



FREEDOM OF INFORMATION REQUEST



Request Number: F-2013-04631

Keyword: Organisational Information/Governance

Subject: ANPR Consultation

Request and Answer:

Question 1

At what date did the initial internal ANPR consultation commence?

Question 2

What PSNI officers conducted the internal consultation?

Question 3

What outside bodies that were contacted?

Question 4

What was the date of conclusion of the internal consultation?

Question 5

What were its findings?

Answer

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 1, 3 and 4 in full;
- fully exempt information in response to question 2 pursuant to the provisions of Sections 38 (1)(a)(b) and 40 (2)(a)(b) by virtue of Section 40 (3)(a)(i) of the FOI Act 2000.
- disclose information in response to question 5 subject to the deletion of information pursuant to the provisions of Section 24 (1) and Section 31 (1)(a)(b) of the FOI Act 2000.

Question 1

At what date did the initial internal ANPR consultation commence?

Answer

The consultation process commenced in the Autumn of 2007.

Question 2

What PSNI officers conducted the internal consultation?

Answer

All information in response to question 2 is exempt by virtue of Sections 38(1)(a)(b) (Health and Safety) and 40 (2)(a)(b) (Personal Information).

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 38(1)(a)(b) – Health and Safety
Section 40(2) by virtue of 40(3)(a)(i) – Personal Information.

Section 40, Personal Information, is an absolute exemption which means there is no requirement on the Public Authority to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law (The Data Protection Act 1998). A disclosure under the Freedom of Information Act is a release of information to the world in general and not just to the individual applicant.

When an application is made for information other than the data subject, disclosure of the information will often constitute a breach of the Data Protection Act and is catered for within the Freedom of Information Act (FOIA) exemption under Section 40(2).

All requests made under the FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain and not just to an individual. Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be released if disclosure would not breach any of the data protection principles.

Principle 1, that personal information is processed lawfully and fairly. Individuals are entitled to protection under the Data Protection Act 1998. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all individuals especially that of its' police personnel.

Section 38 is a prejudice based, qualified exemption, therefore a Harm Test and a Public Interest Test are necessary.

A summary of the Harm and Public Interest considerations for Section 38 are provided below:

Harm Test

Disclosure of the names of persons in various roles within PSNI could put these individuals at risk and impact on their safety. The disclosure of this level of information would likely be valuable intelligence for terrorist groups thereby exposing both officers and the community at large to risk of attack. The Service is currently under threat from terrorists and releasing names of personnel linked to this information could assist these terrorists in targeting officers. There have been recent attacks

on officers and ex officers who were targeted with under vehicle improvised explosive devices (UVIED's).

Factors favouring release – Section 38

Disclosure would promote openness and transparency. Information relates directly to the efficiency and effectiveness of the Service and its officers.

Factors favouring retention – Section 38

Release of this information would be likely to place at risk the lives of officers and the public. This is because the detailed information in question would be useful to terrorists planning to carry out attacks on police, which have in the past been known to be indiscriminate in nature, therefore endangering unsuspecting bystanders in addition to the intended target.

Decision

Whilst there is a public interest in the transparency of policing activities the lives of individuals are of paramount importance and the PSNI will not divulge any information which could put any individual at risk. Disclosing the name of any police officer involved with this matter would therefore not be in the public interest.

Question 3

What outside bodies that were contacted?

Answer

Please see the table at the end of this document detailing the outside bodies that were contacted.

Question 4

What was the date of conclusion of the internal consultation?

Answer

The internal consultation was completed by early December 2007.

Question 5

What were its findings?

Answer

All contributions that resulted from the consultation process were included in the PSNI Policy Directive 1/2008. Please see document below subject to the deletion of information pursuant to the provisions of Section 31(1)(a)(b) Law Enforcement and Section 24(1) National Security.

Sections 31 and 24 are qualified prejudiced based exemption which means that the legislators have identified that the harm as well as the public interest test need to be evidenced and articulated to the applicant.

