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PROMOTING HUMAN RIGHTS

**Liberty's response to the London Mayor's
consultation on ANPR camera sharing with
Transport for London**

April 2014

About Liberty

Liberty (The National Council for Civil Liberties) is one of the UK's leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research.

Liberty Policy

Liberty provides policy responses to Government consultations on all issues which have implications for human rights and civil liberties. We also submit evidence to Select Committees, Inquiries and other policy fora, and undertake independent, funded research.

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Introduction

1. The London Mayor's Crime Manifesto, published in April 2012, proposed making Transport for London's (TfL) ANPR data available to the Metropolitan Police Service (MPS). TfL currently collects and processes ANPR data for the purpose of enforcing the London Congestion Charging Zone (CCZ) and the Low Emission Zone (LEZ). It is now proposed that data collected for these purposes is transferred to the MPS to utilize in the Total War on Crime.

2. The London Congestion Charge was introduced in 2003 as a scheme to reduce traffic in central London. There are approx. 1400 CCZ, LEZ and Traffic Monitoring cameras operating 24 hours a day in central London capturing approx. 7 million ANPR reads per day in order to enforce the system. Liberty understands that TfL deletes records of those who have paid the charge within days and retains the data of those against whom it seeks enforcement for a limited period to fulfil its business purpose. The MPS already had access to TfL's ANPR in certain circumstances. In 2007 the Home Secretary signed an exemption certificate under section 29 of the *Data Protection Act 1998* (DPA) granting the MPS full real time access to the cameras for 'national security' purposes.

3. It is now proposed that data from these cameras is transferred for unfettered police use, including data mining purposes, reportedly tripling the ANPR coverage available to the MPS. Under the proposal, the MPS will be sent "textual data" - a record of the vehicle registration number (VRN), the time, date and location of the photo but not the plate patch or vehicle overview photo. However the MPS have made clear that "*we hope to change the technical link with TfL so that the MPS can receive the Overview and Plate Patch images too.*"¹ It is also proposed that TfL's ANPR records will also be passed on to the National ANPR Data Centre (NADC) to be accessed by police forces all over the country.

4. The MPS list the policing objectives associated with the proposal as – increasing public confidence and reassurance; reducing crime and terrorism; increasing the number of offences detected; reducing road traffic casualties and

¹ Metropolitan Police Service, ANPR Bureau PowerPoint presentation, *Sharing Access to TfL cameras around London*, March 2014.

making more efficient use of police resources.² The rationale document further explains “*It is the view of the MPS that each of these policing objectives is furthered by securing access to TfL ANPR data. This is based on a rebuttable presumption that, where the value of ANPR data in pursuing these objectives is accepted in the first instance, access to an increased amount of ANPR data will, through increased scope and granularity tend to increase the effectiveness of the Police use of ANPR, and do so without giving rise to significantly increased intrusion*”.³

5. Shared blanket access to TfL ANPR would give the MPS access, for any purpose, to the location information and daily movements of millions of innocent Londoners. ANPR technology is highly intrusive and this proposal would represent a very significant extension of surveillance capability of the MPS, essentially creating a ‘ring of steel’ around central London. Further the efficacy of ANPR is untested, police use is currently dangerously under regulated, and use of ANPR for general crime detection and prevention has developed without meaningful public and parliamentary understanding and debate. Liberty believes current police ANPR use is unlawful and breaches the European Convention on Human Rights (ECHR) as incorporated by the *Human Rights Act 1998* (HRA).

6. We urge the Mayor and the MPS to reconsider this proposal in light of these significant concerns. In this response we set out a number of problems with how ANPR is presently configured and how the proposed extension would exacerbate these problems.

History of police use of ANPR

7. ANPR was invented and developed in Britain and first tested by police scientists on Britain’s roads in 1984. Concerns about its impact on civil liberties were raised immediately and police responded by saying that there was no intention of using it for anything other than detecting stolen cars. A report for the Greater London Council Police Committee in 1984 considered the new technology and its linkage with other police databases and warned -

² *Metropolitan Police Service ANPR camera sharing with transport for London for the prevention and detection of crime*, February 2014, page 4.

