Equality Impact Assessment concluded that the changes outlined in this project will have limited impact on either the nature or the scale of public intrusion from the MPS' use of the TfL ANPRC system data feed or how it is experienced by London's communities.

- 3.4. As set out in paragraph 1.10 above, any future decision under Stage 2 to seek access to Additional Camera Data-feeds will be based on a comprehensive proportionality and necessity case that considers the impact on London's communities, and is subject to a robust internal MPS authorisation process.
- 3.5. The inclusion of Enhanced Contextual Data alongside the current TfL data will enhance the accuracy of the MPS's use of the system and reduce the possibility of errors leading to evasion or miscarriages of justice. Again, there is no reason to believe this will have any disproportionate impact on any community.

#### **4. Other considerations**

##### Key risks

- 4.1. If the proposed continuation of access by the MPS to TfL ANPRC data is not approved this would significantly impact the MPS's ability to prevent and detect crime, with negative consequences for public safety and welfare.
- 4.2. It is possible that the proposed data-sharing arrangements will attract a degree of public or stakeholder criticism. However, public consultation carried out in support of this project in London and across the country more broadly indicates a high level of public support for the principle of police use of ANPRC data. The Data Protection Impact Assessment (DPIA) and Equalities Impact Assessment for the project, included here as Appendices B and C respectively, demonstrate that the potential negative impacts have been comprehensively considered and mitigations proposed where appropriate.

##### Links to mayoral strategies and priorities

- 4.3. This project directly supports the priorities of the Mayor's Police and Crime Plan 2021-25, namely:
  - reducing and preventing violence
  - increasing trust and confidence
  - better supporting victims
  - protecting people from exploitation and harm.

##### Data Protection Impact Assessment

- 4.4. The MPS has conducted a full DPIA, including privacy law assessment, for Stage 1 of the proposed project, included here as Appendix B. The DPIA details how ANPR data will be governed, processed, stored, and disposed of. It sets out why the MPS believes that interference with article 8(1) of the European Convention on Human Rights (the right to respect for private and family life) is justified for the prevention and detection of crime. It also describes how the project: addresses a pressing social need, i.e. the threats posed to Londoners by offenders who travel into, out of and across London; and is deemed to be a proportionate response to doing so. The DPIA takes account of public consultation on police use of ANPR data in 2021, which showed a high level of public support (91 per cent of respondents supported police use of ANPR in a February 2021 national survey, while 84 per cent of respondents supported MPS use of ANPR in a London-specific survey conducted from June to July 2021).



- 4.5. It is not proposed that the MPS conduct privacy and equalities impact assessments (rather than a full DPIA) in advance of potential future requests for access to Additional Camera Data-feeds under Stage 2 of this project, with the exception of requests for access to data collected as part of any potential Next Generation RUC scheme where a full DPIA will be done. This is because the data potentially collected under such a scheme may differ in nature or scope or have different processing requirements to that collected through the other schemes covered by this mayoral decision.

#### Conflicts of interest

- 4.6. There are no conflicts of interest to note for those involved in drafting or clearing this decision.

### **5. Financial comments**

- 5.1. This decision does not have any direct financial implications for the GLA.
- 5.2. No costs have been incurred by TfL to date solely as a result of giving, or preparing to give, the MPS access to data from its ANPRC Network. A future cost is likely to arise from the need to transfer a greater volume of data from the ANPRC network to the MPS as a result of the transfer of Enhanced Camera Data and in the event that a system change is needed to convert TfL camera IDs to a format that MPS systems can read. The extent of these costs is not yet known and in either scenario, TfL would discuss apportionment of costs with the MPS.

### **6. Legal comments**

- 6.1. This section covers legal issues not addressed elsewhere in this Form. As noted above, TfL has no power to provide the MPS with access to a data feed from its ANPRC networks. The Mayor, however, has power under section 30 of the GLA Act 1999, acting on behalf of the GLA, to do anything that he considers will further the promotion of social development in Greater London under section 30(2)(b). The Mayor also has subsidiary powers to do anything that facilitates, or is conducive or incidental to, the exercise of such functions under section 34(1) of the Act.
- 6.2. Under section 38(1) and 38(2) of the Act, the Mayor may authorise or delegate any function exercisable on behalf of the Authority by the Mayor to be discharged on its behalf by TfL (with exceptions not applicable here), and to do so subject to any conditions to which the delegation is made subject and any other controls in the GLA Act on how those delegated powers should be exercised. Under section 38(7) these delegated functions become functions of recipient body.
- 6.3. Providing the MPS with general access to a feed of the data collected by and through TfL's ANPRC networks is expected to promote social development in Greater London by assisting with the prevention and detection of crime, and so the proposal is considered to be within the GLA's social development function under s 30(1) and (2), together with its subsidiary powers under section 34(1). The Mayor has the power to delegate to TfL the exercise of those functions under section 38(1) and (2), so that they become TfL's functions under section 38(7).
- 6.4. The Instrument of Delegation at Appendix A contains the proposed delegation to TfL and includes conditions to which TfL's exercise of the delegated powers are made subject.
- 6.5. The Mayor, TfL and the MPS are covered by the Public Sector Equality Duty set out in section 149 of the Equality Act 2010.
- 6.6. The Mayor, the MPS and TfL are public authorities within the meaning of the Human Rights Act 1998 (HRA). They are therefore each 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. The key question in relation to

article 8 of the Convention would be whether the proposed camera-sharing scheme is proportionate. The following considerations are relevant to this question:

- The MPS has recognised in its Data Protection and Privacy Law Assessment that the processing of the data engages the 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 UK GDPR and Data Protection Act 2018.
- The obligation for the MPS to undertake a DPIA before TfL grants stages 1 and 2 access; in the event that the Mayor confirms a Next Generation RUC Scheme. The DPIA is designed to provide a safeguard that the granting of any access is demonstrated to be a justified and proportionate interference with the public's article 8 Convention rights.

6.7. It is relevant for the Mayor to carefully consider the information in Appendices 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.

## **7. Planned delivery approach and next steps**

<b>Activity</b>	<b>Timeline</b>
MPS to supply TfL with the IDs they wish to assign to individual ANPRC locations	TBC
MPS to confirm which ANPRC locations they require access to under Stage 2	TBC
Configuration of ANPRC to send data feeds directly to MPS back-office systems and confirmation of need for additional data transfer capacity	4 weeks
Final testing using two live ANPRC locations to prove successful connection to MPS back-office systems	1 week



## **Appendices and supporting papers:**

- **Appendix A: ATFL-MPS ANPRC Network Data-feed Delegation 2022**
- **Appendix B: TFL ULEZ Expansion – Sharing data and Imagery with the MPS**
- **Appendix C: Equality Impact Assessment**

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) 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 it has been approved or on the defer date.

**Part 1 – Deferral**

**Is the publication of Part 1 of this approval to be deferred? NO**

**Part 2 – Sensitive information**

Only the facts or advice that would be exempt from disclosure under the FoIA should be included 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:**

Sam Barnard has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

Phil Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Seb Dance has been consulted about the proposal and agrees the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**Corporate Investment Board**

This decision was agreed by the Corporate Investment Board on 9 May 2022.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**

**Date**

D. Gane

**10/5/22**

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor.

**Signature**

**Date**

D. Bellamy

**9/5/22**