

## Summary

### **Evaluation of ANPR legislation, Section 126jj of the Dutch Code of Criminal Procedure**

#### **The Dutch Act on 'the Recording and storage of vehicle registration data by the police' evaluated**

The Dutch Act on the 'Recording and storage of vehicle registration data by the police'<sup>39</sup> (*wet 'Vastleggen en bewaren kentekengegevens door de politie'*) entered into force on 1 January 2019. Based on the new Section 126jj of the Dutch Code of Criminal Procedure (*Wetboek van Strafvordering*) (referred to in the rest of the report as '126jj'), the police may record and store the vehicle registration data of passing vehicles using designated cameras for a period of 28 days. The data may be inspected during that period for the purpose of investigating a crime or persons at large. The Act contains an evaluation and sunset clause. Initially, the power will be in force for three years unless decided otherwise by Royal Decree. Based partly on this evaluation, it will be determined whether the power will be maintained. The evaluation is based on two monitor reports. The first monitor report was published in 2020 and the second monitor report was published at the same time as this evaluation.

#### **Research question**

The central research question for this study is as follows:

In what way are number plates that have been stored on the basis of the Dutch Act on the 'Recording and storage of vehicle registration data by the police' used in the investigation of criminal offences and what role do the data play in investigations?

For the purpose of answering the central research question, the following research questions have been posed:

#### **Realisation and predicted effect of the Act**

- 1 How did the Dutch Act on the 'Recording and storage of vehicle registration data by the police' come into being?
- 2 What assumptions lay behind the drafting of the legislative proposal?
- 3 What are the views of the officials involved on the predicted effect of the Act?

#### **Implementation of the Act**

- 4 How many number plates are recorded on camera?
- 5 How many requests for vehicle registration data are submitted each month?
- 6 For what types of crimes are requests for vehicle registration data submitted?
- 7 How does the implementation process of storing, requesting and providing vehicle registration numbers proceed in practice?
- 8 To what extent are there bottlenecks in the implementation process?

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<sup>39</sup> In full: 'Amendment of the Code of Criminal Procedure in connection with the regulation of the recording and storage of vehicle registration data by the police'.

- 9 What kinds of measures were taken following the PIA and how are they used in practice?
- 10 To what extent are the measures taken adequate for preventing the risks identified in the PIA and to what extent do residual risks occur?
- 11 To what extent is the implementation in line with the legal framework?

### **Effects of the Act**

- 12 For what purposes are requests for vehicle registration data submitted?
- 13 How are the vehicle registration data obtained used in the investigation and prosecution?
- 14 To what extent does searching number plates stored pursuant to the Act on the "Recording and storage of vehicle registration data by the police" contribute towards achieving the stated objectives? Is this context dependent?
- 15 How does the searching of number plates stored pursuant to the Act on the "Recording and storage of vehicle registration data by the police" relate to the use of other investigative powers?
- 16 To what extent does the use of Section 126jj of the Code of Criminal Procedure in the investigation process have unintended consequences?

### **Research methods**

The evaluation is based on information collected during two rounds of the Monitor in 2019 and 2020. During these two rounds, information was gathered by means of a literature review, desk research and interviews. Earlier studies on the use of automatic number plate recognition (ANPR) in the Netherlands were primarily used for the literature review. For the desk research, additional documents of the police and the Public Prosecution Service were analysed and a list of judgments was produced on rechtspraak.nl. This involved performing a comprehensive search on the rechtspraak.nl database for criminal cases in which Section 126jj was used. All 126jj requests are stored in a system called Argus, in which all 126jj data are also stored. Data on these records and requests have been analysed from 1 January 2019 to March 2021 and incorporated into this report. In the context of this study, interviews were also conducted with police officers, officers of the Royal Netherlands Marechaussee and the Netherlands Public Prosecution Service at national and regional level. A total of 124 different respondents were interviewed. Some respondents were interviewed twice or more to obtain additional information or because they were involved in more than one case. During the interviews, the drafting of the legislative proposal and its implementation in a more general sense were discussed. Interviews were also conducted in relation to specific investigation cases. Twenty cases were selected and discussed in greater detail. The course of the criminal investigation and the manner in which 126jj was used were examined in these cases.

