

IWGVS Evidence Pack 01

This evidence pack demonstrates that:

- the police were using Transport for London camera data, supplied to them under a special certificate (under section 28 of the Data Protection Act) for national security purposes ONLY, for general policing at least from 2012, well before the 2015 Mayoral Decision to grant the police general access.
- certain police officers are of the view that the Data Protection Act does not apply to the police and that they construct elaborate legal justifications for the actions that could be termed stretching the letter of the law to breaking point and ignoring the spirit of the law entirely

About this document

The following pages are extracted from a Freedom of Information request '**General Policing use of ANPR data from CCZ/LEZ**' submitted by James Bridle to Transport for London in January 2014 via the What Do They Know website.

The request is available online at:

https://www.whatdotheyknow.com/request/general_policing_use_of_anpr_dat_2

These pages are from emails contained in the document:

'IG Emails 2014 05 20 REDACTED.PDF'

(The emails were supplied by Transport for London in June 2014.)

This document was 171 pages long and the emails therein were not in chronological order, therefore for ease these highlights have been extracted and pages have been arranged in chronological order. The original page number is displayed on each page.

Telephone [REDACTED]) |
Mobile [REDACTED]

From: [REDACTED]
Sent: 19 October 2012 13:36
To: Daly Graham (ST)
Subject: RE: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)
Importance: High

Graham,

Any joy considering those applications please?

I am hoping that as one is a murder and the other an attempted Child Abduction then on behalf of TfL you will agree to let us access the data on our systems in accordance with the DPA requests that have been submitted.

If you perceive any problem in the nature of the application, the amount of data to which access is sought or the way it is presented let's speak, but if the same offender should act again neither if us want to have my requests just sitting with you awaiting a view.

Kind regards NW

From: Daly Graham (ST) [mailto:xxxxxx.xxxx@xxx.xxx.xx]
Sent: 10 October 2012 17:56
To: Winterbourne Neil - SO15
Subject: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)

Thank you for your email. I am currently out of the office until Tuesday, 16 October 2012. I will respond to your email as soon as possible.

If urgent please contact the following:

For urgent police liaison queries:
Foster Asamani
Operational Police Liaison Manager
Tel: [REDACTED] 1
Email [REDACTED] |

For urgent data disclosure queries:
Keith Waghorn
Crime and ASB Investigations Manager
Tel: [REDACTED]
Email [REDACTED] k

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[mailto: [REDACTED]]
Sent: 19 October 2012 17:14
To: Daly Graham (ST)
Cc: [REDACTED]
Subject: RE: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)

Graham,

All received. I'm sure our side would welcome the opportunity to contribute to this as we don't see that your ability to share is limited to areas of core TfL business when managed under a DPA request.

We never really felt that was a legal stance so much as an organisational one when it was "requested" rather than "shared".

Speak next week.

NW

From: Daly Graham (ST) [mailto: [REDACTED]]
Sent: 19 October 2012 15:47
To: Winterbourne Neil - SO15
Subject: RE: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)

Neil

Apologies for the delay in getting back to you. This issue is now being considered by our Information Governance (IG) people (those you met for the QC advice meeting a few weeks back). This happened because they had heard of the recent disclosure following your mention of it at that meeting and a further mention in a recent MPS website news piece. On this basis they want to look into the implications.

I am now in a position of having to hold off on further requests until I receive full guidance from IG. I always considered this is something we had to do as these first two requests opened the gates for more. We have a way to go until you hopefully receive full access to the data and we need some robust legal advice in place to deal with this interim period. The two initial cases I authorised directly related to the TfL network and its priorities. The two recent ones and any subsequent may not.

I am sorry to be in this position as you know of my desire to help here but until I am provided with full legal clarity from TfL legal and possibly even MPS legal then I cannot consent to further requests.

I am hoping to get an answer from IG next week and will share this with you.

