

Sadiq Kahn
City Hall
The Queen's Walk
London
SE1 2AA

OPEN LETTER

Dear Sadiq Kahn,

RE: PREVIOUS MAYOR'S DECISION TO SHARE LONDON CONGESTION CHARGE, LOW EMISSION ZONE AND OTHER TRAFFIC CAMERAS WITH THE METROPOLITAN POLICE SERVICE FOR BLANKET SURVEILLANCE

You have been in your new role as Mayor of London for over six months and hopefully are now ready to tackle some big issues. Whilst we note that you made no specific mention of liberties and freedoms in your 2016 Mayoral Manifesto, we feel sure that your tenure as chair of the National Council for Civil Liberties, your work as a solicitor and your authorship of 'Police Misconduct: Legal Remedies' will mean that you will be chomping at the bit to offer legal remedies to police misconduct rubber stamped by your predecessor Boris Johnson.

As you will be fully aware (unlike the majority of Londoners), in January 2015 Johnson issued a Mayoral Decision that allowed the Metropolitan Police Service (MPS) to gain full access to thousands of traffic cameras operated by Transport for London (TfL). These number plate recognition cameras were introduced for specific purposes such as monitoring the London Congestion Charge and the Low Emission Zone – not as a surveillance tool.

The police number plate recognition camera network constitutes a mass surveillance tool because the details of all cars that pass are collected, stored and retained in a national database for a minimum of two years. The cameras do not target people suspected of any wrong doing whatsoever – just blanket surveillance.

By the stroke of his pen, Johnson gave the police access to TfL's cameras and so increased the surveillance collection of the police number plate recognition network in London by 300%. This was because the police wanted access to them.

The police had previously been granted access to some of TfL's cameras by the Home Office, but only for the purpose of “safeguarding national security”. That decision was controversial at the time.

In fact the police had wanted general access to TfL's cameras at least since 2007, as a briefing note to the Information Commissioner by Bircham Dyson Bell LLP (on behalf of the Metropolitan Police Service) reveals. In the document it was pointed out that the Home Office felt that there would need to be an amendment to the law before the police could use TfL's cameras for general policing, in the way they are currently being used.

So the Home Office was resistant to giving the police unfettered access to the TfL cameras. Perhaps they were concerned about criticism of the way that the police in the UK have built a mass surveillance network of number plate recognition cameras without any public debate, parliamentary debate, primary legislation or even so much as a

statutory instrument. In other words the police have built a mass surveillance network in what could be termed 'the dark web' of law – a murky underworld where legal justifications are pieced together by trawling through the dungeons of legislation and sticking ideas together with brittle, barely visible webs.

Perhaps the Home Office thought that allowing the police unfettered access would make people think that we had moved from a time when public servants had to follow the 'rule of law' to a time when they 'rule by law', where “the law rather than being seen as a set of rules interpreted by politically disinterested and impartial arbiters, can be seen as a resource for use by those with power.” [See 'The Coercive State', p143, Fontana Paperbacks, 1988]

Of course Johnson did undertake what was generously termed a “consultation”, which took into account the views of a number of people amounting to less than 1 per cent of the drivers affected by the policy, of whom between 96% and 97% thought that the police already had full access to TfL's cameras! To paraphrase Dwight D. Eisenhower, only an alert and knowledgeable citizenry can keep public servants in check. You might want to think about ensuring that the citizenry of London is a little better informed. On that note, sorry to nit pick, but shouldn't the camera signs around London for the congestion charge mention that the police now share the camera feed and are Data Controllers in common?

A lot of information was not made available for the “consultation”, as much of it was only revealed in a series of Freedom of Information Requests made by James Bridle. Bridle wrote an interesting article, 'All Cameras Are Police Cameras', exploring the walls built around London over the ages, once tangible walls of bricks and mortar, now the walls of an electronic mass surveillance panopticon. We have made some of this informational available in digest format and links are supplied below.

London is seen as a world leader in surveillance expansion – not a positive accolade. As London's mayor you have a choice as to whether you challenge that perception or allow politicians around the world to use London as their inspiration in the race to convert our cities into prisons.

We are sure that as a human rights lawyer you will be ready and willing to fix this mess, switch TfL's cameras back to their original purposes, turn off the police's mass surveillance snooping data feed and in some small way begin the long road back to restoring lost freedoms of the good, decent and honest majority of people in London.

Yours sincerely

IWGVS
The International Working Group on Video Surveillance

Links to additional information in digest format:

http://iwgvs.org/press/IGWVS_Evidence_pack_ANPR_CAMERA_SHARING-01.pdf
http://iwgvs.org/press/IGWVS_Evidence_pack_ANPR_CAMERA_SHARING-02.pdf