### **Predicted effect of the Act and effects of the Act in practice**

The policy assumption was that 126jj contributes to both the effectiveness and efficiency of investigations. Section 126jj would help improve the effectiveness of investigations through the gathering of evidence, the obtaining of decisive investigative information, the obtaining of leads and the potential ruling out of suspects. Our research shows that 126jj plays a limited role in the furnishing of evidence. As 126jj data cannot identify persons, additional investigative information

is usually needed to prove that not only a vehicle, but also the suspect has been at a particular location or route at a particular time. This restriction also applies to ruling out suspects. A suspect cannot be ruled out on the *sole* basis of 126jj data. Section 126jj data can however be used in combination with other investigative data to rule out possible suspects, scenarios and threats to individuals, thus providing further direction for the investigation. In line with the above, 126jj is often used to obtain leads. Our research shows that 126jj is frequently used alongside other investigative powers, and, in combination with other investigative information, such as witness information or telecom data, provides further direction for the investigation. Particularly in the early stages of investigations where little other investigative information is available, 126jj often provides pertinent leads. In some cases, the power has provided decisive information for the investigation process. Our research shows that the use of 126jj has in some cases led directly to a suspect, who without the use of this power may not have been identified at all or would have taken much longer to identify.

In addition to effectiveness, 126jj is expected to also enhance the efficiency of the investigation process. Savings are anticipated in terms of time, manpower and resources. Our research shows that the use of 126jj can make it easier to identify particular vehicles and thus particular suspects. On the other hand, requesting and analysing 126jj data can require a great deal of police capacity. It is therefore impossible to reach a clear conclusion with regard to whether the Act makes the investigation process more efficient. It is relevant to note that during this evaluation study it has become clear that the development of Argus (the system used to search 126jj data) has stalled, as it is still unclear whether the current law will be extended. The further development of Argus could make the requesting of 126jj data more efficient in the future. This includes the type of search queries that can be performed within Argus and the ability to automatically render individuals unrecognisable in overview photographs.

## **Camera plan**

Currently, 92% of all ANPR cameras available to the police are designated as 126jj cameras. There are a total of 919 fixed 126jj cameras spread across 461 126jj locations. In 2020, these cameras recorded an average of 5 million passages per day, of which around 2 million involved a unique number plate. This means that every vehicle recorded passed an average of 2.5 126jj ANPR cameras. Due to COVID-19, the figures since 2020 are not fully representative of the total number of passages recorded under non-COVID conditions.

In order to prevent indiscriminate data collection, ANPR cameras designated as 126jj must meet one of the three criteria set out in Section 3(2) of the Order in Council. For each 126jj location, these criteria have been used to justify in writing why an ANPR location is designated as a 126jj location. The individual documents setting out the justification for the placement of the cameras per location are not publicly available, however, despite the fact that they are required to be by law. This makes it difficult for interested parties to check for indiscriminate data collection.

One factor in determining whether data is being collected indiscriminately is the geographical area in which data is collected and stored, in other words the coverage of the 126jj cameras. In terms of coverage, there are still entire stretches of motor-

way in the Netherlands, particularly outside the Randstad conurbation, where vehicles travel for miles unrecorded. At the same time, there are areas in the Netherlands, particularly within the Randstad conurbation, where the density of ANPR cameras already covers a large proportion of the road and motorway network. The extent to which this is or is not in accordance with European case law on data retention cannot be determined on the basis of this evaluation. As part of a potential court case that interest group Privacy First intends to bring, a ruling may be made on the extent to which the current 126jj camera coverage amounts to indiscriminate data collection.

In addition to the justification of the 126jj locations in the camera plan, another issue that warrants attention is the lack of clarity with regard to the 126jj locations. The camera plan provides a reasonably specific description of some locations by mentioning a junction or exit. However, some locations are solely identified by a street name, making the precise location of all ANPR cameras unclear for the general public. The description of the 126jj sites therefore requires further attention in order to improve awareness.

