

**MD2977 APPENDIX A**

**TFL-MPS ANPRC NETWORK DATA-FEED DELEGATION 2022**

## INSTRUMENT OF DELEGATION

### TFL-MPS ANPRC NETWORK DATA-FEED DELEGATION 2022

#### MAYORAL DELEGATION TO TRANSPORT FOR LONDON

#### REGARDING

#### THE SHARING OF TRANSPORT FOR LONDON'S AUTOMATIC NUMBER-PLATE RECOGNITION CAMERA DATA-FEED WITH THE METROPOLITAN POLICE SERVICE

##### Purpose and Background

1. The purpose of this 2022 Delegation is to enable **Transport for London ("TfL")** to grant the **Metropolitan Police Service ("MPS")** continued general direct access to its **ANPRC Network Data-feed** for the purposes of the Prevention and Detection of Crime and to update the previous 2015 Delegation for the reasons set out below.
2. Automatic Number Plate Recognition ("**ANPR**") camera system, technology and networks ("**ANPRC Network**") are used, installed or operated from time to time by **Transport for London ("TfL")** within Greater London for the purposes of the enforcement and monitoring of the following TfL road charging and other traffic schemes (the "**Traffic Schemes**"):
  - a. The **Congestion Charging Scheme ("CC")** in Central London, under the Greater London (Central Zone) Congestion Charging Order 2004 ("2004 Order", as amended);
  - b. The **Ultra-Low Emission Zone Scheme ("ULEZ")** in Inner London under the London Emission Zones Charging Scheme as contained in the Schedule to the Greater London Low Emission Zone Charging Order 2006 ("2006 Order", as amended), including as amended to provide for the expansion of the ULEZ to cover most of Greater London ("**London-wide ULEZ Scheme**") if (subject to public and stakeholder consultation) the Mayor confirms (with or without modifications) under paragraph 4(1)(b) Schedule 23 of the Greater London Authority Act 1999 ("GLA Act 1999", as amended) a variation order made by TfL that makes provision for such an expansion;
  - c. The **London Low Emission Zone Scheme ("LEZ")** across Greater London under the London Emission Zones Charging Scheme as contained in the Schedule to the 2006 Order;
  - d. The **London HGV Safety Permit Scheme ("HSPS")** across Greater London under the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (the "1985 Order" as amended); the HSPS became enforceable from 1 March 2021; and
  - e. (In due course when the Silvertown Tunnel opens for vehicle use) the **Silvertown and Blackwall Tunnels** tunnel user charges ("the Tunnels Charges") under article 54 of the Silvertown Tunnel Order 2018 (SI 2018/ 574 as amended)
  - f. Any variation order or scheme order made by TfL and confirmed by the Mayor (with or without modifications) under paragraph 4(1)(b) of Schedule 23 to the GLA Act 1999 for a "**Next-Generation RUC Scheme**" intended to supersede some or all of the Traffic Schemes mentioned in paragraphs (a) to (e) above.

##### Vehicle data capture from ANPRC locations

3. Individual ANPRCs forming the ANPRC Network installed for the purpose of the enforcement of the Traffic Schemes capture the following data (including as that data is varied from time to time by TfL) concerning any individual motor vehicle passing within its field of view:
  - a. its Vehicle Registration Number ("VRN");
  - b. contextual still digital photographic images that show make, model and colour of the vehicle ("**Enhanced Contextual Data**");
  - c. related meta-data (including date, time and location); and
  - d. the individual camera's identification data.

(This is referred to as the "**Individual Camera Capture Data**" and, in aggregate, as the "**ANPRC Network Data-feed**".)

#### London HGV Safety Permit Scheme

4. TfL has powers to install and operate the ANPRC Network for purposes connected with the operation and enforcement of the HSPS under the 1984 Act, the 2003 Act and the Traffic Management Act 2004<sup>1</sup>.

#### Tunnels Charges, CC, ULEZ and LEZ

5. TfL is the charging authority for the purposes of the CCZ, ULEZ and LEZ under section 295 and Schedule 23 of the GLA Act 1999 and separately it has powers to levy the Tunnels Charges under the Silvertown Tunnel Order 2018. Under paragraph 14 of Schedule 23 TfL has powers to install and operate the ANPRC Network for the purposes connected with the operation and enforcement of the CCZ, ULEZ, LEZ and Tunnels Charges.
6. Between 8 April 2019 and 24 October 2021 the charging area of the ULEZ was Central London in the same area as the CC; from 25 October 2021 the ULEZ charging area was expanded to cover Inner London, broadly covering the area within the North-South Circular Roads (A406 and A205) including the area of Central London where it had previously operated from 8 April 2019.