Graham

Graham Daly
Head of Community Safety and Policing Partnerships
Community Safety, Enforcement and Policing, TfL

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From: Daly Graham (ST) [mailto: [REDACTED]]
Sent: 19 October 2012 17:27
To: Winterbourne Neil - SO15
Cc: Streater Mark J - SCO12
Subject: RE: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)

Neil

Please then can you put a case forward – I will gladly champion this if it sets out a corporate legal position as to how you can use the data.

Graham

Graham Daly
Head of Community Safety and Policing Partnerships
Community Safety, Enforcement and Policing, TfL

Telephone: [REDACTED]

Mobile: [REDACTED]

[Original page 156]

From: Winterbourne Neil - SO15
Sent: 22 October 2012 09:45
To: 'Daly Graham (ST)'
Cc: Knox Merilyne - DoI Information Services; Mandair Prit - DLS
Subject: RE: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)

Graham,

Glad to assist and really grateful for the way this is being progressed. It deserves clarity.

In order to help us all focus on the issues I have taken the liberty of setting out some thinking that MAY assist. It will take a while to get an MPS legal view (and mine is just an operational one) but it would help if we could be precise on the point of concern. I go through a few scenarios below in order to try to be clear about what it is we seek to do. Bear with me - we've rehearsed them all before and this will at least help others to understand how we have approached it. I will send this into our legal and Information teams as a synopsis of the position I want them to advise on, but invite them to ensure that the two teams are seeking answers to the same questions.

Whatever transpires I am very clear that you have operated at all times with commendable public spirited intent and entirely sensible caution on behalf of TfL.

The key thing in getting legal advice will be to be clear about whether this is a question about

- 1) Whether there is a legal route by which TfL CAN GIVE OR PERMIT ACCESS TO ANPR DATA to Police for a reactive investigation
- 2) if this is about the data that has already been shared, how the purpose for which data was provided can be changed after the event so that it can be used for something else
- 3) whether TfL seek clarification of a legal provision that allows Police to USE DATA once it is in our possession
- 4) If this is in fact just a complex DPA application in category (1), is there a means for Police to access a copy of TfL data that we hold once we have permission to do so.

1) As regards the general issue of Police requesting data under the DPA for use in Crime Investigation: if that is the question

We request data all the time from numerous bodies both public and private for use in investigating a particular crime. TfL is one of those bodies. Having made countless such requests over my years I don't recall ever having been asked for a legal position around how we intend to use it. These things seem to fall within a corporate and common sense understanding of what Police do on behalf of society. The DPA request identifies the statutory power under which the data can be released if the body is willing to do so and indicates that it is requested for use in the investigation of crime, after which it becomes a matter about whether the body wants to release the data to Police rather than whether it can legally do so. The scrutiny that always goes on in such cases is around the nature of the offence and the relevance of the data to that inquiry - i.e. proportionality and necessity. The detail shown in the applications presented over the last weeks includes the kind of information I would expect to present in such a request. It also goes far beyond that which I have ever presented before in terms of explaining why we need the data and what we will do with it. The details as to how we intend to use the data in fact goes far beyond that I have ever presented to the Crown Court when seeking an order, or questioning by a Judge.

I am sure that in each case submitted by this new mechanism TfL would be keen to assist Police and supply the data. If this isn't the case then I think we have a major problem and difference of opinion around the DPA. For instance, local authorities don't feel unable to supply data about what cars went into a council car park on a given day because the subsequent murder wasn't committed in that council car park and nor, in my view, should TfL cite the fact that an attempted abduction wasn't committed by a taxi driver as being relevant to the DPA request for data as there is nothing under the DPA that requires a connection to the core business of a body before they can share data with Police. This is about whether they want to, not whether they can. I think we are all on the same page but may be going off on one here, but the reference to this concept by TfL exceeds that put forward by any other body I deal with and makes it seem like TfL applies the "core business" concept to DPA requests when it should not, and that the concepts of "an lawfully assist Police" and "want to assist because the Police are pursuing something that is also a TfL aim" have become blurred to the detriment of society. I think this is because TfL see this issue as being something other than a normal DPA request..... so let's deal with that