### **Margin of error**

To reduce the risk of providing incorrect data and to prevent the police from being led down the wrong track (a 'false positive' due to an incorrect 'hit'), 126jj cameras must, by law, be able to correctly record at least 90% of number plates under 'normal circumstances'. Based on the law, it is unclear when the 90% standard applies (at the time cameras are acquired, or for the entire duration that the cameras are in use). It is also unclear under what circumstances this 90% standard applies (what is 'normal?'). It would therefore be clearer if the legislator would specify whether the 90% standard only applies at the time of acquiring the cameras or if it also covers the entire lifespan of the ANPR camera. For the purpose of testing this standard, it should also be clearer under which weather conditions cameras are expected to meet this standard.

### **Authorised investigating officers**

Measures to prevent unauthorised access to 126jj data include restricting access to Argus to authorised investigating officers and logging user activity within Argus. To prevent unauthorised access to Argus, authorisations are in principle withdrawn if a person is no longer using the system or changes functions. As was also established in the 2020 audit, there is currently no periodic monitoring of the relevance of access rights. As a result, it is not known to what extent the access rights are up to date. Logging is also not subject to periodic monitoring. This is a potential risk, as it means that any unauthorised use of Argus cannot be detected in a timely manner. Based on this evaluation study, there are no indications of any unauthorised use of Argus.

### **Consultation of data**

There were 1,119 126jj requests in 2019 and 2,102 126jj requests in 2020. A total of 3,668 126jj requests were submitted up to April 2021. Of these requests, 3,373 (92%) were processed.

The police often take the initiative in the use of 126jj. The public prosecutor then decides, after consulting the police, whether the use of 126jj is desirable. Our research shows that the police and the Public Prosecution Service consider the power to be a relatively light special investigative power, certainly in relation to other special investigative powers such as the requesting of telecom data. Section 126jj is generally used for more serious offences such as drug-related crime or murder and manslaughter. Given that public prosecutors view 126jj as a relatively light method and offences are often of a more serious nature, they are likely to consider the use of 126jj to meet the requirement of proportionality. It is striking that respondents from the police and the Public Prosecution Service do not consider the use of 126jj proportionate for less serious offences such as shoplifting, although the law permits the use of 126jj for these offences.

In addition to the legal assessment of the proportionality of the power, personnel capacity plays a role in the consideration of whether or not to use the power. This consideration applies mainly to authorised investigating officers carrying out a 126jj search and to a lesser extent to police officers analysing 126jj data. Some 126jj searches are very time-consuming to carry out. In these situations, authorised investigating officers therefore weigh up whether the time required to carry out a search is proportionate to the potential added value of the 126jj data to the investigation. The authorised investigating officer usually consults with the person making the 126jj request about the possible restriction of the search query to ensure that, in their view, there is a better balance between the required investigative capacity and the expected return. When doing so, they take into account the severity of the offence. For the more serious offences (such as murder), a greater time investment is usually more likely to be considered acceptable.

The data storage period (the '28-day period') also has an impact on the assessment as to whether to use 126jj. For fear of losing data, 126jj is sometimes deployed early on in a criminal investigation to secure data that may be needed later. Similar considerations apply to the use of other special investigative powers to secure volatile data (such as telecommunications mast data). This data is secured as a precaution, as it is often only later in an investigation that it becomes clear which data may be of added value in the process of investigating and furnishing evidence. An undesirable side effect of the 28-day storage period is that, in these situations, more data is usually requested than is strictly necessary in view of the other available investigative information and the final investigation question.