Harm Test

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole. The Policy Directive contains information held on ANPR which relates directly to law enforcement and national security and operational procedures, methodology and tactics must be protected by the correct application of exemptions. This is because the release of this type of information would rarely be in the public interest and may reduce the PSNI's capability to perform its overall policing functions as the release of detailed police tactics and methodology would allow criminals to circumvent the ANPR system.

Public Interest Test

Factors favouring release - Section 31

Release of this information could inform how public money is spent and provide an insight into ANPR resources used in law enforcement. This enhanced knowledge would assist in providing

transparency in the way PSNI carry out their day-to-day delivery of operational law enforcement.

Factors favouring retention - Section 31

By virtue of Section 32 of the Police Act (Northern Ireland) 2000 police officers have a duty: - To protect life and property; to preserve order; to prevent the commission of offences; and when an offence has been committed, to take measures to bring the offenders to justice. The use of ANPR systems by the Police Service will contribute to all of the duties outlined above. Specific information relating to PSNI's operational use of ANPR's would reveal information of use to the criminal fraternity. ANPR will assist in denying criminals the free use of the road network and in turn interrupt their unlawful activities. To release information which reveals police operational methodology would assist criminals to avoid detection. In addition more crimes would be committed which would place the safety of the general public at risk.

Section 24(1) – National Security

Public Interest Test

Factors favouring disclosure

The release of the requested information could provide a better understanding of how public funds are spent in relation to national security and could enable the public to make more informed judgements.

Factors favouring non-disclosure

The risk of harm to the public would increase as already outlined above in the harm. Release of the requested information could impact on national security in reducing the ability and manner in which the PSNI would be able to effectively protect the safety and well being of its community. In this case the disclosure of information may assist a terrorist to further their aims by violent means, thus putting the safety of members of the public and police officers at risk of injury. The disclosure of information designed to safeguard the public is also likely to lead to a loss of confidence in the PSNI'S ability to protect the wellbeing of the community.

Decision

Whilst it is important to be open and transparent, in this case the tactics, methodology and techniques utilised by the PSNI's law enforcement practices tips the public interest balance in favour of non disclosure and therefore there would be no benefit to the public in the release of the requested information. ANPR needs to be understood as a vital tool in safeguarding the security of the country and any disclosure that would impact on this must be of a greater importance to the public. ANPR is an internationally recognised tool that can significantly reduce volume crime, increase detective rates, tackle cross-border crime and provide vital intelligence for use in counter terrorist and serious crime work. It is necessary that some operations and investigations need to be carried out covertly in order to target counter terrorist and serious crime offending.

Having taking into account all the points above it is our view that the balancing test for disclosure is not made out.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by

emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

List Of Agencies/Bodies Contacted By PSNI During ANPR Consultation

- 1 Her Majesty's Revenue and Customs (HMRC)
- 2 Department of Regional Development – Roads Service
- 3 Northern Ireland Office – Policing Division
- 4 Durham Constabulary
- 5 Merseyside Constabulary
- 6 North Wales Constabulary
- 7 Lothian Borders Police
- 8 The Metropolitan Police Service National Joint Unit
- 9 National Police Improvement Agency – Technical Co-ordination Group
- 10 National Police Improvement Agency – ANPR Steering Group
- 11 Her Majesty's Inspectorate of Constabulary (HMIC)
- 12 Criminal Justice Inspectorate (CJI)
- 13 An Garda Síochána

Police Service of Northern Ireland

Policy for Public Disclosure.
Procedure and Guidance
for Internal use only

HQ Ref:

PD 01/08

POLICY DIRECTIVE

PSNI ANPR SYSTEMS

1. POLICY IDENTIFICATION

POLICY TITLE: PSNI ANPR Systems

POLICY OWNERSHIP:

DEPARTMENT
BRANCH
AUTHOR

Crime Operations
C4 Technical Support Unit

s.F38(1)(a)

s.F38(1)(b)

s.F40(2)(a)