2) As regards the Police requesting to change the use of TfL data already in their

possession for National Security Purposes so it can be used for Crime investigation: if that is the question

Firstly, if we had a legal route by which to change the use to which data is put that would be sufficient in this case. That isn't how the MPS sees it. We have a long term plan for using ALL data for Crime. Nobody is trying to make ALL of the data shared under the certificate available for any other purpose. The point is the MPS only seek access to a defined body of data just as in any other request under the DPA - and to this extent I see the matter as a request under 1) and not 2).

3) Do TfL seek clarification of the legal provision by which Police can use data once we have it? This would be like asking for the legal position OF Police to BE Police. We use data and information to solve Crime, that is what we are for. Nobody else seeks reassurance that we have a legal provision to use data once we have it. I think we need to be careful here not to start including massive mission drift away from the real issues - which I would say don't include the legality of Police using data to solve crime once we are in lawful possession of it.

4) The paperwork clarifies that Police seek access to a defined body of TfL data in order to investigate a specific crime under a DPA request like any other. We assume TfL wish to assist but face a logistical problem.

Problem 1) TfL don't hold a full copy of the data to which Police seek access. This is because although TfL collected it they have no ongoing use for some of it and have deleted it. Police seek a full copy

Had the request come from A.N.Other Police Force and if TfL really wanted to explore all opportunities to assist them they would doubtless realise that the MPS is in lawful possession of a full and DPA compliant copy of the original full TfL ANPR data file. The MPS could supply a copy of their own data to TfL so that TfL can assist A.N.Other Constabulary. Albeit that this was not the intention of either party to the relevant agreement, the MPS holds a DPA compliant copy of TfL ANPR data and therefore finds itself in the position of being something akin to a viable TfL ANPR Archive.

Problem 2) Even if TfL sought the assistance of the MPS as per the scenario above it would make sense for the MPS to supply the data to the other Force directly rather than duplicating and manipulating big lumps of data with the attendant risks and delays that would tend to frustrate the interests of justice.

Problem 3) If we are now comfortable with the basic concept of the MPS being "A.N.Other Force" in that it is starting afresh to request access to TfL ANPR data because it recognises that it must keep the "CT" side of its business totally separate from the "Crime" side of business - then it faces an additional problem that no other Force would face, namely the risk of creating duplicate records.

It could send itself a copy of the data it already holds. It could even send a copy to TfL so TfL could send it back to the exact same people to load it onto the exact same computer.

At a practical level it is not feasible to assimilate TfL data onto the main MPS ANPR system as it could not be effectively firewalled from wider use, whereas the requirement would be to ensure absolutely that the data could not be accessed other than narrowly by the staff investigating the specific crime for which it was sought and within the permitted parameters. Generally, the data would be of value ONLY when analysed alongside the broader body of data to which the MPS has access - so it cannot be analysed on a stand alone system.

The resolution (achieving investigative value and safe DPA compliance) would come from putting the data onto the same separate system we already use for handling TfL data which is used exclusively for CT purposes. It can readily be used with internal firewalls and is only accessible to a handful of staff under intense supervision. A risk would clearly arise if we created duplicate records on this system, and it would tend to distort analysis. This would

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be challenging to manage as despite the legal requirement we strenuously observe there is no getting away from the fact that the MPS already holds a copy of the data to which it seeks access. The way to overcome this problem would be to allow Crime investigators to have [access](#) to TfL data for use in investigating the named crime but only to the extent permitted under the terms of the DPA request. This would be accomplished by setting search parameters which show an audit trail of what was looked at and when.