Apart from the securing of data for fear of loss, our research shows a mixed picture of the extent to which the 28-day period is sufficient for the purpose of investigation. This seems to depend largely on the type of offence for which the power is used. In the less complex cases or in cases that have been reported soon after the act, meaning there is a lot of targeted information about time and place, vehicles can be rapidly identified and the passage data can be requested without delay. In these cases, a search is usually carried out within a few hours or days and the 28-day period is therefore sufficient in most cases. In more complex cases, however, the period may be too short. For example, these are cases where it is important to identify patterns. Sometimes more than 28 days are needed to understand travel patterns. In addition, major investigations such as murder investigations can take months or even years. In these investigations, potentially relevant locations or number plates are often not identified until later in the investigation – after the 28-day period has passed. Some respondents therefore suggested that a graduated power, whereby data can be consulted for longer than 28 days for certain more

serious offences, might offer a solution. It should be noted, however, that for any storage period chosen, valuable data may be lost.

### **Extensive searches**

Within Argus it is possible to search for specific number plates, however it is also possible to search for part of a number plate or to retrieve all passages at a specific time and location. In order to provide 126jj data from Argus, an authorised investigating officer must first check whether the number plates have been correctly recognised by the system by comparing them with a cut-out of the number plate from an overview photo. If the authorised investigating officer establishes that a number plate has been incorrectly recognised, it will be rejected and this number plate cannot be issued. For search queries that do not relate to a specific number plate, the law offers the possibility of still providing the incorrectly recognised number plates. The idea behind this is that in situations where no specific vehicle has yet been identified, even number plates that are incorrectly recognised by the system may be relevant. In these situations, the authorised investigating officer must report that incorrectly recognised number plates have been provided. Although it is legally possible to provide misidentified number plates in these types of searches, this is not possible within Argus. Data from Argus can only be issued if it has been approved by an authorised investigating officer. This evaluation study has shown that some authorised investigating officers therefore approve all number plates for this type of passage query without performing any checks. The reason for this is to avoid losing potentially relevant passage data if they are rejected after verification. Approving without checking also has the advantage of avoiding spending too much time checking large amounts of data, only some of which will be relevant. The problem, however, is that once number plates have been approved, they do not need to be checked again during a subsequent search of the same passage. This creates the risk of unverified and possibly incorrect vehicle registration data being supplied during a subsequent search.

The risk of supplying unverified and potentially incorrect vehicle registration data is an issue that needs to be addressed. A possible solution would be to correct incorrectly recognised number plates. However, this is viewed as a risk to the integrity and security of Argus. For this reason, the Order in Council stipulates that data within Argus cannot be amended. An alternative is to adapt Argus for search queries not aimed at a specific number plate, so that 'non-approved' number plates can also be provided.

Another possible technical adjustment to Argus is to carry out certain extensive analyses and queries within the application. This would make it easier to carry out extensive searches in the future. One example is an analysis to determine if there is a number plate that has been at multiple locations during a certain period of time. In order to gather this information, in the current situation all number plates for all these locations need to be checked and issued within a certain time frame. The requesting party then searches for any matches within the number plates provided. If Argus were to undergo further development, it would be technically possible to perform this search within Argus itself. Vehicle description searches could also be carried out within Argus itself in the future, as it is technically possible to search by features such as vehicle make and model. The advantage being that this would save time, but also prevent unnecessary 126jj data being provided in response to a 126jj query.

## Telephone orders

In urgent cases, the public prosecutor can issue an order by telephone (verbally). Pursuant to Section 126jj (4) of the Dutch Code of Criminal Procedure, the public prosecutor must put a telephone order in writing within 72 hours. Exceeding this time limit can result in a breach of procedural rules, which in extreme cases lead to a formal offence during the criminal proceedings. This deadline has been adopted in Argus: the authorised investigating officer must enter the written order into Argus within the same 72 hours. However, entering the order in Argus within 72 hours is not a legal requirement, unlike putting the order in writing within 72 hours. This evaluation study has shown that in around 46% of all verbal orders, the written order was entered too late. It is worth noting that the two deadlines are considered equivalent. As a result, an order that has been written just within the 72 hour period can easily be recorded too late in Argus. The question is therefore whether the 72 hour deadline used within Argus for the entry of the written order (and that is not a legal requirement) is realistic and necessary.