POLICY APPROVED BY: Chief Constable's Forum

s.F40(2)(b)

s.F40(3)(ai)

CCF REF/OTHER
DATE OF APPROVAL

17 December 2007

IMPLEMENTATION DATE: 17 December 2007

DATE OF ISSUE: 22 January 2008

REVIEW DATE: 23 January 2009

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2. POLICY STATEMENT

- (1) Automatic Number Plate Recognition systems (ANPR) have evolved into a significant element of many criminal investigations. They may directly result in police action in response to the identification of vehicles within one of the database "hotlists", or alternatively may be relevant through later research of the ANPR database in relation to a specific investigation.
- (2) ANPR is a cost efficient policing tool that will improve the ability of Police Service of Northern Ireland (PSNI) to enforce the law, prevent crime and detect offenders. It will enable the effective deployment of resources based on intelligence and will be part of the PSNI's strategy for a safer Northern Ireland for it's residents, visitors and business communities.

3. INTRODUCTION

(1) Background

- (a) ANPR is an internationally recognised tool that can significantly reduce volume crime, heighten patrol focus, increase detection rates, tackle cross-border crime and provide vital intelligence for use in counter terrorist and serious crime work. It is a technology that captures registration images displayed on all types of vehicle and transfers them to a database for intelligence, investigative and analytical purpose. PSNI will use their ANPR Systems in a lawful and ethical manner and in relation to the prevention and detection of:
 - (i) Terrorism;
 - (ii) Serious Crime;
 - (iii) Volume Crime;
 - (iv) Road Traffic Offences.
- (b) These will be achieved by more focussed and intelligence-driven police activities to deny criminals use of the roads thus complying with the National Intelligence Model (NIM). ANPR technology will play a significant role in tackling all types of criminality where a vehicle link is possible. It will also have the potential to provide a high degree of assistance to many road traffic collision investigations. The PSNI will employ the use of fixed sites for ANPR equipment based on strategic routes around Northern Ireland. These sites will be linked to the PSNI network.
- (c) An evaluation of the efficiency and effectiveness of the ANPR systems in preventing and detecting crime has been undertaken by a management consultancy firm. Their report entitled 'Driving down crime – denying criminals the use of the roads' was published in October 2004 and is available on the Home Office website at www.homeoffice.gov.uk.
- (d) PSNI has now purchased a number of ANPR devices for installation in police vehicles. PSNI have also taken ownership of a fixed site ANPR system with cameras located throughout Northern Ireland.

(2) Aim

Part of ANPR's development has been to respond to criminals in real time through interception and whilst this work is very valuable, the overall capability that ANPR has to offer will open new avenues and potential lines of enquiry to investigators at all levels. ANPR will offer another policing tactic to Senior Investigating Officers (SIO's), Crime Managers and Intelligence Managers in the investigation of serious and volume crime.

(3) Legal Basis

- (a) By virtue of Section 32 of the Police Act (Northern Ireland) 2000 police officers have a duty:
 - (i) To protect life and property;
 - (ii) To preserve order;

- (iii) To prevent the commitment of offences; and
 - (iv) When an offence has been committed, to take measures to bring the offenders to justice.
- (b) The use of ANPR systems by the Police Service will contribute to all of the duties outlined above. ANPR will assist in denying criminals the free use of the road network and in turn interrupt their unlawful activities. ANPR deployment will be used in accordance with Schedules 2 and 3 of the Data Protection Act 1998.

4. IMPLICATIONS OF THE POLICY

(1) Continuous Improvement/Efficiency

- (a) ANPR is unique in its ability to impact positively in an intelligence led and proactive basis on every key area of police business, including levels 1 – 3 criminality and counter terrorism.
- (b) ANPR systems ensure that police activity is focused on offenders or suspected offenders, while the vast majority of road users who are law abiding proceed unhindered by police.

