

Date: 14 March 2017

Item: Personal Data Disclosure to Police and Other Law Enforcement Agencies

This paper will be considered in public

1 Summary

- 1.1 This paper provides an update to the Committee on the operation of TfL's policy on the disclosure of personal data to the police and other statutory law enforcement agencies.

2 Recommendation

- 2.1 **The Committee is asked to note the paper.**

3 Background

- 3.1 A revised policy on the disclosure of personal data to the police and other law enforcement agencies was approved by the Audit and Assurance Committee on 9 March 2015 and it is now fully implemented. A high level report on the operation of the policy is provided to the Committee on an annual basis.
- 3.2 TfL holds a range of information about its customers and employees and in disclosing personal details to the police and other statutory law enforcement bodies without the subject's consent, exercises the exemption under section 29 of the Data Protection Act (DPA) 1998, for the purposes of crime prevention and detection.
- 3.3 TfL receives detailed requests from the police and other law enforcement bodies¹ for the disclosure of personal information on customers and TfL employees. In accordance with the agreed policy, TfL considers all such requests on a case by case basis and releases personal data where it is lawful to do so and is consistent with its powers. This paper provides the Committee with a summary picture of the data disclosed this year.

4 Operation of the Policy

- 4.1 Information Governance (IG) in TfL's General Counsel are responsible for the policy, advise on its implementation and assesses compliance with current legislation and best practice.

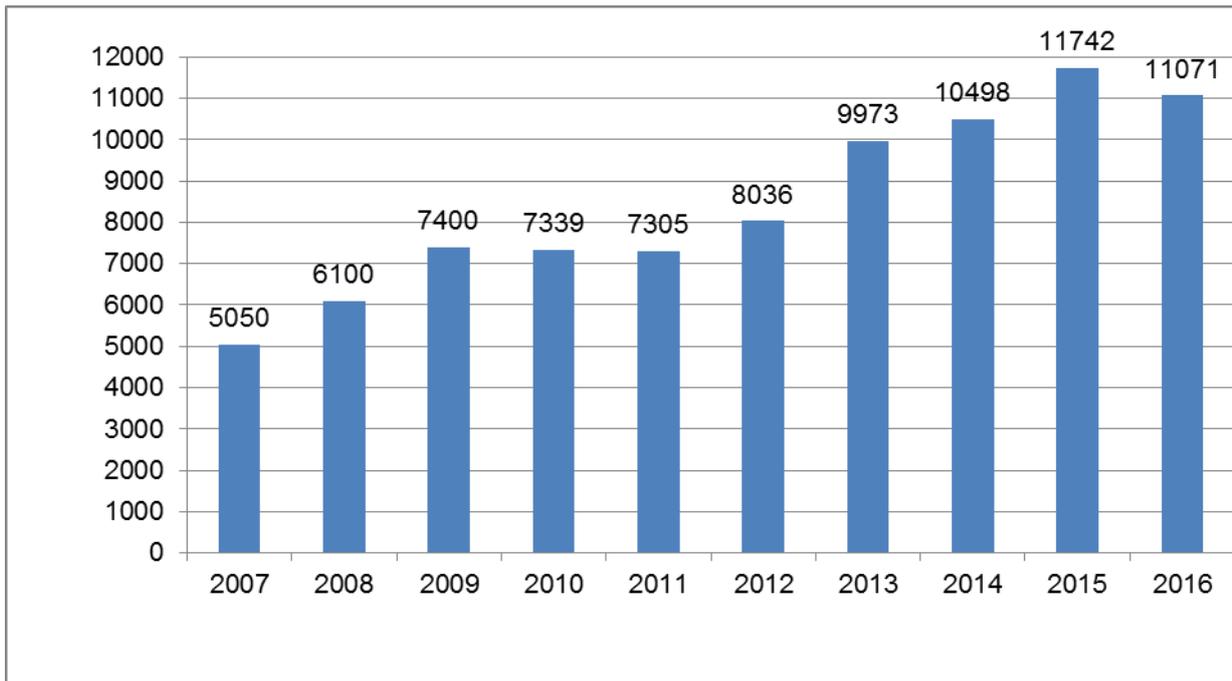
¹ Includes national security and other agencies with a statutory role in crime prevention and detection.