³ *Ibid.*

“... the use of devices that read car number plates automatically, leave mass surveillance as a policy to be determined independently by the police. This possibility in a democracy is unacceptable.”⁴

8. Nonetheless over the past two decades police controlled ANPR cameras have become widespread in the UK via Home Office funded projects. Under Project Spectrum ANPR equipment was supplied to police forces between 2002–2004 and in 2005 Project Laser saw the deployment of more than 2000 fixed cameras nationwide and the creation of the NADC. Since 2005 vast numbers of motorways, main roads and town centres have been brought under ANPR surveillance either through installing of ANPR cameras or fitting ordinary CCTV cameras with ANPR software. This has happened largely in the shadows and there are now thousands of ANPR cameras operated or accessible to police throughout the UK. In 2012 the MPS announced an “ANPR Bureau” and at least 60 ANPR specialists as well as its intention to increase ANPR access and use among MPS officers.

9. As well as police owned ANPR cameras, ANPR systems are also run by local authorities and private businesses. For example, petrol stations and supermarkets use ANPR to enforce parking restrictions and ensure customers do not leave without paying. Some of these systems have been subsumed into the police network.

ANPR collection, retention, sharing and access

10. ANPR cameras can be fixed or portable, located either at dedicated permanent locations or within police vehicles. ANPR cameras work by photographing each passing vehicle. The number plate is automatically read using pattern recognition software and a photograph of the vehicle showing its number plate is then retained by police for two years along with a print out of the time, date and location where the vehicle was captured. These records are stored by the local police force on a computer known as a “back office facility” (BOF).

11. Significantly, police forces also send their ANPR data to the National ANPR Data Centre which receives and centralizes ANPR records obtained by forces across the country making them available for nationwide searching. We understand that the

⁴ Report referred to in - *Is mass surveillance bad if you can't see it?* 16 October 2013, Charles Farrier, Global Research, available at - <http://www.globalresearch.ca/intelligence-led-surveillance-and-britains-police-state-the-manufacture-of-mass-surveillance-by-consent/5354494>.

Data Centre does not currently take ANPR data from non-police CCTV networks in the UK but this would change under the MPS's proposal. ANPR data is retained for two years by BOFs and the NADC. In April 2012 the NADC was receiving more than 18 million reads each day with almost 11.2 billion vehicle sightings stored on the database.

12. Every police force has direct computer access to the NADC. While not every police officer has access this appears to be more to do with practical feasibility than concerns about unchecked blanket surveillance.

How ANPR data is used

13. ANPR software was originally presented as a system for regulating lawful use of the roads, for example checking that road users were insured, had a valid MOT and monitoring the roads for stolen vehicles. To achieve this, ANPR reads were matched with DVLA and motor insurance databases. Such usage represented a relatively low level intrusion given that road users are already required to carry insurance and display a tax disc.

14. However ANPR use has been revolutionized by the police service. According to the police, ANPR now has three different uses "intelligence, investigation and interception".

15. The first – intelligence - refers to data mining and is perhaps the most problematic use of ANPR data. The NADC is heavily involved in data mining the surveillance information sent from local forces. Advanced data mining software is used to trawl through billions of records held with the aim of finding patterns in the data. Ever more sophisticated algorithms are used against the burgeoning set of data for example to undertake convoy analysis (detecting which cars travel together) and to predict where certain cars may be in the future. This use of the data is particularly pervasive and problematic – turning all those who use the roads into suspects worthy of preliminary investigation. Speculative data mining is used as justification for the Mayor/MPS proposal under consideration –

"Over time an accumulation of ANPR reads will reveal potentially important information around lifestyle patterns that may be of use in developing intelligence. In each case the value of ANPR data increases when more detailed information is

*available and conversely a thinly spread camera network renders ANPR less useful as an investigative tool.*⁵

16. The second ANPR use – investigation - is the most straightforward. This refers to use of ANPR data in the investigation of a criminal offence for example use of ANPR data to trace the movements of a suspect or identify potential suspects by reference to vehicle movements near the scene of a crime.