Another way of looking at this would therefore be to say that, within the limits of the permission from TfL, the MPS had made existing data VISIBLE for the purpose of a crime inquiry which would otherwise be invisible to any searches. Any pretence that the MPS did not already have this data would be silly, as would any requirement to assimilate another copy which could only come from the same computer we then look at it on. The public interest is served and everything is above board. No greater interest would be served by the MPS handing you a copy of data just so you can hand it back to us.


So there we have it - the MPS seeks permission, as lawful holder of a TfL ANPR data archive, to make sections of that data visible to MPS investigators for crime inquiries after gaining permission from TfL to do so. To mitigate costs and risks the MPS proposes that there is no need to exchange copies of data - merely a DPA request from us and, we hope, permission from TfL to access specific relevant data from within that we already hold.

I'll now circulate and ask stakeholders to consider these scenarios. If there are others that fit better - great.

We are working on a broader issue that is not directly comparable. Our recent experience has shown there is a daily risk that harm will be caused that might otherwise be prevented if we do not find a way to make this data visible for crime use should a lawful way to do so in fact exist. Can this be asked of Counsel already briefed?

Kind regards

NW

From: Daly Graham (ST) [mailto:
Sent: 19 October 2012 17:27
To: Winterbourne Neil - SO15
Cc: Streater Mark J - SCO12
Subject: RE: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)

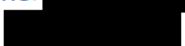
Neil

Please then can you put a case forward – I will gladly champion this if it sets out a corporate legal position as to how you can use the data.

Graham

Graham Daly
Head of Community Safety and Policing Partnerships
Community Safety, Enforcement and Policing, TfL

Telephone: 

Mobile: 

From: 

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From: [Newman James](#)
To: [REDACTED];
[Daly Graham \(ST\)](#); [Hayward Siwan](#); [Bevins Richard](#); [Meadows Lizzie](#); [Owen Crispin](#)
Subject: RE: URGENT: DPA request for TfL ANPR data (Task No. C028-12) - TfL RESTRICTED
Date: 26 October 2012 18:21:00

Dear all,

In response to this chain of emails I'd like to make the following points:

1. Any proposed use of/access to ANPR data currently provided to the MPS under the s28 certificate must be assessed with reference to the wording of the certificate itself and the supporting agreement between TfL and the MPS (ie not just the DPA). If a proposed activity effectively results in a breach of the certificate or the contractual terms then it cannot be undertaken (this is what Richard Bevins has informed our colleagues in CSEP). It's important to remember that once the ANPR data is received by the MPS they assume the role of Data Controller for it and TfL has no further role/discretion in determining how it is processed;
2. In light of the current ANPR camera sharing initiative that is underway, we really should try and avoid confusing the issue by trying to find alternative short-term workarounds to a problem for which we may already have found a solution. This means sticking to the established s29 request process for the time being. I appreciate that there is arguably an urgent need for access to the data now, however there is a risk of getting distracted from our ultimate objective (ie full MPS access to the Congestion Charging ANPR data for general policing purposes).
3. Any correspondence between Colleagues in CSEP and the MPS which touches on wider policy/legal issues affecting personal data processed by TfL should automatically be copied to this team. I am actually quite irritated by the tone of one of the emails below – we (ie TfL's Information Governance team) are trying our best to find a way to deliver the Mayor's manifesto commitment and to support the transfer of data through pragmatic information sharing arrangements, but the inference in this (and previous exchanges) appears to be that we are acting as some kind of block or obstacle. This is a complete misrepresentation of the facts;
4. Neil makes some very good points below regarding 'mission creep' and the blurring of boundaries between TfL's responsibilities and those of the MPS, in the context of crime prevention and detection. This is an issue on which we have repeatedly raised concerns over the past few years and I think some further clarification of those boundaries would be desirable.

I'm happy to discuss these in more detail if further clarification is required.

