

**Office of the  
Privacy Commissioner  
of Canada**

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RDHS 15396  
FILE 5705/R893-1  
CCM 61747



Mr. J. Christian Picard, Supt.,  
Departmental Privacy and  
Access to Information Coordinator  
Royal Canadian Mounted Police  
1200 Vanier Parkway  
Ottawa ON K1A 0R2

MAY 9 2005  
MAI

Dear Mr. Picard:

Re: E-Plate, Automatic Number Plate Recognition

This is to acknowledge receipt of the above-mentioned Preliminary Privacy Impact Assessment (PPIA) report. The PPIA has been assigned to a Review Officer for assessment. The name and contact number of this Review Officer is indicated below.

We wish to advise that we need permanent funding and sufficient staffing for the review and appraisal of PIA and Preliminary Privacy Impact Assessment (PPIA) reports. We have been unable to keep up with review demands pursuant to the Treasury Board *Policy on Privacy Impact Assessments*.

In response to this situation, we are currently working on bolstering our capacity to review and comment on the submissions we receive. Although confident that sufficient ongoing funding will be forthcoming to support our expertise and advisory roles under the *Policy*, in the interim our ability to respond to the requests of departments for comments on their submissions in a timely fashion remains limited. While we have just now augmented staffing, it is not yet sufficient and there are a number of PIA's to catch up on. As such, we may not be able to provide you with the feedback you seek within the established timeframes of your project.

We regret any inconvenience that a possible delay in responding to your request for comments may generate, but we think that you ought to be informed of the situation under which we operate at present. We do not want to create unrealistic service expectations. Please be assured that we will do our best to answer queries with respect to your submission as soon as possible.

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In the mean time, if you have any questions about the review process, please do not hesitate to contact Mr. Stuart Bloomfield (Project Review Officer) at: (613) 943-2575.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "T. Shaw".

Trevor Shaw, CA, CMC  
Director General  
Audit and Review Branch

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JUN 12 2007

Mr. Yves Marineau, Supt.  
Departmental Privacy and  
Access to Information Coordinator  
Royal Canadian Mounted Police  
1200 Vanier Parkway  
Ottawa, Ontario  
K1A 0R2

Our file: 5705/R893-15

Dear Mr. Marineau:

Re: E-Plate Automatic Number Plate Recognition

This letter is to inform you that during a review of our Preliminary Privacy Impact Assessment (PIIA) files, it was noted that your PPIA for the E-Plate Automatic Number Plate Recognition, which we received on May 2, 2005, has been with our office for some time now. We have decided that we will not proceed with a review of this PPIA, and will not be forwarding any comments on this project.

However, if you should wish to discuss this file with us, update us on the project, and/or consult with us on any privacy issues that have arisen during project implementation, we will be happy to meet with you. Otherwise, please do not expect any further correspondence from us on this particular file. We will continue reviewing other PIAs received from your department.

Please contact me at (613) 996-2252, or Ms. Lindsay Scotton, Manager, PIA Reviews, at (613) 995-1025 if you have any questions or if you would like to consult with us on this project.

Sincerely,

Trevor R. Shaw, CA, CMC  
A/Director General  
Audit & Review Branch

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APR 21 2009



Mr. William J.S. Elliott  
Royal Canadian Mounted Police Commissioner  
1200 Vanier Parkway  
Ottawa, Ontario  
K1A 0R2

Our File: PIA 000377

Dear Mr. Elliott:

Re: Privacy Impact Assessment for the RCMP's use of the Automated  
Licence Plate Recognition Program

This is to acknowledge receipt of the above Privacy Impact Assessment (PIA) report, submitted to the Office of the Privacy Commissioner of Canada on April 9, 2009. The PIA will be assigned to a PIA Review Officer for assessment. We will convey any recommendations to you when the analysis is complete. Please disregard the previous letter that indicated the wrong title.

In the interim, if you have any questions about the review process, please do not hesitate to contact Lindsay Scotton, Manager, PIA Reviews, at (613) 995-1025.

Sincerely,

Steven Morgan, P. Eng.  
Director General  
Audit & Review Branch

c.c.: Mr. Warren Nelson, "E" Division Traffic Services



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Mr. William J.S. Elliott  
Commissioner  
Royal Canadian Mounted Police  
1200 Vanier Parkway  
Ottawa, Ontario  
K1A 0R2

**JUL 15 2009**

Our File #: 5705/R893-35  
PIA Number: 000377

Dear Commissioner Elliott:

Re: Privacy Impact Assessment (PIA) – Automated Licence Plate Recognition (ALPR) Program

This letter is in response to your PIA submission concerning the ALPR Program, which was received by our office on April 21, 2009. Having recently completed our review of the PIA, we wish to share with you our observations and recommendations concerning the potential privacy issues related to the program.