17. The third use – interception - refers to real time usage. This is the instant cross check against other ‘hotlists’. These include local and national police databases such as the Police National Computer (PNC), the National Domestic Extremism Database etc. If a match is made an alert is triggered which may lead to immediate police intervention against a vehicle. To this end, police have an unfettered power under the *Road Traffic Act 1988* to stop vehicles. It is clear that the MPS intends that access to TfL ANPR will increase their use of interception – “*The TfL ANPR camera network spans London far more evenly than the current Police and Local Authority network. MPS access to data from the TfL camera network provides widespread opportunities to manage interception on a large scale*”.⁶

18. This use is currently particularly problematic as interception is not necessarily linked to criminality and police databases are increasingly unwieldy and inaccurate. Police forces create ACT reports concerning ‘vehicles of interest’ on the PNC which can trigger ‘hits’ for a wide range of vague and unsubstantiated reasons. While ‘hits’ can reveal vehicles that are unlicensed, unregistered, stolen uninsured or believed to be linked to a crime suspect they are also triggered when, for example, peaceful activists details have been logged on the PNC. In a few tragic cases, out of date or inaccurate ‘hits’ have lead to police interventions that have caused unnecessary deaths.⁷

Mass surveillance of innocents’ location data - implications for civil liberties

19. Initially deployed sparsely on major routes connecting different parts of the UK, the police now have access to a much more extensive and comprehensive network of tracking cameras. This expansion combined with the centralisation and processing of data records at the NADC, means that the UK has a sophisticated

⁵ Ibid at footnote 2, page 7.

⁶ Ibid, page 7.

⁷ See paragraphs 27 - 31 below.

national surveillance network like nowhere else in the world. Most striking is that this system of pervasive surveillance predominantly tracks the movements of innocent Britons. While the MPS is quick to argue that ANPR use helps them to “target criminals through their use of the roads”⁸ this is misleading. ANPR cameras are configured to provide blanket coverage, capturing all those that pass in front of them. Given that 73% of eligible population has a driving licence and 75% of households have access to a car or van⁹ it is the case that millions of innocent people are tracked every day; their personal data retained and processed despite the fact that they are not suspected of a crime. Only a fraction of the photographs taken and retained trigger a ‘hit’ and only a fraction of these concern criminal offences and criminal investigations.

20. As the network grows and continues to centralise we are reaching the point where police and security services will be able to track any car around the country in real time. As number plates are personal data and can be used to identify individuals, this capability is more akin to targeted surveillance normally authorized under RIPA but instead requires no warrant or formal authorization. The development of this mass surveillance tool (to which the present MPS proposal would make a significant contribution) has huge implications for privacy, free speech and association, non-discrimination and other civil liberties. If left unregulated it poses a wider threat to the nature of the society in which we live and the balance of power between the individual and the State.

21. While the ANPR system in the USA is not as comprehensive or centralized as that in the UK, it is notable that a number of States have already seen fit to begin curtailing its use due to privacy and civil liberties concerns –

“New Hampshire all but bans license plate readers with narrow exceptions for EZ-Pass and for use by government agencies at public buildings and three named bridges in Portsmouth. Maine prohibits all private use of license plate readers and requires law enforcement to delete captured plate data that is not part of a criminal or intelligence investigation within 21 days. Arkansas strictly limits private use of license plate readers, requires captured plate data that is not part of an

⁸ Ibid at footnote 6, page 7.

⁹Transport Statistics Great Britain 2013, Department for Transport, available at - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264679/tsqb-2013.pdf

ongoing investigation to be deleted within 150 days and prohibits all sharing unless it is evidence of an offense.”¹⁰

Privacy intrusion

22. As a report by an ACPO convened working group on ANPR identified –

*“Any technology that can lead to the obtaining, monitoring and recording of details of the public – most of whom are of no interest to the police and are going about their lawful business – inevitably engages privacy concerns”.*¹¹