Regards,

James

James Newman | Information Governance Manager
Information Governance | General Counsel | Transport for London
Windsor House, 42-50 Victoria Street, London SW1H 0TL
T: [REDACTED]

From: [REDACTED]
Sent: 26 October 2012 17:10
To: Daly Graham (ST)
Cc: [REDACTED] Newman James
Subject: URGENT: DPA request for TfL ANPR data (Task No. C028-12)
Importance: High

Graham,
Cc Neil, Prit, James

As requested:

- 1.1 The information is processed for the purposes of the preventing and detecting criminal activities and the apprehension and prosecution of those who commit those offences. The information is also processed for the purposes of discharging the statutory functions of the Commissioner of the Metropolitan Police Service as set out by the Code of Practice on the Management of Police Information^{[1][1]} published 14th November 2005 by the Secretary of State for the Home Department. In the avoidance of any doubt, those statutory functions are as follows:
 - a. the protecting life and property,
 - b. preserving order,
 - c. preventing the commission of offences,
 - d. brining offenders to justice,
 - e. and any duty or responsibility of the police arising from common or statute law,
- 1.2 The Code of Practice further states in Paragraphs 4.1.1 - 4.3.1 that:
- 1.3 *"...Chief Officers have a duty to obtain and manage information needed for police purposes...[and]...Information should be recorded where it is considered that it is necessary for a police purpose..."*
- 1.4 It is for the reasons set out by D/Superintendent Winterbourne that the MPS relies on the following Sections of the Data Protection Act 1998 when processing this information:
- 1.5 Section 29(1)
 - (a) *The Prevention or Detection of Crime*
 - (b) *The Apprehension or Prosecution of Offenders*
- 1.6 Section 29(2)
 - (a) *Processed for the purpose of discharging statutory functions*
 - (b) *Consist of information obtained for such as purpose from a person, who had it in his possession of any of the purposes mentioned in subsection (1),*
are exempt from the subject information provisions to the same extent as personal data processed for any of the purposes mention in that subsection.
- 1.7 It is the MPS' understanding that in the engaging of the above exemption the processing of this data is exempt from:
 - The first Data Protection Act Principle (except the need to meet the Conditions in Schedule 2 and 3 of the Act),
 - The Subject Access Provisions
 - The Non-disclosure Provisions.
- 1.8 Exemption from the Non Disclosure Provisions (by virtue of engaging Section 29(1)(a)(b) & (2)(a)(b))

1.9 It is also the understanding of the MPS that by virtue of Section 29(1)(a)(b) & (2)(a)(b), the exemption from the Non-disclosure Provisions allows the Commissioner and his Chief Officer colleagues to share/ disclose with each other information obtained as part of our policing purposes as this processing is exempt from the following:

- The first Data Protection Act Principle (except the need to meet the Conditions in Schedule 2 and 3 of the Act);
- The Second, Third, Fourth and Fifth Data Protection Principles;
- The right to prevent processing likely to cause damage or distress (Section 10); and
- The right to rectification, blocking, erasure or destruction (Sections 14(1) to (3)).

1.10 Schedules 2 and 3 Conditions:

1.11 The MPS does not rely on consent alone, if at all, when processing personal or sensitive personal information. The MPS is very aware that consent of a data subject can be withdrawn at any time, therefore, where there is a policing purpose to process the information the MPS will rely upon the remaining relevant conditions within Schedules 2 and 3 of the Act.

1.12 It is the view of the MPS that the following Conditions within Schedules 2 and 3 of the Data Protection Act 1998 apply to the processing of this data:

1.13 Schedule 2, Condition 3:

1.14 *The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.*

1.15 Schedule 2, Conditions 5(a), (b) & (d):

1.16 *The processing is necessary -*

a) *for the administration of justice*

b) *for the exercise of any functions conferred on any person by*

or under any enactment

d) *for the exercise of any other functions of a public nature*

exercised in the public interest by any person.

1.17 The police's legal duties embrace facilitating and assisting the administration of justice and their duties are discharged in the public interest and are of a public nature.