Based on the available data, it is not clear whether the written order was issued too late by the public prosecutor and/or was only entered into Argus too late. It is therefore not clear whether there is a risk of exceeding the legal deadline and how great this risk is. Officers of the Special Investigative Powers division who were interviewed say that orders are sometimes put in writing too late, but that no record is kept of exactly how often this happens. Based on previous studies of other special investigative powers, there is also no information available on how long it takes for warrants to be put in writing. Follow-up research is therefore needed to gain further insight.

## Central storage and security

All ANPR data stored for 126jj purposes is entered into a database that can be consulted using the Argus application. The data is automatically destroyed after 28 days. As a result, the data can no longer be accessed after the 28-day period. A potential risk with the storage of 126jj data is that this data may be leaked due to negligence or a data hack. A number of security measures are taken to prevent this from occurring, which are described in section 4.5.2 of the underlying report. It has become clear that there is currently a potential risk of a leak following the completion of a search query by an authorised investigating officer. In order to share the results with the requesting party, the authorised investigating officer downloads the results and usually sends them by email. Some authorised investigating officers retain a copy of the results provided locally (as a back-up) on their own computer. This often happens on their own initiative and without clear frameworks. As a result, there is a risk that data will be stored unattended for too long. A copy of the data provided is also often left in the joint email box of authorised investigating officers in the 'sent messages' folder. Data is consequently stored in systems not intended for that purpose, with the risk of retention periods being exceeded and an increased risk of leakage or hacking. Although in these instances the data strictly speaking fall under the Police Data Act and no longer under 126jj, the policy on dealing with 126jj data after they have been downloaded warrants attention.

## Rendering individuals and non-public locations unrecognisable

When a 126jj data search is performed, in addition to vehicle registration data, an overview photo can be provided showing the vehicle. If individuals or non-public locations are recognisable in an overview photo, the law requires an authorised investigating officer to render the individual or location unrecognisable (also referred to as blurring). In practice, this is done manually. This evaluation study has made it clear that manually rendering individuals unrecognisable in overview photographs has created dilemmas in investigative practice. Blurring photos is very time consuming for authorised investigating officers. For this reason, in the case of large-scale searches, photographs are often not supplied in the first instance. If, after analysing the data, the requesting party still wants to have the blurred photos of a specific passage, a search query for that specific passage can be performed and the corresponding photos can be blurred.

Investigation teams want to have the option to receive the unblurred overview photos. The study shows that unblurred overview photos have been demanded by the public prosecutor on the basis of 126nd and 126nf of the Code of Criminal Procedure, which allow the requisition of evidence such as camera footage of third parties. This created a dilemma for the authorised investigating officers, as on the one hand they were required to execute an order from the public prosecutor, but on the other hand they were bound by the conditions of 126jj. In most cases, the authorised investigating officers were able to explain why it was not possible to provide the requested data. In a few cases, the request was discussed at a higher level within the police and the Public Prosecution Service. In three confirmed cases, the order to provide the unblurred photographs eventually came from higher up within the police and the Public Prosecution Service. These cases have led to internal discussions within the police and the Public Prosecution Service as to whether it should be possible to provide unblurred photographs in special situations. Because the law explicitly excludes this possibility on the basis of 126jj, it was concluded at a higher level within the police and the Public Prosecution Service that there are no exceptional grounds for obtaining or providing unblurred photographs. After these three cases, as far as is known, no more unblurred photographs have been provided.

Although the police and the Public Prosecution Service concluded that it is not possible to obtain the unblurred overview photographs, from an investigative point of view, the desire remains to obtain unblurred overview photographs in specific situations. To meet this wish, some respondents have suggested a graduated scope of application for 126jj. This would mean that unblurred overview photos could be provided under strict additional conditions. For example, only allowing the provision of these photos for specific offences that constitute a serious violation of the rule of law and after an examining magistrate has given their approval.

