



OFFICE OF THE  
INFORMATION &  
PRIVACY COMMISSIONER  
for British Columbia

Protecting privacy. Promoting transparency.

July 4, 2013

Chief Constable Jamie Graham  
Victoria Police Department  
850 Caledonia Avenue  
Victoria BC V8T 5J8

Dear Chief Constable Graham:

**Re: Investigation – Victoria Police Department – Automated License Plate Recognition – OIPC File F12-49098**

Thank you for the Victoria Police Department's ("VicPD") July 3<sup>rd</sup> letter describing the changes made to VicPD's Automated License Plate Recognition ("ALPR") program.

I understand that VicPD has worked with the Royal Canadian Mounted Police ("RCMP") to make these changes in response to recommendations contained in my November 15, 2012 Investigation Report F12-04: Use of Automated Licence Plate Recognition Technology by the Victoria Police Department ("Report"), in which I found that some personal information being collected and disclosed by VicPD for ALPR was not authorized by the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). The changes to the ALPR program are described by the RCMP in a letter to my office dated June 21<sup>st</sup>, 2013.

I have reviewed the changes made to the ALPR program by VicPD, the Ministry of Justice, and the RCMP in response to my recommendations. I am satisfied that these changes adequately address issues of compliance with FIPPA raised in my report. In particular, the deletion of non-hit data prior to it being removed from the in-car ALPR system resolves my most significant concern about the program. I will address the resolution of each of my recommendations in turn.

**Disclosure of Non-Hit Data**

In my investigation I found that the disclosure of non-hit personal information by VicPD to the RCMP was not for a law enforcement purpose, and was therefore not authorized by FIPPA. I recommended that the ALPR system be configured to delete personal information associated with non-hits immediately after the system determines it does not match a licence plate number in the ALPR database.

The RCMP has confirmed that the ALPR system has been reconfigured such that non-hit personal information is deleted on the in-car computer at the end of an ALPR shift.

As a result, this information is no longer being disclosed to the RCMP by VicPD. The RCMP has implemented this change in all ALPR vehicles currently in use by municipal police departments in British Columbia. In addition, work is underway to reconfigure all ALPR vehicles in use by RCMP detachments in British Columbia, with a commitment by the RCMP to complete this process shortly.

### **Deletion of Obsolete Hit Data**

Unlike the personal information associated with non-hits, an obsolete hit is the result of a law enforcement investigation; therefore this information is serving a law enforcement purpose. However, an obsolete hit is similar to a non-hit in that the individual being investigated was in compliance with applicable traffic laws.

In the report I recommended that the ALPR system be configured to delete personal information associated with obsolete hits immediately after a VicPD officer determined that no further investigation of the vehicle was warranted.

I understand that the RCMP has reconfigured the ALPR system such that obsolete hits are identified and automatically deleted from the ALPR database. Personal information collected by the ALPR system that is associated with obsolete hits will no longer be retained by VicPD or the RCMP.

### **Other Pointer Vehicle Category**

One of the categories of license plate information used by ALPR is known as the “other pointer vehicle” category. This category is compiled by the RCMP from the Canadian Police Information Centre (“CPIC”) database category of the same name, and forms part of the ALPR database collected by VicPD. In the report, I expressed my concern that some of the sub-categories contained in the other pointer vehicle category were not relevant to the purpose of ALPR, and therefore their collection was not authorized by FIPPA. However, I also noted that the difficulty presented by this category is that some of the sub-categories are very relevant. I recommended that VicPD work with the RCMP to amend the composition of this category to include only that information which is related to the purpose of ALPR.

In the course of addressing this recommendation with VicPD, the RCMP clarified that despite being listed as components of the other pointer vehicle category, many of the sub-categories do not contain license plate information, and are therefore not included in the list of license plate numbers collected by VicPD from the RCMP, and could not result in a hit. In those instances where information in this category is linked to a license plate number, and included in the ALPR database, I am satisfied that it is likely to be relevant, and appropriate for an ALPR officer to be alerted to the information.

Further to this, the RCMP has advised my office that it is not technically practicable to separate out the few instances where license plate information is provided in a sub-category that is not relevant to ALPR. I am satisfied that most of the sub-categories that are linked to a license plate, and thus included in the ALPR database, contain information that is serving a law enforcement purpose.

My office will continue to consult with the RCMP to refine the content of the other pointer vehicle category to ensure that the information collected in this category is relevant to ALPR, and authorized by FIPPA.

### **Description of the Mandate of ALPR**

In my investigation I became aware that the scope of the use of ALPR in British Columbia has gradually widened since its implementation. Public notification of the scope of ALPR allows the public to understand the purpose, nature and extent of collection of personal information. Without proper notification, the public is unable to determine whether their rights under FIPPA are being respected. I recommended that the Ministry of Justice and VicPD update their description of the program to more accurately describe the current mandate of ALPR.

The Ministry of Justice and the RCMP have committed to updating the description of the program to include its use to locate missing persons and to apprehend individuals who are subject to outstanding arrest warrants. The revised description has been reviewed and approved by my office and will be available on the RCMP<sup>1</sup> and ministry<sup>2</sup> websites. VicPD relies upon those websites to provide information describing the ALPR program.

### **Conclusion**

By making these revisions to the ALPR system, I am satisfied that VicPD, the RCMP, and the Ministry of Justice have adequately addressed the recommendations contained in the report. In addition, the RCMP commitment to implement these revisions province-wide ensures that the privacy rights of all British Columbians are respected, regardless of whether they are served by a municipal police department or by an RCMP detachment.

Sincerely,

Elizabeth Denham  
Information and Privacy Commissioner  
for British Columbia

pc: Denis Boucher  
Superintendent  
Royal Canadian Mountain Police, E Division

Honourable Suzanne Anton  
Minister of Justice and Attorney General

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<sup>1</sup> <http://traffic.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=797&languageId=1&contentId=-1>

<sup>2</sup> <http://www.pssg.gov.bc.ca/policeservices/roadsafety/#licenceplatecameras>