

Audit and Assurance Committee

Date: 6 March 2018

Item: Personal Data Disclosure to Police and Other Statutory Law Enforcement Agencies (2017)

This paper will be considered in public

1 Summary

- 1.1 This paper provides the annual update to the Committee on the operation of TfL's policy covering the disclosure of personal data to the police and other Statutory Law Enforcement Agencies (SLEAs).

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 summary report on the operation of the policy is provided to the Committee on an annual basis. This policy will be updated later this year to comply with data protection legislation currently before Parliament (a paper on the General Data Protection Regulation and related legislation is being considered separately on this agenda).
- 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 the prevention or detection of a crime, or in the apprehension or prosecution of offenders.
- 3.3 TfL receives specific 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 our powers. This paper provides the Committee with a summary picture of the data disclosed this year.

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

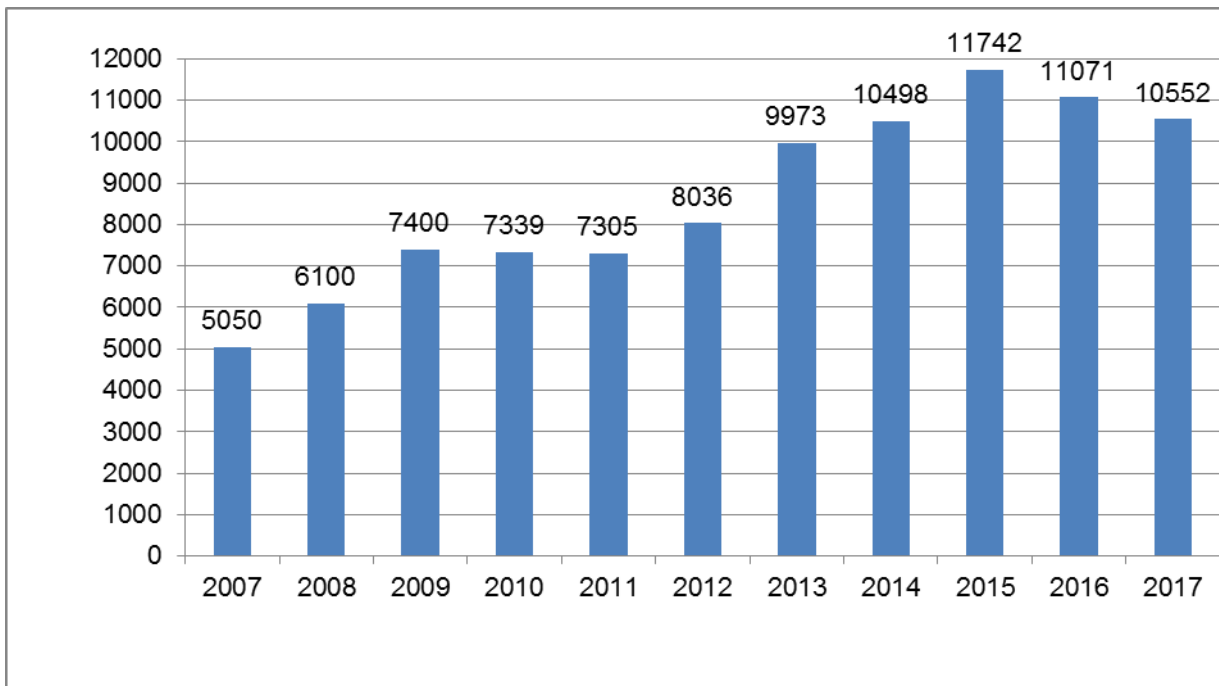
4 Operation of the Policy

- 4.1 Information Governance (IG) in General Counsel is responsible for the policy, advise on its implementation, and assesses compliance with current legislation and best practice.
- 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 the Directorate of Compliance, Policing and On-street Services (CPOS) in Surface Transport. This team deals with requests for personal data made to TfL by the police and other 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) police requests primarily for CCTV from Surface operational areas such as Bus Stations and London River Services can be seen in Chart 1 below. These requests are processed directly by these areas.
- 4.3 All departments follow TfL's policy and procedures and are trained and audited by CPOS 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 CPOS since 2007 for full calendar years (January to December). The total number of data requests made in 2017 is 10,552, a 4.7 per cent decrease from 2016. This current figure continues the reversal first seen in 2016 of a decline in the number of requests received. The reason for this is not clear, but can be explained in part by the fall in reported crime on the bus network and changes in Police investigatory practices.
- 5.2 There has been an overall rise of nearly six per cent in recorded transport related crime across all modes in 2017. This change has been driven by an increase in crime on the rail and underground systems driven primarily by a growth in reported low level violent offences such as pushing and shoving between passengers. These increases are broadly in line with those seen in London and nationally.
- 5.3 In terms of the bus network and wider community, which accounts for 86 per cent of data requests received in 2017 (those requests received from the Metropolitan Police Service (MPS), we have seen a 0.2 per cent reduction in bus-related crime. In the view of TfL and the Police, the use by Police of personal data held by TfL has been one of the key supporting factors in the overall reduction in crime on London's transport system over the past ten years and there continue to be clear benefits from using TfL data as an investigative tool.