1.18 Whilst the information processed on the TfL ANPR network is personal data only, in the avoidance of any doubt, the MPS relies upon the following Conditions set out in Schedule 3 where data may be construed to be Sensitive Personal Information (as defined by Section 2 of the Act) when held by the MPS:

1.19 Schedule 3, Conditions 7(a) & (b):

1.20 *The processing is necessary -*

a) *for the administration of justice and*

b) for the purpose of any functions conferred on any person by or under an enactment.

1.21 Schedule 3, Condition 10: Order 2000, Statutory Instrument 2000 No. 417:

1.22 The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of the following paragraphs -

(1) The processing—

(a) is in the substantial public interest;

(b) is necessary for the purposes of the prevention or detection of any unlawful act; and

(c) must necessarily be carried out without the explicit consent of the data subject being sought so as not to prejudice those purposes.

(2) In this paragraph, “act” includes a failure to act...

1.23 *10. The processing is necessary for the exercise of any functions conferred on a constable by any rule of law”*

1.24 Section 17, Crime and Disorder Act 1998

1.25 Section 17 of the Crime and Disorder Act 1998 requires relevant bodies (which includes the MPS and TfL) to consider the likely affect on crime, disorder and community safety in all that they do, and do all that they reasonably can to prevent crime and disorder in their (respective) areas.

1.26 The sharing of the ANPR data for the purposes outlined in this email will assist in meeting this requirement by facilitating efforts by the MPS to investigate, prevent, or reduce the incidence of crime and disorder within London, which are amongst the defined policing purposes.

1.27 Section 115 of the Crime and Disorder Act 1998 allows for the sharing of information where it is necessary and expedient to fulfil the purposes of that Act, to those who otherwise would not be able to share with relevant authorities. Both the MPS and TfL are a relevant authority for the purpose of this section of the Act.

1.28 As one of the key purposes of the Crime and Disorder Act 1998 is to make provision for preventing crime and disorder, disclosure of information by TfL in this case is both necessary and expedient to allow the MPS to satisfy its obligations in this area as a relevant authority under the Act.

1.29 Legal Powers to share infrastructure

1.30 TfL can do that which it has statutory powers to do, but not that which it lacks statutory powers to do. TfL has no *express* power to share the use of CCTV cameras with other bodies.

1.31 However, TfL is established as a body corporate under section 154(1) of the GLA Act 1999. TfL has a duty under section 154(3)(b) to exercise its functions for the purpose of facilitating the discharge of the Mayor’s General Transport Duty. The Duty includes the obligation to develop and implement policies for the promotion and encouragement of safe,

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integrated, efficient and economic transport facilities and services to, from and within Greater London.

- 1.32 In support of this, TfL also has two incidental powers to do:
- all other things which in its opinion are necessary or expedient to facilitate the discharge by it of any of its functions (GLA Act Schedule 11, paragraph 32); or
 - such things and enter into such transactions as are calculated to facilitate, or are conducive or incidental to, the discharge of any of its functions (GLA Act Schedule 10, paragraph 1(3)).
- 1.33 In this case, the sharing of ANPR data would support various purposes related to the General Transport Duty, including the promotion of efficient transport and traffic conditions, and the prevention and detection of offences related to transport and traffic. More generally, sharing ANPR data supports the promotion of satisfactory travel in and through London, and the prevention and detection of crimes which directly or indirectly affect passengers, vehicle users, and pedestrians.
- 1.34 To this end, the Commissioner of the MPS respectively requests the permission of TFL to access the TFL ANPR records held by the MPS to assist with the investigation of a murder and an attempted Child Abduction.
- 1.35 Submitted to TFL colleagues for their urgent attention.

