

**Date:** 17 December 2014

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

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## **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 disclosure of personal data policy 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 The policy on the disclosure of personal data to the police and other law enforcement agencies was approved by the Board on 7 December 2006. The Board asked for a high level report on the operation of the policy to be provided to the Audit and Assurance Committee on an annual basis. This policy is currently being reviewed and it is proposed that the Committee considers revisions to the policy at its meeting on 9 March 2015.
- 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 purposes.
- 3.3 TfL receives detailed requests from the police and other law enforcement bodies<sup>1</sup> 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 General Counsel advises on the implementation of the policy and assesses compliance with current legislation and best practice.

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<sup>1</sup> 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<sup>2</sup> (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, or in the case of CCTV requests the British Transport Police (BTP) on its behalf;
  - (b) police requests for information on licensed drivers, held by TfL's Taxi and Private Hire (TPH) department, for example for investigating allegations of sexual offences and other serious crimes. These requests are processed directly by TPH. In accordance with a discussion at the 18 December 2013 meeting, figures relating to personal data requests relating to licensed taxi and private hire drivers are now included in this report (Section 7); and
  - (c) Victoria Coach Station, Bus operations, Road Network Compliance and London River Services may also respond directly to the police and law enforcement agencies for requests, primarily for CCTV they hold. All departments follow TfL's policy and procedures and are trained and audited by EOS, overseen by IG.
- 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 Vehicle and Operator Services Agency (VOSA), local authorities, HM Revenue and Customs, the National Crime Agency).

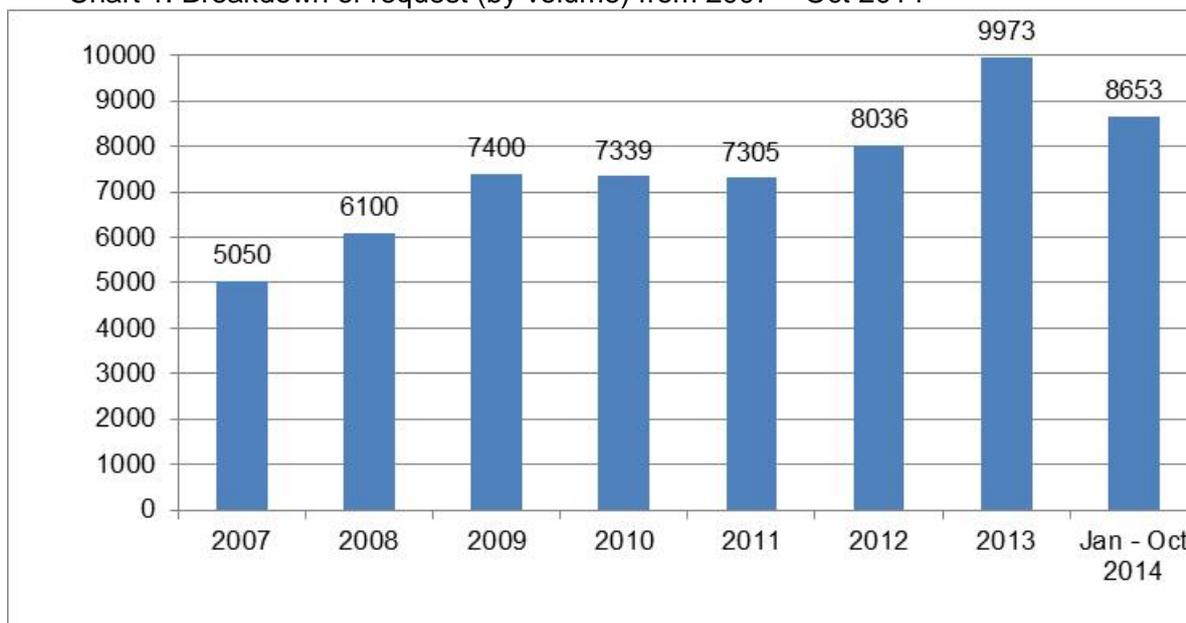
## **5 Overview Of Requests And Disclosures**

- 5.1 Figure 1 shows the volume of all police and SLEA data requests made to EOS since 2007 (for full year January – December) and year to date for 2014 up to 31 October 2014. To the end of October this year, 8,653 data requests have been made to EOS. The forecast for the full year for 2014 is estimated at 10,000, this equates to nearly a 30 per cent increase on 2011, despite a significant reduction in crime on the transport network over this period. This increase in requests is in part driven by increasing awareness of the benefits of this as an investigative tool when used effectively and has been one of the key supporting factors in the continuing reduction in crime on the transport system.

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<sup>2</sup> The Enforcement and On-street Operations Directorate has recently replaced the Community Safety, Enforcement and Policing Directorate and incorporates new enforcement functions and responsibilities that previously sat with other areas of Surface Transport.