The manual blurring of individuals in overview photographs was made compulsory because, when the legislative proposal was drafted, it was not technically possible to automatically render all occupants of a vehicle and non-public places unrecognisable. Our research shows that it is now technically possible to automatically render individuals unrecognisable in overview photographs. If this is done immediately upon saving data in Argus, it can reduce the risk of providing unblurred photographs. Research into actual practice will show how accurate this software solution is. If blurring is only carried out at the time the photos are provided, as is currently the case, then despite the statutory provision and the aforementioned conclusion

that no unblurred photos may be provided, the possibility remains of providing unblurred photos in isolated cases where this serves the substantial interest of the investigation.

### **Provision of 126jj data to foreign countries**

In both 2019 and 2020, the option of providing data to Bonaire, Sint Eustatius and Saba was not used. However, several requests for legal assistance were received from other countries. No exact numbers were recorded. Requests for legal assistance are usually received by the International Legal Assistance Centres (IRCs). If 126jj needs to be deployed, the public prosecutor checks whether the request from abroad meets all the requirements. International 126jj requests should meet the same conditions as domestic requests. A request for legal assistance in judicial matters (a conventional request for legal assistance or a European Investigation Order [EIO]) from the country concerned is required in order for data to be provided. A public prosecutor will prepare a 126jj order if the request for legal assistance in judicial matters is in order. The following search process is similar to a 'normal' 126jj search.

### **Privacy audit**

The police are required to carry out or commission an annual privacy audit to check whether the provisions of the Police Data Act and the safeguards of 126jj have been adequately implemented. This audit was not carried out for 2019, as there was a lack of clarity internally within the police force as to which organisational unit was the 'commissioning party'. The 2020 audit found that a number of processes are not yet in place. This includes the periodic monitoring of user rights of authorised investigating officers. The audit also found that there is no monitoring of whether authorised investigating officers are themselves involved in the investigation for which the 126jj search is taking place. In addition, the auditors found that there is currently no 'active monitoring' of the log files in Argus, making it harder to detect any unauthorised access in a timely manner. The 2020 audit concludes that the other processes are adequately in place. The start of 2022 will see the publication of the 2021 audit, which will also look at the implementation of the processes in practice.

### **Supervision**

The Dutch Data Protection Authority and the Inspectorate of Justice and Security have been assigned a supervisory role in relation to 126jj. The supervisory bodies can decide independently to identify specific topics, such as 126jj, for further investigation. They can also launch an investigation in response to warnings they receive. Interviews with both supervisory bodies indicate that they do not treat 126jj as a specific subject in their investigation programme. In addition, they did not receive any warnings in 2019 and 2020 on the basis of which they considered further investigation of the approach toward 126jj to be necessary.

## Types of crimes

As described earlier, 126jj can be deployed for crimes for which pre-trial detention is allowed, as described in Section 67(1) of the Dutch Code of Criminal Procedure. In addition, the data may also be used for the arrest of a suspect at large or a convicted person as referred to in Section 6:1:6 of the Code of Criminal Procedure. Within Argus, it is not technically possible to identify the underlying offence for all requests. A number of police units and the Royal Netherlands Marechaussee have kept their own records of the underlying principal offences in the 126jj requests they have processed. The 126jj requests processed by these units and the Royal Netherlands Marechaussee represent about 21% of the total number of investigations for which a 126jj request was made. These overviews showed that 126jj was most often used for four types of offences: drug-related offences (21.6%), theft (20.8%), offences related to murder and manslaughter (18.6%) and burglaries (8.9%). Drug-related offences involve the possession, production and trafficking of hard drugs. Theft and robbery include street robbery, theft from vehicles and shoplifting. Burglaries are primarily domestic burglaries.

## Purpose of searches and applications

One of the applications is the securing of 126jj data. This application is used for a number of purposes. Firstly, it is used at the start of some investigations to determine the direction in which an investigation should continue. Secondly, 126jj data are also sometimes secured as they might otherwise be lost due to the expiry of the 28-day period (see earlier). As an extension of this, the purpose of securing the 126jj data can also be to investigate various scenarios and to elaborate one or more of these scenarios in greater detail (further investigation). The same secured data may be used for different purposes at different points in an investigation. In the immediate wake of an incident, data may be used to look for clues to guide an investigation, and later the same data may be used to investigate and prove specific scenarios.