#### The ANPRC Network

7. TfL has installed and operates (and as regards the Tunnels Charges intends to install and operate) ANPRCs on the ANPRC Network as follows:
  - a. A "**Central London Camera Network**" within and around the area of Central London installed and operated for the primary purpose of the enforcement in that area of the CC, the ULEZ (from 9 April 2019), the LEZ and HSPS;
  - b. An "**Inner London Camera Network**" within and around the area of Inner London (excluding the area already covered by the Central London Camera Network) installed and operated from 25 October 2021 for the primary purpose of the enforcement in that area of the ULEZ, LEZ and HSPS;
  - c. An "**Outer London Boundary Camera Network**" installed and operated for the primary purpose of the enforcement of the LEZ and HSPS;
  - d. A "**Tunnels Camera Network**" to be installed and operated in due course at the Silvertown Tunnel and the Blackwall Tunnel for the primary purpose of the enforcement

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<sup>1</sup> By a resolution approved on its behalf under delegated powers on 19 March 2020 the London Councils Transport & Environment Committee (TEC) authorised and delegated to TfL the operation and enforcement of the HSPS including the TEC's functions under the Road Traffic Regulation Act 1984 ("the 1984 Act") and under sections 4 to 6 and Schedules 1 and 2 of the London Local Authorities and Transport for London Act 2003 ("the 2003 Act").

of the Tunnels Charges from the commencement of those charges at both tunnels from the opening of the Silvertown Tunnel.

#### The 2015 Delegation

8. On 27 January 2015 the then Mayor authorised TfL ("**2015 Delegation**") under section 38(1) of the Greater London Authority Act 1999 ("**GLA Act 1999**", as amended) to exercise the Greater London Authority's ("**GLA**") general power under section 30(1) and (2)(b) of that Act in order to provide the MPS with general direct access to the data-feed from the then existing ANPRC Network on the basis that doing so furthered the social development of Greater London by assisting the MPS in its functions concerning the prevention and detection of crime generally. TfL had no powers to grant the MPS such access in the absence of such a Mayoral delegation and the ability to do so became a function of TfL as a result of section 38(7) of the GLA Act 1999.
9. At the date it was approved the 2015 Delegation only applied to access to data from the Central London and Outer London Boundary Camera Networks and for technical reasons the resulting Data-feed to the MPS did not include the Enhanced Contextual Data.

#### MPS access to enhanced contextual vehicle data and cameras on the Inner London Camera Network and future networks

10. TfL has since upgraded the capabilities of its cameras on the ANPRC Network and MPS can now support the transfer of the Enhanced Contextual Data from TfL.
11. The MPS wishes to be supplied with and have continued general direct access to Individual Camera Capture Data (including the Enhanced Contextual Data) and the resulting ANPRC Network Data-feed from:
  - a. specific ANPRC locations within the Inner London Camera Network;
  - b. (in due course) the Tunnels Camera Network; and
  - c. (as continued access) Individual Camera Capture Data (including the Enhanced Contextual Data) and the ANPRC Network Data-feed from the Central London and Outer London Boundary Camera Networks.
12. It is agreed by the Mayor, TfL and MPS that the MPS' continued general direct access to the ANPRC Network Data-feed (including the Enhanced Contextual Data) as described in paragraph 11 above is consistent with the following common law policing principles, individually and collectively, and will thereby further social development in Greater London:
  - Protecting life and property;
  - Preserving order;
  - Preventing the commission of offences;
  - Bringing offenders to justice; and
  - National security.

(These purposes being collectively referred to as "**the Prevention and Detection of Crime**".)

#### Data Protection Impact Assessments

13. TfL has developed a data protection impact assessment ("**2021 TfL DPIA**") document, which sets out how data from the ANPRC Network Data-feed from the Inner London

Camera Network, and the Enhanced Contextual Data from the entire ANPRC Network, will be captured, processed, managed, stored and destroyed by TfL in accordance with relevant data protection law and Information Commissioner's Office ("**ICO**") requirements, guidance and best practice. The 2021 TfL DPIA is published on TfL's website and will remain a live document.