Chart 1: Breakdown of request (by volume) from 2007 – 2017



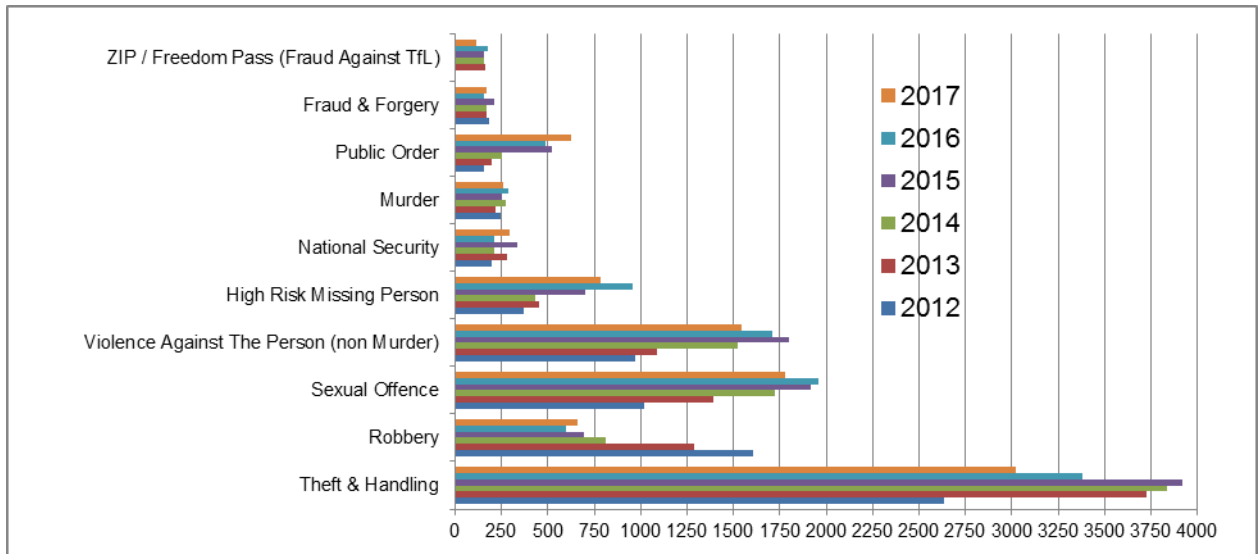
5.4 As mentioned above, the MPS account for the majority of requests made to CPOS. Table 1 shows a breakdown of data requests by requesting agency (by percentage) for 2017, and provides comparison to requests received in 2016.

Table 1: Data requests by requesting agency

SLEA	No of requests	2017 (%)	2016 (%)
MPS	9082	86 %	87%
BTP	717	7 %	7%
Other police forces	335	3 %	2%
National Security	293	3 %	2%
Non-police bodies that have a statutory role in crime prevention and detection	52	<1 %	<1%
Bus Company / Internal Enquiries	48	<1%	<1%
City of London Police	25	<1%	<1%

5.5 Chart 2 shows data requests by crime/incident type from 2012 until year to date. Categories with fewer than 150 in number are not shown.