- 4.2 The operation of the policy in the context of the day to day processes, procedures and auditing of disclosures to the police continues to be managed by the Crime and Anti-Social Behaviour Investigation Team (CIT) within TfL's Directorate of Enforcement and On-Street Operations (EOS) in Surface Transport. This team deals with requests for personal data made to TfL by the police and other Statutory Law Enforcement Agencies (SLEAs) with the following exceptions:
- (a) police requests for access to information, including CCTV images, held by London Underground Limited (LUL). These requests are processed directly by LUL (see section 8);
 - (b) police requests for information on licensed drivers, held by TfL's Taxi and Private Hire (TPH) licensing team, for example for investigating allegations of sexual offences and other serious crimes. These requests are processed directly by TPH. A breakdown is included in section 7; and
 - (c) Bus Operations, Road Network Compliance and London River Services may also respond directly to police and law enforcement agencies requests, primarily for CCTV.
- 4.3 Since May 2012, EOS has also taken responsibility for responding directly to requests from non-police bodies that have a statutory role in crime prevention and detection (for example, the Driver and Vehicle Standards Agency (DVSA), local authorities, HM Revenue and Customs, and the National Crime Agency). All departments follow TfL's policy and procedures and are trained and audited by EOS, with practice overseen by IG.

5 Overview Of Requests And Disclosures

- 5.1 Chart 1 shows the volume of all police and SLEA data requests made to EOS since 2007 for full calendar years (January to December). The total number of data requests made in 2016 is 11,071, a 5.71 per cent decrease from 2015. This current figure goes against recent trends of a year on year increase in data requests.
- 5.2 There has been an overall rise by 3 per cent in recorded transport related crime across all modes in 2016. This overall increase in transport related crime was expected and has been primarily driven by efforts to encourage the reporting of sexual offences and changes in the counting rules for violent crimes.
- 5.3 However, the Metropolitan Police Service (MPS) (who made 87 per cent of data requests received in 2016) recorded a 3.4 per cent reduction in bus-related crime. Also, overall reported theft on all modes fell by 5.2 per cent between 2015 and 2016. As the most common crime type this contributes to explaining why there has been a 5.7 per cent reduction in police data requests in 2016.
- 5.4 The use by Police of personal data held by TfL has been one of the key supporting factors in the reduction in crime on London's transport system and there continue to be clear benefits from using TfL data as an investigative tool.

Chart 1: Breakdown of request (by volume) from 2007 – Oct 2016



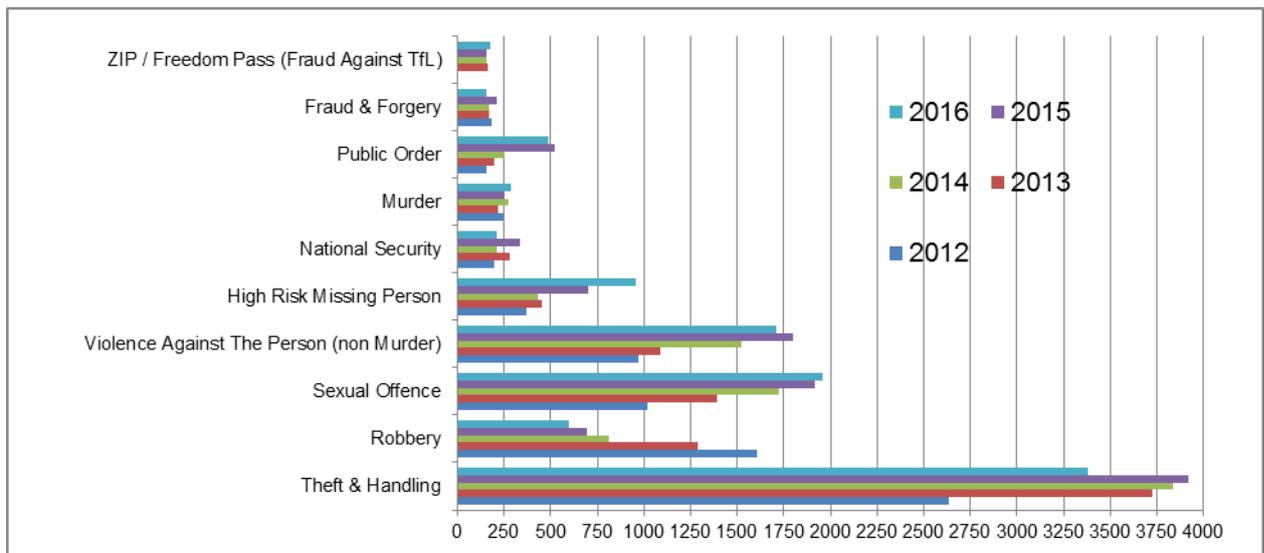
5.5 The MPS account for the majority of requests made to EOS. Table 1 show a breakdown of data requests by requesting agency (by percentage) for 2016, very similar to 2015.

