

## WHAT OBSTACLES HINDER THE

# SHARING OF ANPR DATA

## IN BELGIUM?

ANPR cameras are intelligent cameras who recognise number plates automatically. Since the collected data is personal data, sharing them is not easy. Recently, we published the report (in Dutch) '[Bevoegdheden in het delen van Gegevens. Automatische kentekenplaat herkenning \(ANPR\) als toepassingsgeval](#)'. The report focuses on the **distribution of competences in Belgium** and exposes **potential issues** of data sharing using a sample case on **ANPR** (Automatic Number Plate Recognition).

In this brAlnfood, we will take a closer look at the **five main obstacles** that hinder data sharing in Belgium. We will also provide a number of recommendations to overcome these obstacles. Do you want to know more about the competences in data sharing after reading this brAlnfood? [Then we advise you to take a closer look at the report](#). For each obstacle, we indicate on which pages in the report you can find more information about it.

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brAlnfood of the Knowledge Centre Data & Society



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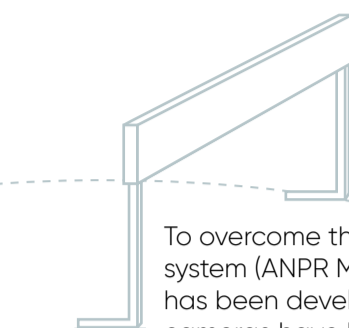
## FRAGMENTATION

There is not one law that contains all the relevant rules on ANPR **legislation**. Legislation on this topic is to be found at several levels: international, national and regional.

The **management** and **maintenance** of ANPR cameras is also **fragmented** among local, regional and federal actors.

To overcome this fragmentation, a national system (ANPR Managed Services - AMS) has been developed. However, not all ANPR cameras have been connected to this system yet, meaning that the system does not contain all ANPR data.

Both elements render the exchange of ANPR data more difficult.



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## COMPLEX DISTRIBUTION OF COMPETENCES

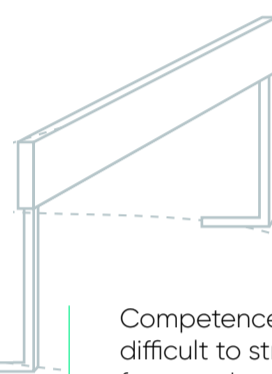
The complexity of the Belgian state structure is noticeable in the distribution of competences:

- the Communities and the Regions have **allocated competences** (i.e. those that were explicitly assigned)
- the federal government (still) has **residual competences** (i.e. those that were not explicitly assigned to a particular authority)

Belgium has a system of **exclusive powers**, which means that in theory only one authority is competent for one subject. This makes overlapping competences impossible and avoids conflicts of norms. If there is an overlap, one authority has exceeded its authority.

Competences are often difficult to strictly separate from each other and might overlap with the competences of other authorities. There are two main forms of cooperation to remedy potential conflicts and overlaps:

- **Non-reciprocal cooperation or participation:** one or more concerned authorities are involved in the powers of other competent authorities;
- **Reciprocal cooperation:** cooperation agreements are concluded between different authorities.



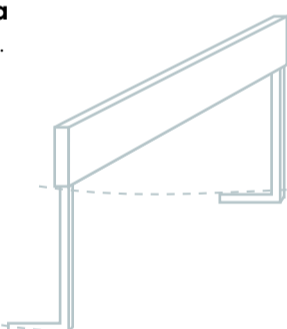
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## Operational framework

Data sharing must respect the principles of the **General Data Protection Regulation (GDPR)**.

Public authorities who share data have their own **responsibilities** and **liabilities** in relation to the data they process.

A **clear framework** containing a set of **operational rules** can provide greater clarity on obligations when sharing data. This framework should be regularly reviewed and evaluated to ensure that it reflects the latest situation and evolutions.



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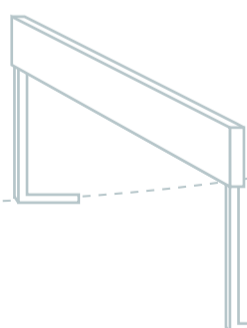
## DIFFICULT ACCESS

At the moment, **local authorities** can only obtain access to ANPR data in a central database (1) within the framework of legal assignments and (2) when there is a link with public safety (e.g. disaster control).

Yet, the use of **anonymised or pseudonymised ANPR data** can also be useful for other purposes such as for optimising policy processes (e.g. measuring air quality or enforcing the Low Emission Zone (LEZ)).

Currently, it is legally not possible to transfer police data to authorities or agencies for non police or juridical purposes.

Various parties (including Vereniging van Vlaamse Steden en Gemeenten (VMSG), Vlaamse Milieumaatschappij and the Department of Mobility and Public Works) are, therefore, asking for a **modification of the Police Act** to make this possible under certain conditions.



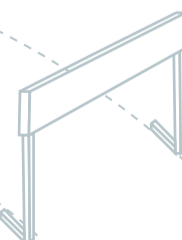
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## TECHNICAL/ETHICAL/LEGAL/SOCIETAL CHALLENGES

When it will be possible by law to transfer police data to authorities or agencies for non police or juridical purposes, some challenges in terms of **privacy, data protection** and **security** will arise.

To enable exchange between local databases and the federal database (read: the AMS system), an **IT security policy** should be developed that takes the following aspects into account:

- High-performance data sharing;
- Data storage and processing;
- Usage and user rules;
- Control of data sharing;
- Data processing and data storage;
- Protection of the central AMS system against threats.



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