14. TfL intends to prepare equivalent data protection impact assessments ("**DPIAs**") in connection with the proposed London-wide ULEZ Scheme and in anticipation of the use of the Tunnels Camera Network for the enforcement of the Tunnel Charges at the Silvertown and Blackwall Tunnels, in accordance with relevant data protection law and ICO requirements, guidance and best practice.
15. The MPS has developed a separate DPIA ("**2021 MPS Enhanced Data DPIA**") informed by a public consultation specifically concerning their access to the Enhanced Contextual Data (alongside the other items of Individual Camera Capture Data) from the Central London Camera Network (only) for the purposes of the Prevention and Detection of Crime. The 2021 MPS Enhanced Data DPIA is appended to this **2022 Delegation** and will remain a live document.

#### Subsequent MPS access to the Inner London and/ or Tunnels Camera Network data feeds

16. The MPS intends to request in due course that TfL grants it general direct access to Individual Camera Capture Data (including Enhanced Contextual Data) and resulting ANPRC Network Data-feed from single ANPRCs or group-camera locations on the Inner London Camera Network and/or on the Tunnels Camera Networks (collectively called the "**Additional Camera Data-feeds**") for the purposes of the Prevention and Detection of Crime.
17. The MPS intends to prepare an equalities and privacy assessment(s) regarding their access to the Additional Camera Data-feeds in support of any such request ("**MPS Additional Camera Impact Assessment(s)**") which shall meet the following conditions to TfL's reasonable satisfaction:
  - They will be prepared in accordance with relevant data protection law and ICO requirements, guidance and best practice; and
  - They will 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 & Human Rights Commission ("**ECHRC**") guidance and recommended practice.

#### MPS access to data feeds concerning the London-wide ULEZ Scheme and Next Generation RUC Scheme

18. In the event that in accordance with paragraph 4(1)(b) of Schedule 23 to the GLA Act the Mayor confirms (with or without modifications) (i) the London-wide ULEZ Scheme and (ii) any subsequent Next Generation RUC Scheme then paragraphs 16 and 17 above shall apply before TfL grants the MPS access to Individual Camera Capture Data (including Enhanced Contextual Data) and resulting ANPRC Network Data-feed from the ANPRC Network used for the enforcement of either scheme. However, TfL reserves the right to require MPS to prepare a full DPIA as regards any Next Generation RUC Scheme given the potential nature and scale of any such scheme.

(References to ANPRC Network Data-feed and the ANPRC Network in the remainder of this Instrument below, including in the Mayoral Delegation (section A and B) and in the Conditions (section E), shall be construed so as to include data and data-feeds concerning the enforcement of the London-wide ULEZ Scheme and Next Generation RUC Scheme.)

### Controllers

19. TfL is the Controller of the data from the ANPRC Network (the ANPRC Network Data-feed) regarding its use by TfL for the operation and enforcement of the Traffic Schemes in accordance with relevant data protection law and ICO requirements, guidance and best practice.
20. Upon receipt of the ANPRC Network Data-feed from TfL, the MPS is the Controller regarding its use by the MPS in accordance with relevant data protection law and ICO requirements, guidance and best practice. In particular, MPS has confirmed it will comply with the following (as updated from time to time):
  - National ANPR Standards for Law Enforcement (NASPLE) guidelines; and
  - relevant and applicable Home Office standards, requirements and guidance.

### 2022 Mayoral Delegation

21. It is considered by the Mayor to be appropriate that TfL continues to provide the MPS with general direct access to the ANPRC Network Data-feed for purposes relating to or connected with the Prevention and Detection of Crime on the basis that this is considered by the Mayor, TfL and the MPS to be consistent with the Mayor's general power under section 30(1) of the GLA Act 1999 to do anything that furthers any one or more of its principal purposes, including (in particular) the principal purpose under section 30(2)(b) of promoting social development in Greater London. TfL has no powers to grant the MPS such access in the absence of such a Mayoral authorisation and the ability to do so will become a function of TfL as a result of section 38(7) of the GLA Act 1999.
22. The purpose of this **2022 Delegation** is to update arrangements under the 2015 Delegation in light of developments since then, including:
  - the upgrading of ANPRCs, which has enabled the potential transfer to the MPS of Enhanced Contextual Data;
  - the introduction of the HSPS, the expansion of the ULEZ to Inner London;
  - the installation of the Inner London Camera Network and (in due course) the Tunnels Camera Networks; and
  - (subject to public and stakeholder consultation and Mayoral confirmation in due course) the London-wide ULEZ Scheme and any Next Generation RUC Scheme.