Kind Regards,

Merilyne Knox BA (Hons); MA | Head of Information Access Services / Data Protection, Freedom of Information and Departmental Records Officer | Information Services Group | Directorate of Information | Metropolitan Police Service

Telephone [REDACTED]

Address Public Access Office, PO Box 57192, London, SW6 1SF

Protective Marking: RESTRICTED

Not Suitable for Publication:

Recipients of this email should be aware that all communications within and to and from the Metropolitan Police Service are subject to consideration for release under the Data Protection Act, Freedom of Information Act and Environmental Information Regulations. The MPS will consider all information suitable for release unless there are valid and proportionate public interest reasons not to, therefore, sensitive information not for public disclosure must be highlighted as such. Further advice can be obtained from the Public Access Office - 020 7161 3500 (783500).

From: Winterbourne Neil - SO15

Sent: 22 October 2012 09:45

To: 'Daly Graham (ST)'

Cc: Knox Merilyne - DoI Information Services; Mandair Prit - DLS

Subject: RE: Out of Office: DPA request for TfL ANPR data (Task No. C028-12)

Graham,

Glad to assist and really grateful for the way this is being progressed. It deserves clarity.

[Original page 19]

Information Governance | General Counsel | Transport for London
Windsor House, 42-50 Victoria Street, London SW1H 0TL

T: [REDACTED] | M: [REDACTED] | E: [REDACTED]

TfL's 'information security classification scheme' helps protect our information assets. For advice on how it works, and how to apply it, visit [Source](#)

From: [REDACTED]
Sent: 12 November 2012 12:47
To: Bevins Richard
Subject:

Richard,

I wonder if you could give me an update in relation to the matter we discussed after last week's meeting with the ICO please?

you were going to send me a letter setting out a TfL position that you would not seek to act upon breaches of the contract that related to otherwise lawful MPS access to ANPR data received under the S28 certificate.

This would open up a lot of new opportunities to solve serious crime and significantly reduce risk to the public so I am keen to begin. It will require significant resources and planning at my end which I would not wish to undertake for no purpose if any problems have emerged since we last met.

I am at work all week and generally contactable on [REDACTED] or free for a meeting if there is anything you need to talk over.

Kind regards

Neil Winterbourne
D/Supt MPS ANPR Bureau

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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From: [Bevins Richard](#)
To: [Bevins Richard](#)
Subject: FW: Use of ANPR Data - TfL Restricted
Date: 28 January 2014 16:01:28

From: Bevins Richard
Sent: 13 November 2012 17:05
To: [REDACTED]
Subject: RE: Use of ANPR Data - TfL Restricted

Neil

As you say, I agreed to set out some factors affecting TfL's position on the MPS' use for non-national security purposes of the ANPR data we currently supply to you under the section 28 certificate.

We are clear that it is the MPS' decision whether or not to use the data in this way – TfL does not have the legal power to share ANPR data in bulk with the MPS unless it is used for national security purposes and, as previously discussed, TfL has no discretion/jurisdiction over the data once it is in your possession and you are the data controller. So we consider that it will be solely the MPS' responsibility to ensure that there are no issues arising, in terms of compliance with the certificate or the requirements of section 28 if you make use of it for non-national security purposes.

The Commissioner of Police for the Metropolis (and the MPA) and TfL are parties to a contract governing the transfer of the ANPR data covered by the section 28 certificate. The contract clearly stipulates that the data is transferred to the MPS only for use for national security purposes (eg clause 5.1.2).

Notwithstanding that, if it came to TfL's attention that the data was being used for other purposes and that the MPS was, in effect, making section 29 disclosures of the data internally, I do not consider it likely in present circumstances that TfL would seek to enforce the parts of the contract that restrict the use of the data to national security purposes. This reflects that fact that the contract does not, of course, take account of the Mayor's intention that the MPS and TfL should begin sharing TfL's ANPR cameras so that the MPS gain routine access to the data for non-national security purposes.

There are some caveats I should add. I am not the contract signatory for TfL and would not be the final decision-maker in the event of an issue arising about the MPS' adherence to the contract – I would provide advice for a decision that would, probably, ultimately be taken at MD level, in the light of the circumstances prevailing at the time.

Regards

Richard

Richard Bevins | Head of Information Governance