As ANPR cameras have evolved and proliferated, so too has the privacy intrusion that they represent. Automatic police access to cameras placed in inner London streets will further aggravate this intrusion, capturing ever more detailed and revealing location information. Instead of just capturing journeys from the North of the country to the South, the positioning of these cameras may reveal cars parked outside or travelling to or from a church, mosque or other religious building, a school, doctors office, political protest or meeting or trade union office. One-off location information can be revealing enough, but a two year pattern of movements and their dates and times can build a blueprint to an individual’s life. Indeed the revealing nature of locational information and the personal privacy implications of its collection and retention were recently explained forcefully in a judgment by the US Court of Appeals for the DC Circuit –

*“A person who knows all of another’s travels can deduce whether he is a weekly church goer, a heavy drinker, a regular at the gym, an unfaithful husband, an outpatient receiving medical treatment, an associate of particular individuals or political groups - and not just one such fact about a person, but all such facts.”*¹²

23. Further, ANPR photographs do not just necessarily contain an image of a car and number plate but can contain images of people. As California resident Michael Katz-Lacabe has highlighted, ANPR photographs of him collected by his local law

¹⁰ *You Are Being Tracked: How License Plate Readers Are Being Used To Record Americans’ Movements*, July 2013, ACLU, page 13, available at - <https://www.aclu.org/technology-and-liberty/you-are-being-tracked-how-license-plate-readers-are-being-used-record>.

¹¹ *The police use of ANPR, A review by a working group of interested parties aimed at addressing concerns and providing understanding of the workings and regulation of the system*, ACPO, January 2013, page 11.

¹² *United States v Maynard* 615 F. 3d 544, 562 (D.C Cir.2010).

enforcement included one of him and his daughters stepping out of their car outside their house.¹³

24. Experience of ANPR in the USA demonstrates that projected privacy harms are not just theoretical. In August 2012 Minneapolis newspaper, the Minneapolis Star Tribune, published a map disclosing the location of the Minneapolis Mayor's car according to ANPR records held by the local police.¹⁴ In December 2013 Boston police accidentally released 68 000 records to the public including plate numbers and GPS locations.¹⁵

Chilling free speech and association

25. Proposed police access to an ANPR 'ring of steel' around central London has huge implications for the exercise of long cherished freedoms of liberty, speech and association. Central London, as the seat of our democracy, is the site of many political demonstrations and protests. Routine police access to records of all those entering or leaving central London may well serve to chill the exercise of peaceful dissent rights.

26. ANPR's pervasive impact on peaceful protest was made all too clear in the case of John Catt. Then an 80 year old pensioner, he and his daughter Linda were stopped by City of London police as a result of a roadside ANPR 'hit' in 2005. Their vehicle was searched under the now defunct section 44 of the *Terrorism Act 2000* and they were threatened with arrest if they failed to answer police questions. It transpired that the ANPR 'hit' was due to their vehicle registration being entered on the PNC following their peaceful attendance at demonstrations against US arms firm EDO in Brighton four months earlier. Freedom of Information requests confirmed that their identities had been entered on various police databases including the National Domestic Extremism Database. Neither had ever been suspected of any crime. While this case has been widely reported, this is not an isolated incident; other peaceful demonstrators have been subject to repeated harassment as a result of

¹³ *How Britain exported next-generation surveillance*, James Bridle in Matter, 18 December 2013, available at - <https://medium.com/matter/d15b5801b79e> (see page 24 for a reproduced photograph of the intrusion).

¹⁴ *City Cameras Track Anyone, Even Minneapolis Mayor Rybak*, Minneapolis Star Tribune, 17 August 2012 available at - <http://www.startribune.com/local/minneapolis/166494646.html>.

¹⁵ *Ibid* at footnote 12.

ANPR 'hits'.¹⁶ In Mr Catt's case, while he was ultimately successful in challenging his inclusion on the national database in the Court of Appeal,¹⁷ the ANPR flag that was triggered by his entry was upheld as 'necessary and proportionate' by the Independent Police Complaints Commission (IPCC) as it was in accordance with 'national policy'. It remains the case that police databases are populated with disproportionate and inaccurate data on innocent individuals, including committed peaceful protesters. When linked to pervasive ANPR cameras the potential for peaceful dissent to be chilled is alarming.