Table 1: Data requests by requesting agency

SLEA	No of requests	(%)	2015 (%)
MPS	9,620	87 %	86%
BTP	815	7 %	8%
Other police forces	255	2 %	2%
National Security	208	2 %	3%
Non-police bodies that have a statutory role in crime prevention and detection	93	<1 %	<1%
Bus Company / Internal Enquiries	58	<1%	<1%
City of London Police	22	<1%	<1%

5.6 Chart 2 shows data requests by crime/incident type year to date. Categories with fewer than 150 in number are not shown.

Chart 2: Data request by crime type

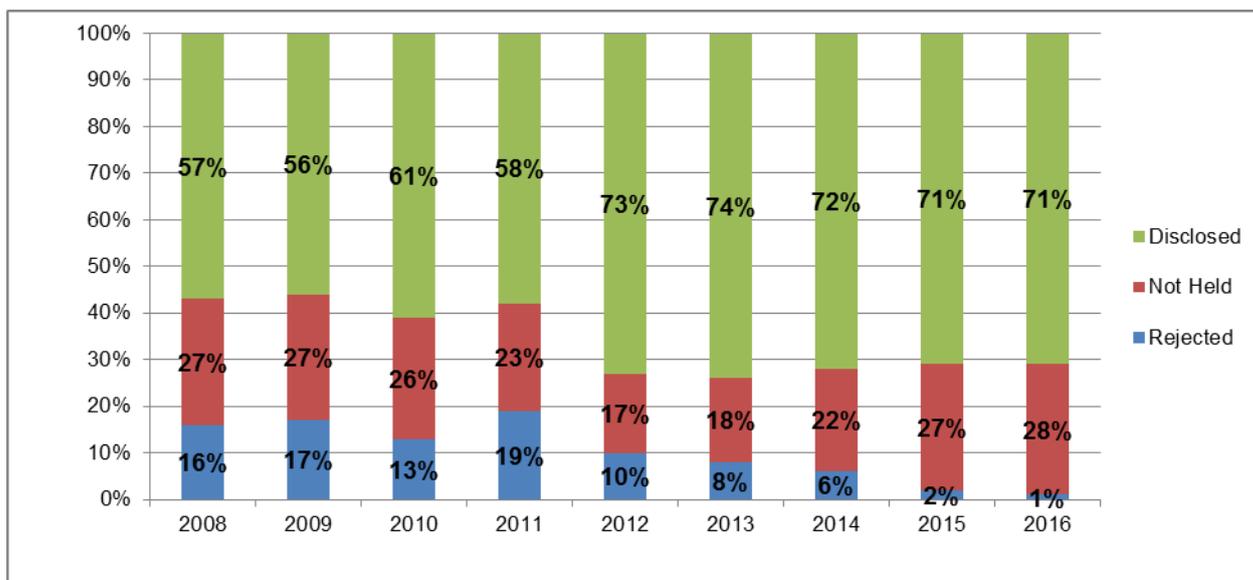


6 Overview Of Recent Improvements

- 6.1 EOS continually reviews how best to manage current and projected levels of demand. Guidance to the police and SLEAs has been issued and is routinely updated and published on each agencies' intranet pages.
- 6.2 The purpose of such guidance is to provide clear advice on how data requests should be made and how they will be managed once received by TfL. This guidance assists EOS in that it provides a consistent and structured approach in line with the TfL policy and ensures that all disclosures are lawful, necessary and proportionate. Requests are dealt with on a case by case basis, but in order to manage demand they are triaged when they are received, determining if and how they will be dealt with.
- 6.3 As a result of these changes and EOS's close partnership working with the police, TfL is seeing fewer requests being rejected on the grounds that they are not clear, specific, proportionate or appropriate. Only one per cent of requests were rejected in 2016, compared to 19 per cent in 2011. This, combined with process improvement, has allowed the volume of police requests to be accommodated within existing staff resources within EOS. This is illustrated in chart 3.
- 6.4 The number of data requests received that specifically related to Contactless Payment Cards (CPC) totalled 462 for the year 2016, an increase of 56.61 per cent compared to 2015.
- 6.5 In 2016, EOS introduced a number of new crime type categories after trends were identified and received; 107 Child Sexual Exploitation investigations, 71 hate crime investigations, 13 Safeguarding investigations, and five investigations related to the night tube.