We recognize that the Royal Canadian Mounted Police's (RCMP) 2009 ALPR PIA follows the preliminary PIA submitted to our Office in May 2005. We thank the RCMP for consulting with us on the project and hope that we can continue to work together in ensuring that the program, when fully implemented, is both sensitive to privacy concerns and fully compliant with the *Privacy Act*.

Notwithstanding those issues raised in your submission, we wish to raise the following additional concerns for your consideration. Risks identified have been assessed in consideration of the *Privacy Act* and the Canadian Standards Association (CSA) *Model Code for the Protection of Personal Information* ("Privacy Code"). To the extent that ALPR's program leaders are unfamiliar with the requirements of the *Act* and *Code*, we would strongly recommend that the RCMP engage its internal privacy experts and legal counsel in assessing the organization's obligations for privacy protection. We would be happy to consult with your office as it endeavours to review and update its PIA submission.

**GENERAL COMMENTS**

Traditionally, traffic surveillance technologies have been employed to capture a *specific* motor vehicle infraction (such as speeding or a red light violation) and then only when there has been an apparent violation of the law. However, for the ALPR program, equipped police cars would capture *all* vehicles within their field of view, whether in motion or parked, in the absence

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of any particular suspicion of an individual. Whereas the personal information captured is to be matched against several provincial and federal databases – some unrelated to traffic enforcement – the ALPR program constitutes a generalized and ubiquitous form of surveillance of an entirely different kind than those historically employed to detect and prosecute traffic violations.

The use of surveillance systems is generally regarded as being privacy intrusive, but their use for conducting criminal investigations or law enforcement activities renders this particular program all the more privacy sensitive. Given that the program involves the collection of personal information without an individual's knowledge, or for purposes unknown to the individual at the time of collection, the privacy risks associated with the program (absent appropriate controls) are quite substantial. We believe the nature of the program and its potential to undermine the anonymity of individuals will attract a great deal of public interest.

In light of the privacy risks associated with the program, we would have expected the RCMP to have more fully discussed the business case for the deployment of licence plate recognition technology in its PIA. As noted in our Office's *Guidelines for the Use of Video Surveillance of Public Places by Police and Law Enforcement Authorities* (OPC Guidelines), technologies such as ALPR should only be deployed to address a real, pressing and substantial problem. We understand that the ALPR program has been piloted in three phases. Any empirical results emanating from those pilots attesting to the benefits of the ALPR technology would help to facilitate an understanding of the benefits of the program vis-à-vis potential privacy risks.

Accepting that the program may facilitate the identification and recovery of stolen vehicles, we request that the RCMP share with us its assessment of the value of the ALPR program for other secondary purposes as contemplated by the RCMP, in follow-up to this PIA.

## **PRIVACY RISKS**

### **Defining "Personal Information"**

*The images captured by automated licence plate readers should be considered to be personal information.*

Under section 3 of the *Privacy Act*, "personal information" is defined as any information about an identifiable individual that is recorded in any form, including an identifying number, symbol or other particular assigned to an individual. Despite the repeated assertions made in the PIA to the effect that the ALPR program will not involve the collection of any personal information (see page 2 of your covering letter, section 6.4 of the PIA, and section 1.5, page 58

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of the PIA among others), licence plate numbers and images of individuals captured by ALRP equipped cruisers would in fact qualify under the Act as personal information.

Whereas, under provincial Highway Traffic Acts, the majority of licence plates are assigned to individuals, they would constitute a form of identifying number, and as such be considered personal information within the definition of the *Privacy Act*. Note that there is a reasonable expectation that an individual may be identified by virtue of their licence plate number, especially given the tools available to federal, provincial and municipal law enforcement agencies. As such, any information collected under the program, along with related administrative and law enforcement activities which follow, are subject to the provisions *Privacy Act* and should be managed accordingly.

#### **Accountability for Personal Information**

*Accountability for the organization's compliance with prevailing privacy principles, policies and legislation is unclear.*

The PIA outlines that the RCMP has outsourced the completion of the PIA to Sgt. Robert Howe (retired). However, the PIA does not expressly identify the individual within the RCMP who has been assigned custodianship for the program, nor the person responsible for ensuring that privacy matters emanating from the program are addressed prior to implementation, as requested by the TBS PIA Questionnaire. Similarly, we note that the performance requirements of the program custodian have not been clearly identified or documented in the PIA.