Discriminatory targeting

27. With any intrusive and under regulated technology comes the risk that it will be deployed in a clumsy and discriminatory manner, harming community trust and making police work harder as a result. We have already seen a toxic example of such ANPR use in the UK. In 2010 Birmingham City Council and West Midlands Police launched Project Champion – a project to install a 3 million pound network of 169 ANPR cameras to create a 'ring of steel' and monitor vehicles entering and leaving the Sparkbrook and Washwood Heath neighbourhoods of Birmingham, areas which have large Muslim communities. It was pitched as a scheme intended simply to prevent crime and provide community reassurance but quickly raised concerns among residents that they were being targeted by reason of their religion and ethnicity. Large public meetings and outrage ensued before a report by then Chief Constable of Thames Valley Police, Sara Thornton confirmed the local community had been effectively misled, privacy and discrimination considerations had not been properly considered and there had been no regard to proportionality and other ethical values. Liberty represented a number of the residents and threatened judicial review before the cameras were eventually taken down. In a devastating critique of the project and its implementation, Chief Constable reflected that -

“There is a real opportunity to learn from Project Champion about the damage that can be done to police legitimacy when the police are seen to be acting in a way which prizes expediency over legitimacy.”¹⁸

¹⁶ *Activists repeatedly stopped and searched as police officers 'mark' cars*, The Guardian, 25 October 2009, available at - <http://www.theguardian.com/uk/2009/oct/25/surveillance-police-number-plate-recognition>.

¹⁷ *R (on the application of Catt) v Association of Chief Police Officers of England, Wales and Northern Ireland and another etc* [2013] EWCA Civ 192.

¹⁸ *Project Champion Review*, Chief Constable Sara Thornton QPM, 30 September 2010, available at - <http://www.statewatch.org/news/2010/oct/uk-project-champion-police-report.pdf>.

The MPS and London Mayor would be wise to heed such learning now. The highly sensitive additional data to be gleaned from TfL ANPR sharing could easily be put to discriminatory use. It will necessarily include locational data on thousands of ethnic minority individuals deemed to belong to 'suspect communities' now or in the future.

Threat to personal security

28. As well as undermining basic privacy and liberty rights, badly managed ANPR mass surveillance can directly contribute to unnecessary deaths and other physical harms. As the report by the ACPO convened working group on ANPR further identified -

"...the use of a technology that can provide a direct intervention by the police, such as initiating a pursuit to stop a vehicle, not only engages privacy concerns, but can also affect the liberty and security of the individuals concerned. As can be seen in the tragic deaths of Ashleigh Hall and Hayley Adamson, even completely innocent individuals can suffer the most serious of consequences in ANPR and allied data is not accurate or not used or managed in an appropriate and measured way."¹⁹

29. In May 2008 16 year old Hayley Adamson was struck and killed by a marked police car as she crossed a road in Newcastle. The police car was fitted with ANPR equipment that was activated when it passed a vehicle travelling in the opposite direction. The officer driving was on his own and performed an immediate u-turn and then reached speeds of 94 miles an hour in a 30 mile per hour zone. He didn't turn on the emergency warning equipment on his vehicle. It turned out that the ANPR information which prompted the 'hit' was out of date and related to the previous owner of the vehicle. The IPCC recommended that the Northumbria Police look how information held on databases is reviewed to ensure that it is relevant and up to date.

30. Sean Robert Toombs died in October 2010 when following an ANPR triggered police pursuit his vehicle caught alight. An inquest concluded that he had committed suicide. The previous day he had been arrested and bailed by Lincolnshire police. The following day his vehicle was recorded on a mobile ANPR device and pursuit authorized. The 'hit' related to information for which he had

¹⁹ Ibid at footnote 11, page 12.

already been arrested and bailed. The IPCC recommended that once a suspect has been dealt with the registration number is removed from the ANPR lists as soon as possible.