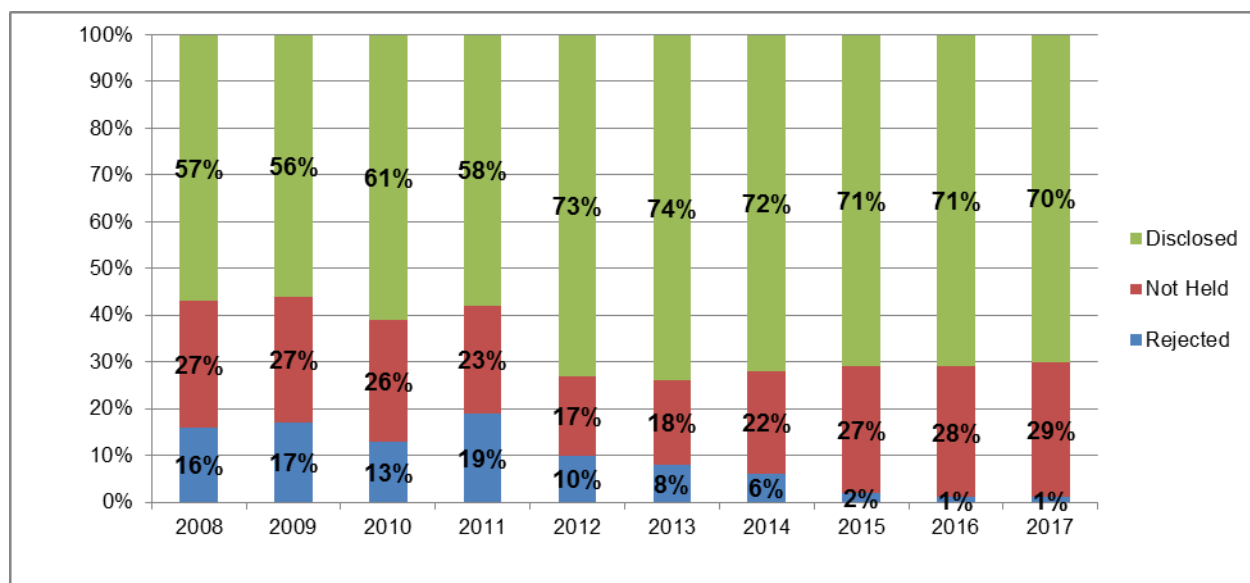
Chart 2: Data request by crime type



6 Overview of Recent Improvements

- 6.1 CPOS 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 agency's 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 CPOS 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 CPOS'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 2017, 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 CPOS. This is illustrated in chart 3.

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



6.4 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. It is encouraging to report that in 2017 there were no Production Orders received by TfL.

6.5 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. The overall totals include 142 Child Sexual Exploitation investigations, 102 hate crime investigations and 7 Safeguarding investigations.

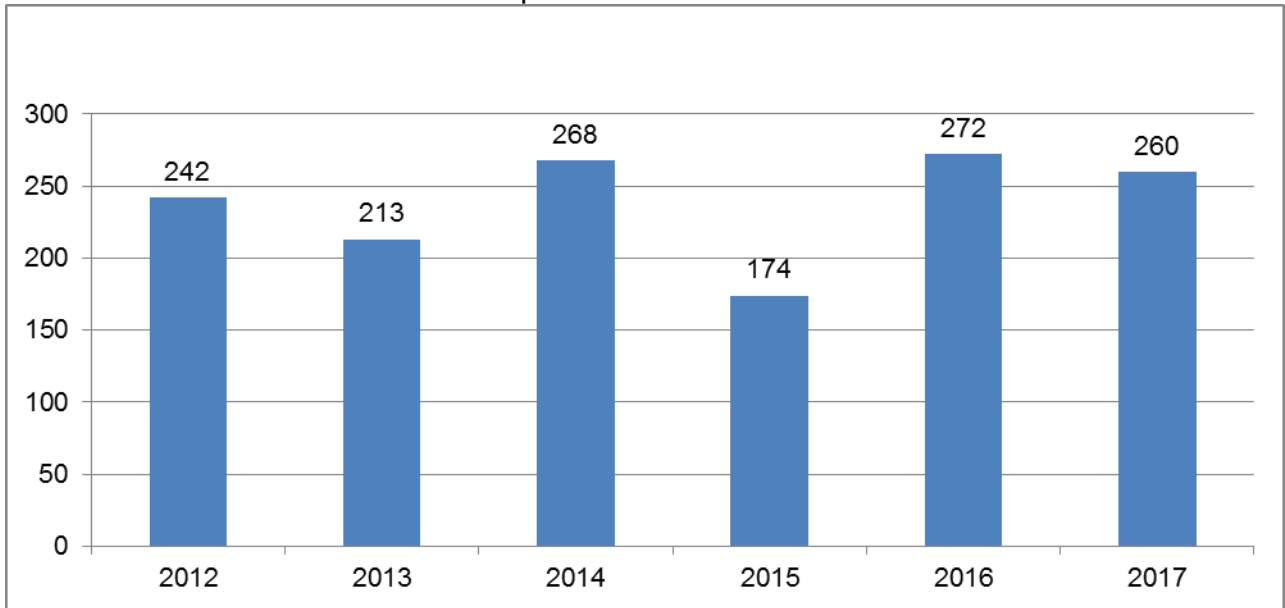
6.6 The number of data requests received that specifically related to Contactless Payment Cards (CPC) totalled 779 for the year 2017, an increase of 69 per cent compared to 2016. This reflects the increased usage of contactless payment on the network.