6.6 There has been a sustained year on year increase in missing person enquiries. The recent increase can be attributed to our efforts to encourage the police to make use of travel data to assist with their enquiries particularly in cases where there are potential safeguarding issues. This is part of our wider work to improve the safeguarding of young people and vulnerable adults who travel on our network.

Chart 3: Breakdown of responses to data requests – Data Disclosed, Not Held or Rejected



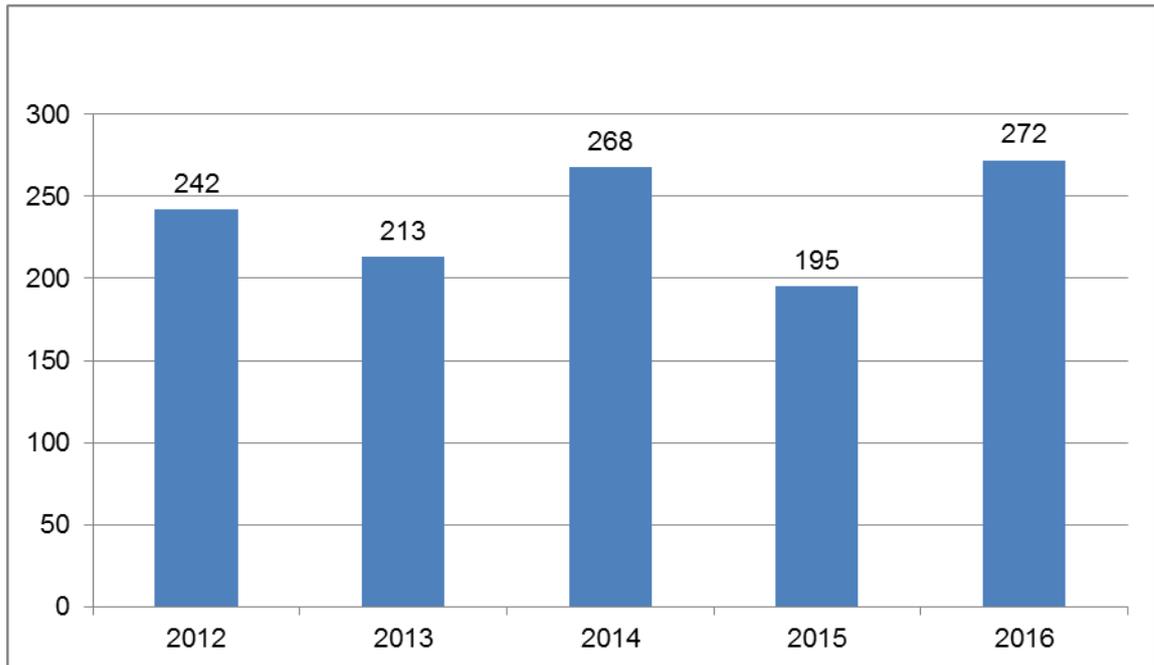
6.7 The option is always open for the police to request a Production Order through the Crown Court to obtain personal data in instances where TfL has refused to disclose data. The most common reason for requests to be rejected is that the volume of personal data requested is disproportionate. In 2016 however, there were no Production Orders received by TfL.

7 Personal Data Requests Relating To Taxi and Private Hire (TPH) Licensees

7.1 Police requests for information on licensed taxi and private hire drivers are processed directly by TfL's TPH Directorate. Data may be requested when a taxi or private hire licence holder is a suspect or witness to a crime.

7.2 Chart 4 shows the volume of all police and law enforcement data requests made to TPH since 2012, when a central database of requests was established. There were 272 data requests were made to TPH in 2016. The reason for the request is not systematically recorded but improvements are being made to the database so that this information can be included in this annual report from next year.

Chart 4: TPH - Volume of Requests



7.3 The MPS accounted for the majority of requests made to TPH. Table 2 shows a breakdown of data requests by requesting agency (by percentage) in 2016 (01 January – 31 October).