31. These cases demonstrate how the chaotic and burgeoning ANPR databases pose genuine dangers to the public. More data does not necessarily mean more effective crime fighting. Too much data can lead to bad policing practices and real harm. Further, excessive data means that police cannot see the wood for the trees. This was painfully underlined in the case of Peter Chapman who was wanted for arson, breach of his sex offender notification and theft. He was eventually stopped by Cleveland police in 2009 following his sixteenth ANPR alert over three days. Following his apprehension he confessed to the murder of schoolgirl Ashleigh Hall the previous evening. An IPCC investigation into the case found that the quality of information put into the PNC varies greatly with the system sometimes being used for minor issues. An overload of information on the ANPR systems (generating 2500 hits a day by Cleveland police alone) can lead to high and medium priority matters being missed.

32. Granting the MPS automatic access to millions more daily ANPR records as proposed will create an ever bigger haystack of information – the vast majority of which concerns innocent individuals. Mass surveillance of this sort can actually work to distract police from key leads and priorities and undermine crime fighting efforts.

Unlawful

33. The MPS assert that if allowed to access TfL ANPR they will use it only in accordance with the law and the requirements of the DPA, RIPA, HRA and Computer Misuse Acts.

34. However the current police use of ANPR is almost certainly in breach of Article 8 of the European Convention on Human Rights as incorporated by the HRA. The MPS's proposed expanded access and processing of ANPR data via an agreement with TfL will similarly be unlawful. While there has not yet been litigation directly challenging ANPR's compatibility with Article 8, Liberty believes that current UK police use of ANPR is unlikely to withstand legal challenge. The first limb of the Article 8 test requires that privacy intrusions are 'in accordance with law'. While the police may argue that the legal basis to use ANPR for general crime-fighting purposes derives from their general common law duties to prevent crime, there is no

statutory basis for use of ANPR for general crime prevention and this sophisticated surveillance network has never been considered, let alone sanctioned, by Parliament.

35. The second limb of the Article 8 test requires that a measure meets a 'pressing social aim' and is proportionate to aim identified. In *S and Marper v UK* in the European Court of Human Rights, in which Liberty intervened, the Court examined the UK National DNA database and held that the blanket police retention of innocents' DNA was unlawful and disproportionate and breached Article 8. In reaching its decision, the Court found that –

“the blanket and indiscriminate nature of the powers of retention of the fingerprints, cellular samples and DNA profiles of persons suspected but not convicted of offences, as applied in the case of the present applicants, fails to strike a fair balance between the competing public and private interests and that the respondent State has overstepped any acceptable margin of appreciation in this regard. Accordingly, the retention at issue constitutes a disproportionate interference with the applicants' right to respect for private life and cannot be regarded as necessary in a democratic society.”²⁰

Similarly, the mass recording and retention of location information of millions of innocent people every day – irrespective of whether they are suspected of wrongdoing – is surely disproportionate on any rational and objective analysis.

Lack of public knowledge

36. The slow creep of ANPR without public or parliamentary mandate undermines the bedrock principle of policing by consent. The public cannot consent to what they have insufficient knowledge about. While the present public engagement exercise is therefore welcome it comes after the widespread roll out of this technology without effective public consultation. In short it is too little too late.

37. Lack of public knowledge about ANPR is no accident. The police service has intentionally kept their use of ANPR in the shadows in order to retain a perceived operational advantage. The IPCC concluded that more needed to be known about ANPR to enable wider public understanding following its investigation into ANPR use following police failures to apprehend Peter Chapman. This led to the creation of a

²⁰ *S and Marper v UK*, 30562/04 [2008] ECHR 1581 (4 December 2008) available at - [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-90051#{"itemid":\["001-90051"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-90051#{).

temporary ACPO working group (referenced above) but sadly public awareness has not been achieved. In the absence of meaningful public understanding of the pervasiveness of ANPR it is worth noting that when innocent and law abiding members of the public are confronted with blanket surveillance (as in the case of John Catt and the Muslim communities of Birmingham) they are disturbed by this unwarranted intrusion.