(2) Training

- (a) All officers using ANPR equipment will receive training in the correct operation of the system.
- (b) Police officers are reminded of their personal responsibility to identify their training needs and to bring these to the attention of their immediate supervisor. Police officers are also required to maintain a high level of knowledge in relation to Service Policy and current legislation.

(3) Risks

The use of ANPR systems within PSNI is being developed and expanded. Robust enforcement of this Policy is necessary to govern ANPR utilisation within the policing environment.

(4) Bureaucracy

The introduction of this Policy will result in the cancellation of Policy Directive 12/06 dated 21 September 2006 entitled "Mobile ANPR Systems".

(5) Consultation

(a) Internal Consultation:

- (i) All ACC's;
- (ii) Head of Intelligence, C3;
- (iii) D/Chief Superintendent, Professional Standards Unit;
- (iv) PSNI Human Rights Legal Adviser;
- (v) Media and PR;
- (vi) Head of ICS;
- (vii) Data Protection Unit;
- (viii) Disclosure Unit;
- (ix) Freedom of Information Unit;
- (x) Superintendent Central Authorising Bureau;
- (xi) Deputy ACC Urban;

- (xii) Portal Intelligence Unit;
- (xiii) Roads Policing Development Unit.

(b) External Consultation:

- (i) Her Majesty's Revenue and Customs (HMRC);
- (ii) Department of Regional Development – Roads Service;
- (iii) Northern Ireland Office – Policing Division;
- (iv) Durham Constabulary;
- (v) Merseyside Constabulary;
- (vi) North Wales Constabulary;
- (vii) Lothian Borders Police;
- (viii) The Metropolitan Police Service National Joint Unit;
- (ix) National Police Improvement Agency – Technical Co-ordination Group;
- (x) National Police Improvement Agency – ANPR Steering Group;
- (xi) Her Majesty's Inspectorate of Constabulary (HMIC);
- (xii) Criminal Justice Inspectorate (CJI);
- (xiii) An Garda Síochána.

5. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION

(1) Human Rights

Human Rights are integral to all the police functions. The capture and recording of the movements of a vehicle will, in many cases, involve an interference with the right to respect for private life. Therefore, this must be justifiable under Article 8(2) of the ECHR. Section 32 of the Police (Northern Ireland) Act 2000 provides a sufficient legal basis for the use of ANPR by PSNI. The use of ANPR in accordance with this Policy and other applicable regulation will satisfy the requirements of Article 8(2) as it is a proportionate policing response with adequate procedural safeguards as to the use of the information obtained. In conclusion, the use of ANPR in accordance with this Policy aims to be compliant with the PSNI's obligations under the Human Rights Act 1998.

This Policy is deemed to be Human Rights compliant. It has been screened for Section 75 considerations and meets integrity standards.

(2) Equality

ANPR will be used so as to protect the community, provide reassurance to vulnerable groups and enhance the overall safety of all sections of the community.

(3) Integrity

ANPR will be used in accordance with PSNI's Code of Ethics and Acceptable Use Policy. There is nothing associated with this Policy or the use of ANPR, which would increase an officer's likelihood of wrongdoing.

(4) **Freedom of Information**

Sections 1 – 6 of this Policy are suitable for disclosure to the public under the Freedom of Information Act 2000, however the accompanying Procedures and Guidance contained in Section 7 are suitable for internal dissemination only.

6. MONITORING AND REVIEW

- (1) The Head of Technical Support Unit is responsible for reviewing this Policy annually.
- (2) Feedback relating to this Policy should be conveyed to D/Inspector ANPR Unit, Crime Operations Department, PSNI [REDACTED]

s.F31(1)(a)

s.F31(1)(b)

**Page(s) 000008, 000009, 000010, 000011, 000012, 000013, 000014, 000015,
000016, 000017, 000018, ..., 000020**

is(are) exempted pursuant to section(s)

F24(1), F30(1)(a), F30(1)(b), F31(1)(a), F31(1)(b)

is(are) exempted pursuant to section(s)