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 Licensing and Road User Charging 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 260 data requests were made to TPH in 2017.

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 2017 (01 January – 31 December).

Table 2: Data requests by requesting agency

SLEA	No of Requests	2017 %	2016 (%)
MPS	198	76%	85%
Other police forces	44	17%	10 %
City of London Police	9	4%	4 %
National Crime Agency	6	2%	1 %
Non-police bodies that have a statutory role in crime prevention and detection	3	1%	<1%

7.4 Data was disclosed for 87 per cent of the requests, data wasn't held for 12 per cent of requests and 1 per cent of requests are still pending awaiting information in order to process them.

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

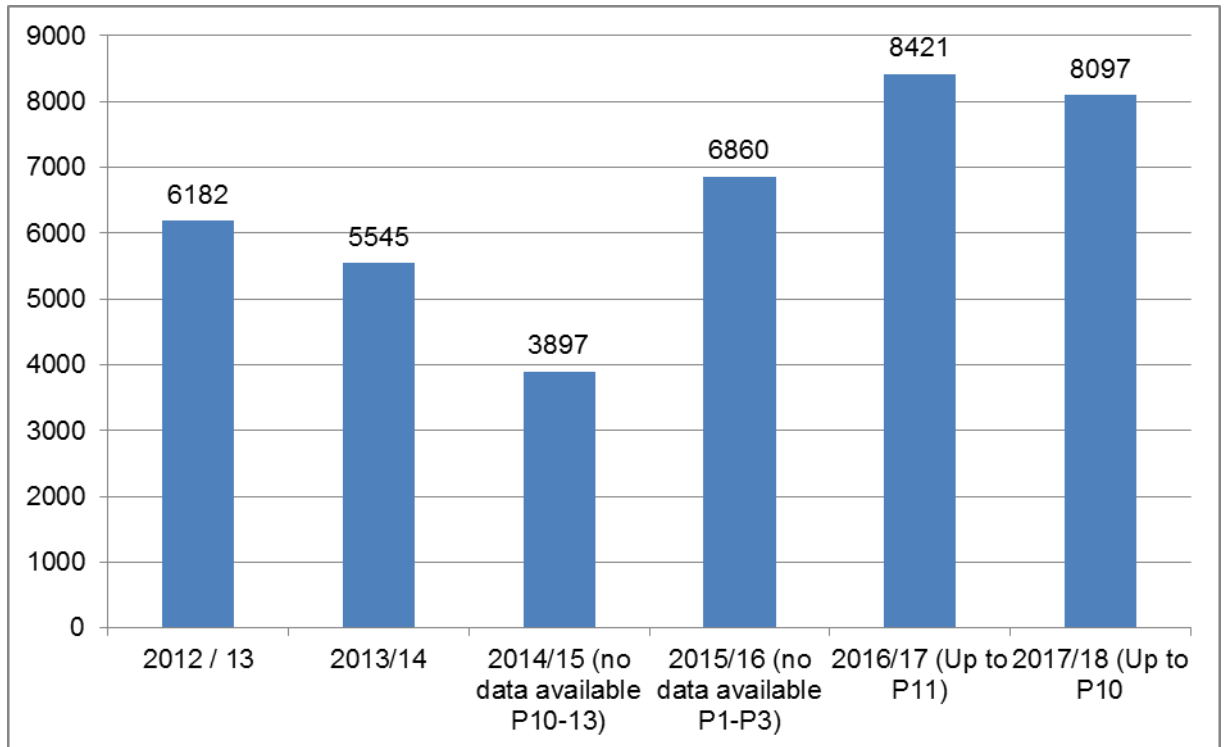
Type of Driver	No of Requests	2017 (%)	2016 (%)
Private Hire Vehicle	186	71%	74 %
Black Cab (Taxi)	63	24%	24 %
Knowledge of London Driver	0	0%	1%
No Details Available	11		5% 1%