In accordance with Principle 1 of the Privacy Code, we request that the RCMP explicitly identify those individuals responsible for ensuring compliance with applicable policies and legislation for the ALPR program and furthermore ensure that those individuals are familiar with prevailing privacy obligations. To the extent that such information is documented in the ALPR Policy and Procedures document (as noted on page 56 of the PIA), we also request a copy of that document for review.

#### **Identifying Purposes**

*The public has a right to know about the ALPR program and its purpose.*

As discussed in section 3.1, page 61 of your PIA, under section 5(3)(b) of the *Privacy Act*, the RCMP may be exempted from informing individuals of the purpose for which their personal information is being collected. Despite this strict reading of the *Privacy Act*, Principle 2 of the Privacy Code and Guidelines 7 and 15 of the OPC Guidelines outline that Canadians should be fully informed about what information is being collected about them and why that information is being collected.

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In addition to your planned disclosure of data collected under the program in PIB 005 (as referenced at paragraph 2.7, page 60 of your PIA) we encourage the RCMP to more openly inform Canadians of the purposes for which their information may be used. This may be accomplished through public consultations or communications, including the posting of results from your PIA to the RCMP's external website. We are pleased to see the posting of a relevant presentation by Inspector Norm Gaumont, "E" Division Traffic Services on the external website of the Canadian Association of Chiefs of Police (CACP).

#### **Authority and Consent**

*The express provisions of the law under which the RCMP will collect personal information are not clearly stated, as required by the PIA Policy.*

Under section 4 of the *Privacy Act*, personal information cannot be collected by a government institution unless it relates directly to an operating program or activity of the institution. It is not sufficient for the collection of personal information to be related to the overall mandate of the RCMP. Whereas the collection of licence plate numbers for purposes related to the recovery of stolen vehicles may be justified under the *Criminal Code*, it is not clear whether the RCMP has the authority to collect the same information for the multiple and varied purposes contemplated by the ALPR program, including those activities conducted in cooperation with provincial governments. We therefore request that the RCMP provide explicit reference to the legal authorities (both federal and provincial) under which the ALPR program is being conducted.

#### **Limiting Collection**

*The collection of personal information under the proposal is not limited to that necessary for purposes of the program.*

As per Principle 4 of the Privacy Code, the RCMP ought to have considered and documented: how the collection relates to the program activities, the public interest that justifies the collection, the particular data items and kinds of data necessary for the project, and whether such information could be collected in a de-identified, or less privacy intrusive, manner. We understand from the PIA that ALPR cameras have the ability to indiscriminately capture the licence plate numbers of nearly all vehicles within their range. The PIA also outlines that photographs will capture not only the licence plate numbers of nearby vehicles but, where occupied, the person(s) inside the vehicle as well (see PIA page 20).

To the largest extent possible, the RCMP's ALPR program should be tailored to minimize its impact on an individual's privacy. This means that the collection of personal

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information under the program should be limited to that which is absolutely necessary to achieve the system's goals (Principle 4 of the Privacy Code). In addition to individual photographs, the PIA discusses (section 17, page 52) the collection of a series of additional data elements – race, ethnic origin, gender, blood type, financial transactions etc. – which do not clearly fit within the purview of the ALPR program. The necessity of the collection of this information should be reviewed as a priority and the collection of any unnecessary information ceased once it is identified as such. As well, in resubmitting your PIA for our review, we ask that you:

- Outline what personal information is necessary to fulfill the purposes identified in the program, taking into account both primary (i.e., project specific) and potential secondary purposes (e.g., criminal investigations; court hearings, administrative, audit, other);
- Consider and discuss ways in which the RCMP might limit the type and amount of personal information it collects to only that which is necessary for its identified purposes. We ask, in particular, whether the RCMP has the capacity to impose policy and technical restraints to limit the amount of personal information collected by ALPR cameras; and
- Document the purposes for which information is being collected so that program staff appreciates the purpose of collection and the limits of its potential use.

#### **Limiting Use, Disclosure, and Retention**

*The planned use and disclosure of personal information under the program may not be consistent with the purposes for which it was collected.*

Under subsection 7(a) of the *Privacy Act*, personal information collected under the ALPR program may not be used by the RCMP for purposes other than those for which it was collected, absent the consent of the individual to whom it relates or it fitting within a provision outlined in section 8(2) of the Act. Principle 5 of the Privacy Code contains similar requirements. According to your PIA, personal information collected by means of ALPR will be matched against the RCMP's CPIC 'Hotlist'. We understand that CPIC contains information related (but not limited) to stolen vehicles, persons accused of crimes under the *Criminal Code*, court actions and child custody proceedings, missing persons, parolees, persons with statute-imposed prohibitions, persons refused firearms, persons of special interest to police, and ...