Table 2: Data requests by requesting agency

SLEA	No of requests	Percentage
MPS	231	85%
Other police forces	26	10 %
City of London Police	11	4 %
National Crime Agency	3	1 %
Non-police bodies that have a statutory role in crime prevention and detection	1	<1%

7.4 Data was disclosed for 92 per cent of the requests, data wasn't held for seven per cent of requests and one per cent of requests are still pending awaiting information in order to process them.

7.5 The breakdown of requests by Private Hire and Taxi is shown in the table 3.

Table 3: Breakdown of requests by Private Hire and Taxi

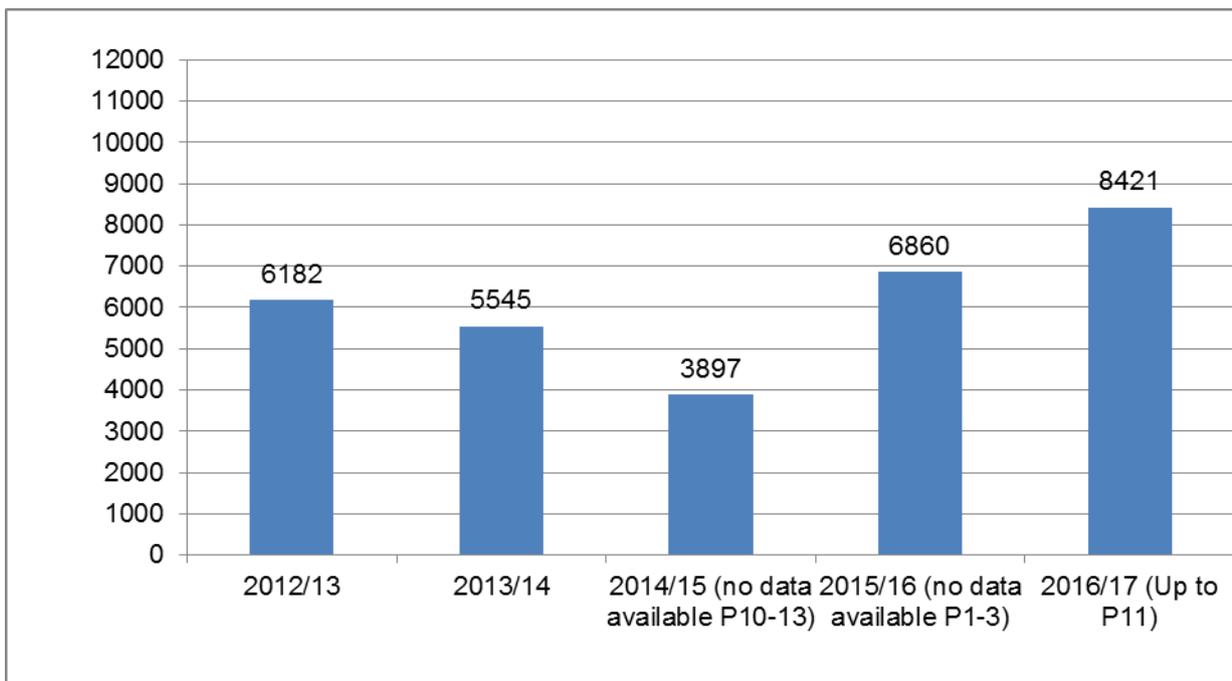
Type of Driver	No of requests	Percentage
Private Hire Vehicle	201	74 %
Black Cab (Taxi)	63	24 %
Knowledge of London Driver	4	1 %
No Details Available	4	1%

7.6 Although the data request rate for black cab drivers was 25 per cent, around one fifth of these requests related to them being potential witnesses to an alleged incident rather than them being involved in any criminal activity.