7.5 The above statistics refer to both DPA and telephone data requests

8 Requests Received by London Underground

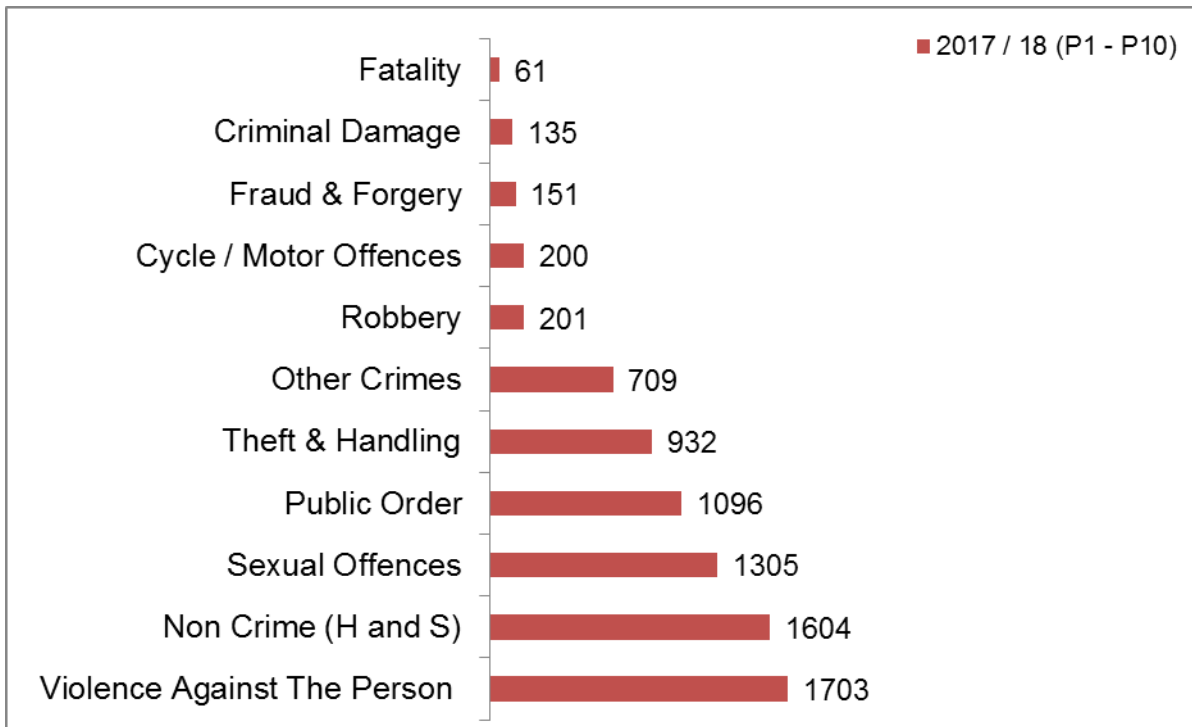
- 8.1 Police requests for personal data recorded by London Underground's (LUL) CCTV network are made directly to LUL utilising a service provided by the BTP, who act as a data processor for LUL.

Chart 5: Breakdown of Requests (by volume) from 2012/13 to Period 10 of 2017/18



- 8.2 Please note that during the periods 2014/15 for Periods 10 to 13 and Period 2015/16 for Periods 1 to 3, there was no data captured due to the relevant data systems being updated and that is why the data totals are not consistent from year to year. Going forward, the LUL CCTV data requests will be measured consistently. Chart 6 shows the overall upward trends in requests for LU held data, reflecting the rise in crime – especially violent crime - on London Underground.

Chart 6: Breakdown of LUL CCTV Requests (by crime type) from Period 1 to Period 10 (inclusive) for 2017/18



8.3 Please note that the “non-crime” crime category is made up of around 70% 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 vital. 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 been a key factor in the identification, apprehension and arrest of offenders who perpetrate crime on the TfL network. For context two examples of the positive contribution are set out section 10 of this report.

9.2 Work continues to improve the service and the three partners currently involved in processing all electronic ticketing and relevant CCTV data requests for the police and other SLEA’s (TfL, the MPS and the BTP) have agreed to create and work within one unit, the Data Disclosures Unit (DDU), and this concept is being progressed. The aim of the unit is to ensure that all data requests can be dealt with by the data processors from the three aforementioned agencies and efficiency can be further improved.

10 Significant Incidents

Parsons Green Terrorist Incident

- 10.1 CPOS worked closely with the Counter Terrorism Police and Security Services to identify the suspect by utilising electronic ticketing data. Over the course of the investigation, around 25 separate data reports were run over evenings and the weekend. A rapidly moving police operation identified the last known venue of the suspect and they were quickly apprehended and arrested. The Data Disclosures Unit received a letter of thanks from the BTP Special Branch praising the work undertaken to identify the suspect in this enquiry.

Victoria Coach Station (VCS) CCTV - Murder

- 10.2 An investigation into a murder case was supported by a CPOS data processor working with the Police by spending a day trawling through VCS CCTV. The investigation resulted in identifying the Subject of Interest (SOI) boarding a coach and the police were able to trace the SOI from the CCTV.

List of appendices to this report:

None

List of Background Papers:

None

Contact Officer: Steve Burton, Director of Compliance, Policing and On-Street Services,
Surface Transport
Number: 020 3054 0755
Email: Steve.Burton@tfl.gov.uk