Automated searching for profiles or patterns in the 126jj data is not permitted. However, 126jj data can also be used to identify certain patterns manually. This may be for the purpose of identifying particular behaviours, however patterns can also be used to identify particular vehicles. A specific application of searching for patterns is convoy analysis. A convoy analysis examines whether certain vehicles are driving in close proximity to a vehicle. Around 5% of all searches involve convoy analysis. This analysis is mainly used in investigations into drug-related crimes. In addition to searching for patterns, it is possible to manually search for descriptions within so-called block searches. This type of search involves searching all passages within a certain period of time and then manually searching for a vehicle description.

In criminal investigations, 126jj is often deployed in combination with other special investigative powers. A combination is beneficial to the furnishing of evidence. Combining the various special investigative powers makes it possible to claim with greater certainty that an individual has been present in a particular location. A combination of special investigative powers can also lead to new insights. Use of the power can aid the more targeted application of another special investigative power and thus the discovery of new information. Comparing passage data at specific

locations with retrieved telecom data at the same locations has in some cases yielded information such as a suspect's identity.

Other ANPR applications are also used together with 126jj. This often involves placing number plates on reference lists. Reference lists contain the number plates of vehicles wanted by the police, for instance because a vehicle has been stolen, an individual is at large or because an individual has an outstanding fine. In addition to the ANPR cameras to which the police and the Royal Netherlands Marechaussee have direct access, there are a number of third-party ANPR cameras such as commercial ANPR cameras and environmental cameras. These cameras are sometimes present in locations where the police and the Royal Netherlands Marechaussee themselves have no insight and can therefore sometimes provide relevant investigative information. The police and the Royal Netherlands Marechaussee can requisition this ANPR data on the order of a public prosecutor.

## Conclusion

This evaluation focused on the question of the way in which number plates that have been stored on the basis of the Dutch Act on the 'Recording and storage of vehicle registration data by the police' (*wet 'Vastleggen en bewaren kentekengegevens door de politie'*) are used in investigations and the role the data play in the investigation process.

Our research shows that the power is largely used in accordance with the legal framework. Two points were identified where this is not or was not the case: the provision of unblurred overview photos in three investigations and the lack of underlying justification for 126jj locations in the camera plan. For one point, the level of compliance with the law is unclear. It is unclear to what extent telephone orders are recorded in writing in time in accordance with the legal framework. Follow-up research is needed to gain further insight. A number of risks were also identified that need to be addressed by the implementing parties and the legislator. This concerns the monitoring of logging and authorisations of authorised investigating officers and ambiguities in the wording of the permitted margin of error for 126jj cameras. Finally, the rules regarding the management of delivered 126jj provided require attention.

In terms of efficiency in the investigation process, it can be concluded that the new power sometimes delivers time savings. On the other hand, use of the power also costs police capacity. The net result of this is difficult to determine. If the law is retained, the use of the power could be designed more efficiently in future by making technical adjustments in Argus (such as expanding the search options within Argus).

Finally, our research shows that 126jj is combined with other special investigative powers in the majority of cases. In these cases, the use of 126jj yields information that, in combination with other investigative information, can give further direction to the investigation. In some cases, the contribution of 126jj has been decisive. It is of course impossible to determine with certainty how a case would have unfolded without the existence of 126jj. However, the use of 126jj in these cases directly contributed to the identification of specific suspects. Without the use of 126jj, it would have been very difficult or time-consuming in these particular cases to identify the suspects by other means. In terms of the furnishing of evidence, 126jj plays

a limited role. It should be noted that only a limited number of cases have come to trial in which 126jj was used. However, the added value of 126jj seems, also based on additional interviews with prosecutors, to be greatest during the investigation process.