8 Requests Received by London Underground

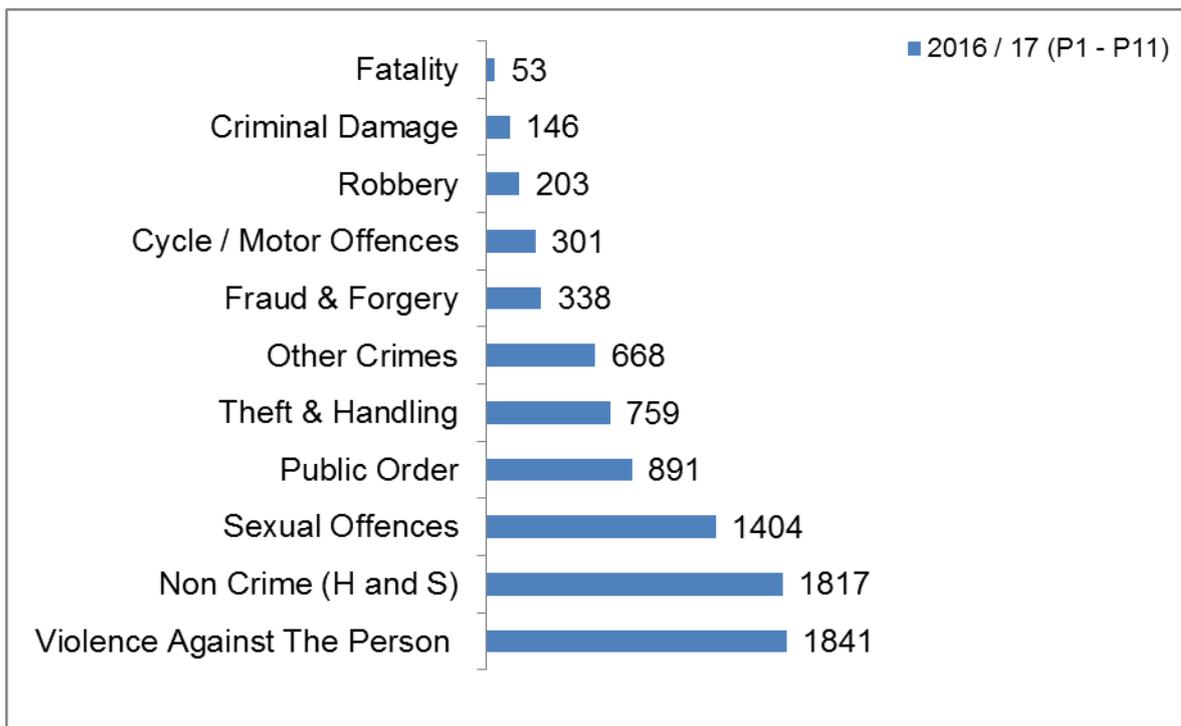
8.1 Police requests for personal data recorded by London Underground's (LUL) CCTV network are made direct to LUL, using a service provided by the BTP, who act as a data processor for LUL

Chart 5: Breakdown of Requests (by volume) from 2012/13 to Period 11 of 2016/17



Please note that between Period 10 (2014/15) and Period 3 (2015/16) no data was captured due to the relevant data systems being updated, accounting for some of the fluctuation in volumes between 2013/14 and 2016/17. Going forward, the LUL CCTV data requests will continue to be recorded in a concise, timely and accurate manner.

Chart 6: Breakdown of LUL CCTV Requests (by crime type) from Period 1 to Period 11 (inclusive) for 2016 /17



Please note that the “non-crime” crime category is made up of around 80% internal Health and Safety enquiries with the remainder being received from the police and other SLEA’s

9. Conclusion

- 9.1 The value of all TfL related data that is released to the police and other SLEAs for the investigation, prevention and detection of crime on the TfL network and for wider London and threats to national security continues to prove to be a vital crime prevention tool. As a result of this work, TfL continues to make a significant contribution to safety and security in London and there have been many examples of how TfL data has greatly contributed to the identification, apprehension and arrest of offenders who perpetrate crime on the TfL network and two examples of TfL’s contribution are described below.

North Greenwich Terrorist Incident

- 9.2 EOS worked closely with the Counter Terrorism organisations to identify the suspect by utilising Oystercard data, in conjunction with LU station CCTV. A data report identified a freedom pass that was being used by the suspect. A rapid police operation targeted in the area of the last known card validation and the suspect was apprehended soon after. The team in EOS was commended by the Detective Superintendent for the MPS Counter Terrorism Command for the vital role they played in bringing this offender to justice and prevent further attacks.

Bus Sexual Offender

- 9.3 An habitual bus sexual offender was wanted by the police, and EOS ran repeated and regular “live” Oyster data reports to assist rapid response officers to target and identify this individual. The information gleaned from the usage of the card instigated the swift apprehension and arrest.

List of appendices to this report:

None

List of Background Papers:

Policy on the Disclosure of Personal Data to the Police and Statutory Law Enforcement Agencies

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