Lack of evidence

38. ANPR is clearly a tool that can be useful to police. But there is a glaring lack of evidence and analysis about its efficacy. To support its case for accessing TfL ANPR, the MPS has provided a one-page document containing two graphs, one showing the number of arrests linked to ANPR between September 2013 – February 2014 and the other showing the number of occasions the ANPR system was used to investigate crimes between December 2013 – February 2014.²¹ The document does not detail the number of ANPR records generated over this period, the outcome of the arrests nor the outcome of the investigations for which ANPR was used. The Mayor's press release announcing the public engagement exercise makes brief reference to two cases where ANPR was used – one that led to convictions and another that led to an arrest. No detail is provided as to the role of ANPR as opposed to other investigative techniques in securing the conviction, nor the outcome of the arrest.²²

39. Obtaining comprehensive statistics about ANPR efficacy is not easy. This information is not publicly available in the UK and in 2012 the American Civil Liberties Union filed public records to local police departments across the USA and found that only a small number of law enforcement agencies produce such records. However documents obtained from Maryland revealed that between May 2011 – May 2012 -

²¹ MPS ANPR Bureau graphs available at - <http://content.met.police.uk/cs/Satellite?blobcol=urldata&blobheadername1=Content-Type&blobheadername2=Content-Disposition&blobheadervalue1=application%2Fpdf&blobheadervalue2=inline%3B+filename%3D%22538%2F562%2FANPR+Performance+data+++27+3+14.pdf%22&blobkey=id&blobtable=MungoBlobs&blobwhere=1283707684826&ssbinary=true>

²² Mayor to use road cameras to deliver crime fighting boost to London, 11 February 2014, available at - <http://www.london.gov.uk/media/mayor-press-releases/2014/02/mayor-to-use-road-cameras-to-deliver-crime-fighting-boost-for>.

“Maryland’s system of licence plate readers had over 29 million reads. Only 0.2% ...were hits. That is associated with any crime, wrongdoing, minor registration problem or even suspicion of a problem. Of the 0.2% that were hits, 97% were for a suspended or revoked registration or violation of Maryland’s Vehicle Emissions Inspection Program.”²³

For those law enforcement agencies that produce these statistics, hit rates appear to be consistently under 1% of the images generated. The hit rate for Burbank, Illinois was 0.3%, Rhinebeck NY was 0.01% and High Point NC was 0.08%. While hit rates are the best measure of efficacy available, as with ANPR use in the UK a ‘hit’ is not a perfect measure as they are not always accurate and do not necessarily mean someone is suspected of breaking the law.

40. Before a wholesale expansion of the MPS’s access to and use of ANPR is proposed you would expect a detailed evaluation of ANPR’s societal costs and benefits but no such analysis has been forthcoming. As one commentator has argued -

“Despite the arguments made in favour of algorithmic collection and analysis, ANPR’s track record is poor. Unlike many other surveillance systems, no major study of its efficiency has yet been conducted, leaving those who support it with a handful of highly-publicised cases where technological intervention was deemed a success.”²⁴

Conclusion and recommendations

41. Before another expansion in police access to ANPR is granted, an informed public and parliamentary debate about this pervasive surveillance technology is required as well as primary legislation. Liberty further recommends that regulation of ANPR technology is urgently introduced guided by the following principles -

- Overt cameras with ANPR technology should be clearly identified and labelled as such;
- ‘Rings of steel’ around entire towns, cities or communities are disproportionate and should not be permitted;

²³ Ibid at footnote 10.

²⁴ *How Britain exported next-generation surveillance*, James Bridle in Matter, 18 December 2013, available at - <https://medium.com/matter/d15b5801b79e>.

- Consideration should be given to reforming ANPR software so that details of those who do not trigger a 'hit' are not recorded;
- Review and reform of how police populate 'hotlists' is required to ensure that hits are not generated against peaceful demonstrators and others who are not suspected of wrongdoing;
- If images of innocents' data continue to be retained, retention should be limited to days and weeks not months and years;
- ANPR data should be shared with and between police forces only on a case-by-case basis in response to specific requests and for the purposes of criminal investigation, not shared and centralized by default. The NADC should therefore be scrapped;
- ANPR data should not be subject to speculative data-mining. Processing of innocents' data in this way is a gross and disproportionate privacy intrusion.

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