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wanted persons, among others. In addition to data matching with CPIC, the PIA notes that the RCMP will also be matching licence plate numbers against provincial databases related to auto insurance and driver's licences.

Given the vast amount of data against which licence plates collected under the ALPR program will be matched, the risk that the RCMP or other law enforcement agencies might use personal information collected as part of the program for purposes other than those for which it was collected is both real and substantial. In describing the use of personal information for your project in your PIA resubmission, we ask that you:

- Consider and clearly document all known or intended uses of the personal information collected for purposes of the program, and note how these uses relate to the purpose for which the personal information is being collected; and
- Identify and describe any potential for personal information to be linked, matched, or cross-referenced to other information (held by the RCMP or other partners), along with any instances where the aggregation of diverse groups of personal information is either unnecessary for the project, or reveals personal information not previously available.

*The retention period of "no hit information" exceeds that which is necessary for program purposes.*

Under section 4(1)(a) of the *Privacy Regulations*, personal information concerning an individual that has been used by the RCMP for an administrative purpose shall be retained by the institution for at least two years. While the use of "hit information" would qualify for the said retention period, the retention of "no hit information" would not be subject to this rule. Whereas "no hit information" serves no administrative purpose – or where it is collected incidentally – it should be destroyed immediately so as to eliminate the possibility of a breach. Given the planned process by which information collected by ALPR-equipped cruisers is to be uploaded to RCMP systems, it would seem feasible for the RCMP to delete all "no hit information" immediately or soon after its collection.

In accordance with section 4(1)(a) of the *Privacy Regulations* and Principle 5 of the Privacy Code, we recommend that the RCMP consider ways in which to ensure the secure destruction of personal information that fails to generate hits consistent with the identified purposes of the program.

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### **Accuracy of Personal Information**

*The PIA does not discuss the processes in place, if any, to ensure the accuracy and integrity of personal information upon which administrative and law enforcement decisions will be based.*

Under subsection 6(2) of the *Privacy Act* and Principle 6 of the Privacy Code, the RCMP must take all reasonable steps to ensure that personal information used for administrative purposes is accurate, up-to-date and as complete as possible. Given the RCMP's plans to match information collected through the ALPR program with that contained in other federal and provincial databases, we ask the RCMP to provide our office with details of the measures in place to ensure that records used in the matching process are accurate. We also request information relating to the quality and accuracy of the surveillance technology to be employed, and any processes in place to ensure that the legal obligations of the RCMP with respect to data accuracy are being achieved.

### **Safeguarding Personal Information**

*The security safeguards over the use of USB memory keys are not fully disclosed in the PIA.*

Under Principle 7 of the Privacy Code, the nature of information safeguards should vary depending on the sensitivity of the information that has been collected.

We understand that a Threat and Risk Assessment (TRA) has been completed as part of the ALPR program. Not having received a copy of this assessment, we are unable to opine on the adequacy of IT controls related to the program. We therefore request further information regarding the business and IT controls in place to ensure the security of personal information throughout its life cycle, in particular those related to the USB keys used for transferring information from workstations to ALPR vehicles. We also seek the RCMP's assurance that risks identified in the TRA have been appropriately mitigated prior to program implementation.

### **Openness, Individual Access, Challenging Compliance**

*There is insufficient information in the PIA to determine whether or not the right of individuals to have access to their personal information is being respected.*

Under subsection 12(1) of the *Privacy Act*, individuals whose images and/or licence plate are recorded have a right to request access to their recorded personal information. Outside requests through the *Access to Information Act*, it does not appear as though your



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office has provided any means by which an individual may access their personal information upon request, as required by the *Privacy Act*. Similarly, the PIA suggests that there is no process currently contemplated to handle complaints regarding the management of their personal information under the ALPR program.

Notwithstanding the program's covert nature, we believe that the RCMP should consider the need for an administrative process independent of that provided for under access to information, to allow individuals to have access and information related to the existence, use and disclosure of personal information under the program. This is also contemplated under Principle 9 of the Privacy Code. Under this process, an individual should be able to challenge the RCMP's compliance with the Privacy Code. Standard operating procedures should provide for: appropriate logging, tracking and management of complaints; and the capacity to statistically report on complaints by type, duration and resolution.