## **MAYORAL DELEGATION**

- A. In accordance with section 38(1) of the GLA Act 1999 the Mayor of London hereby authorises Transport for London to exercise the following functions on behalf of the Greater London Authority from the date of this Delegation:
  - a. Its functions under section 30(1) of that Act (general power) to do anything that furthers any one or more of its principal purposes, including in particular the

principal purpose under section 30(2)(b) of promoting social development in Greater London; and

- b. its functions under 34(1) of that Act to do anything it considers is conducive, incidental or facilitates the exercise of the above functions;

for the purposes of enabling TfL to provide to the MPS general direct access to the ANPRC Network Data-feed for any purpose relating to or connected with the Prevention and Detection of Crime, subject to the Conditions set out in section E below.

- B. The above authorisation shall include access to the ANPRC Network Data-feed concerning the London-wide ULEZ Scheme and/ or Next Generation RUC Scheme from the date of their confirmation (if any) by the Mayor in accordance with paragraph 4(1)(b) of Schedule 23 to the GLA Act (subject to public and stakeholder consultation on such proposals and actual confirmation by the Mayor).
- C. This delegation may be cited as the "TfL-MPS ANPRC Network Data-feed Delegation 2022" ("**2022 Delegation**").
- D. The 2015 Delegation is superseded by this 2022 Delegation and is hereby revoked.

## **CONDITIONS**

- E. The authorisation conferred by paragraphs A and B above are subject to the following conditions:
  - 1. TfL shall secure that before it grants to the MPS general direct access to any Additional Camera Data-feeds under paragraph 16 above that the MPS shall have prepared the required MPS Additional Camera Impact Assessment(s) and met the conditions set out in paragraphs 16 and 17 to TfL's reasonable satisfaction.
  - 2. Paragraph E1 above shall also apply to access to Individual Camera Capture Data (including Enhanced Contextual Data) and resulting ANPRC Network Data-feed from the ANPRC Network used for the enforcement of the London-wide ULEZ Scheme and/ or Next Generation RUC Scheme (subject to public and stakeholder consultation on such proposals and Mayoral confirmation).
  - 3. For the purposes of paragraph E1 above an MPS Additional Camera Impact Assessment may be prepared on a general or specific basis. The finalised document(s) will be published by MPS.
  - 4. TfL and MPS shall use their reasonable endeavours, as soon as practical after the date of this 2022 Direction, to conclude a data transfer agreement to secure their respective legal obligations as Controllers in relation to the ANPRC Network Data-feed (however, compliance with this condition shall not of itself prevent the MPS being granted general direct access to that Data-feed prior to concluding that agreement).
  - 5. TfL and MPS shall comply with data protection law and legislation, and any relevant and applicable ICO requirements, guidance and best practice relevant to the ANPRC Network Data-feed provided by TfL to the MPS.

6. Except as required for the efficient and effective operation of the Traffic Schemes (including for the purposes of the proper management and maintenance of any Individual Camera Capture Data, the ANPRC Network Data-feed or any part thereof and any ANPRCs and related infrastructure on the ANPRC Network) TfL shall not restrict or terminate the MPS' general direct access to the ANPRC Network Data-feed, unless requested to do so by the Mayor or the MPS or instructed to do so by the ICO or any court or tribunal.
7. In implementing this delegation TfL and MPS shall comply with any lawful instructions or guidance from the ICO or any relevant officer of the GLA nominated for the purpose.
8. TfL shall at all times afford the Monitoring Officer of the GLA all reasonable co-operation and access to documents and facilities as may be required from time to time in respect of that person's duties as Monitoring Officer under section 5(2) of the Local Government and Housing Act 1989 (as applied by section 73(6) of the GLA Act 1999).

Signed:

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**Sadiq Khan**  
**Mayor of London**

Dated:

.....16/5/22