## CONCLUSION

We hope that the issues raised in this communication can help focus your office's future analysis on the most critical privacy risks associated with the program. If you have any questions regarding this PIA or privacy issues related to the program more generally, please contact Lara McGuire Ives, Manager, PIA Review, at (613) 947-7246.

If the RCMP or its provincial partners intend to make any public reference to our review of this initiative, we would kindly ask that you contact our Office before doing so. A response to our letter by August 17, 2009, would be appreciated, including a clear indication of whether or not you accept our PIA review recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Morgan'.

Steve Morgan, P. Eng.  
Director General  
Audit & Review Branch



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JUN 17 2010

Mr. William J.S. Elliott  
Commissioner  
Royal Canadian Mounted Police  
1200 Vanier Parkway  
Ottawa, Ontario K1A 0R2

Our file: 5705/R893-35  
PIA Number: 000377

Dear Commissioner Elliott:

Re: Automated Licence Plate Recognition (ALPR) Program

We are writing in relation to the updated PIA and associated program documentation we received from Supt. Norm Gaumont on January 7, 2010, in response to the recommendations made in our letter of July 15, 2009 on the ALPR Program Privacy Impact Assessment (PIA) and our teleconference of January 15, 2010.

The Office of the Privacy Commissioner (OPC) had concerns that under the ALPR Program as initially proposed, video camera equipped police cars would capture all vehicles within view, parked or mobile in the absence of any particular suspicion or motor vehicle infraction. These license numbers would then be matched against provincial and federal databases, some unrelated to traffic enforcement. In our view, this constituted an unacceptable generalized surveillance of motorists. We found the privacy risks of the originally planned program to be substantial and not justified by the RCMP.

Our letter also indicated our level of unease over the lack of RCMP communication to the public on this initiative, including the use of covert surveillance, the planned retention of license plate information not matching any the "hot list" databases, and the lack of clarity around potential secondary uses of the information collected.

Following our review of the PIA update and a conference call held with members of the RCMP on January 15, 2010, we understand that the RCMP has modified ALPR to mitigate some of the privacy risks of the program.

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According to the information provided by RCMP Supt. Norman Gaumont, all images captured by ALPR cameras that do not generate a match from the hot lists will be automatically deleted.

In relation to the use of hit data in the limited and specific manner outlined in the PIA, we note that the RCMP asserts that:

- it is being used to address a real and substantial problem;
- it is viewed as an exceptional step, taken in the absence of less privacy invasive alternatives;
- the impact on privacy has been mitigated through the implementation of safeguards and access controls;
- the use of the surveillance is done in accordance with applicable laws;
- the use of the surveillance has controls in place to minimize its impact on privacy by ensuring the identity of individuals cannot be established based solely on the images;
- the public will be advised of the RCMP's use of the ALPR system;
- hit data has a retention period of two years and a disposal schedule of two years, if it is not needed for court purposes; and
- there is explicit governance in place such as the Criminal Code of Canada, *Identification of Criminals Act*, and Provincial Statute investigations to control the use of the data.

We were informed by Supt. Gaumont that a decision was made to automatically delete all images captured by the ALPR cameras that do not generate a match with the hot list data (non-hits) until such time as a separate PIA assessing the privacy risks associated with the use of this data can be conducted and further consultation with our Office occurs. We have made the RCMP aware of our reservations relating to the use of non-hit data.

A subsequent letter of March 30, 2010 was submitted to our Office by Insp. Mike Diack confirming in writing that non-hit data will no longer be collected or retained by the ALPR systems. The letter indicates that the RCMP is seeking empirical evidence to support collection and retention of secondary data for operational policing and public safety. This analysis has been undertaken by Darryl Plecas Ph.D. and his staff at the University of the Fraser Valley in British Columbia. The report on this analysis will be shared with our Office once received by the RCMP.

At this time, we will be closing our file for this ALPR PIA, based on our understanding of the use of hit data and on the expectation that we will receive a separate PIA dealing with the potential use of non-hit data.

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Should any changes be made to the ALPR Program in the meantime, we ask that we be notified in advance and that an amended PIA be submitted for our review.

We thank you for participating in the PIA review process. Should you have any questions relating to our review of this file, or on privacy related issues in general, please feel free to contact Ms. Quan Ngo, PIA Review Officer at 613-943-5545.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Morgan', is written over the typed name and title.

Steven Morgan, P. Eng.  
Director General  
Audit & Review Branch

Cc: Insp. Mike Diack, Officer in Charge, "E" Division Traffic Services