Chart 1: Breakdown of request (by volume) from 2007 – Oct 2014



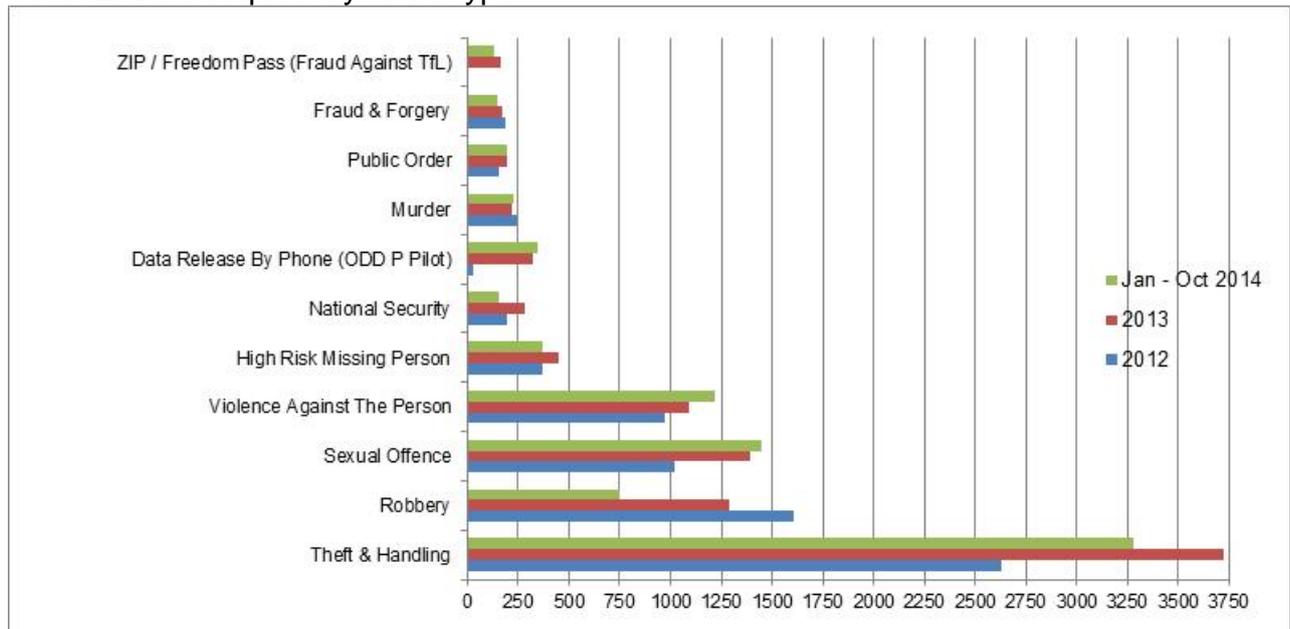
5.2 The Metropolitan Police Service (MPS) account for the majority of requests made to EOS. Table 1 shows a breakdown of data requests by requesting agency (by percentage) from 1 January to 31 October 2014.

Table 1: Data requests by requesting agency

SLEA	No of requests	Percentage
MPS	7,214	83 %
BTP	955	11 %
Other police forces	220	3 %
National Security	155	2 %
Non-police bodies that have a statutory role in crime prevention and detection	77	1 %
City of London Police	32	<1%

5.3 Chart 2 shows data requests by crime/incident type year to date. Requests fewer than 100 in number are not shown.

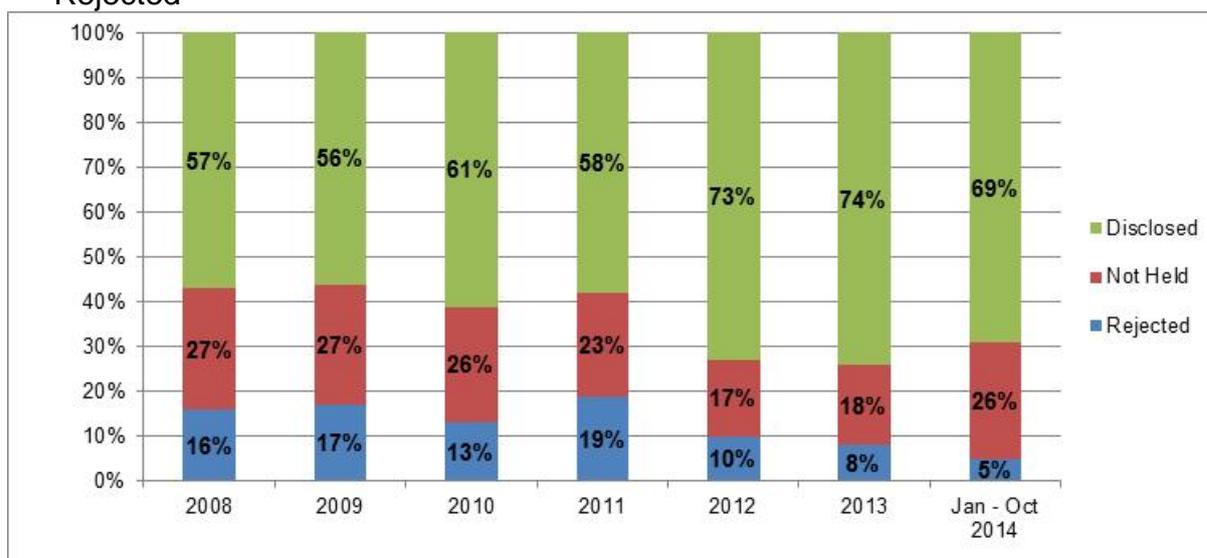
Chart 2: Data request by crime type



## 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 placed on their intranet sources.
- 6.2 The purpose of this 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 uniform and structured approach in accordance with the TfL policy and ensures that any disclosures are lawful, necessary and proportionate. Requests are dealt with on a case by case basis, but in order to manage demand 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' close working with the police, TfL is seeing fewer requests being rejected on the grounds that they are not clear or appropriate. Only five per cent of requests were rejected in January to October 2014, compared to 19 per cent in 2011. This, combined with process improvement, has allowed the increase in police requests to be accommodated within existing resource allocations within EOS.

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 court Production Order via the Crown Court to obtain the data in instances where TfL has refused, with legitimate reason, to disclose data. The main reason for such rejections has to do with the proportionality of the data requested. In 2014, there have so far been a total of eight production orders received by TfL.
- 6.5 Data disclosures by the team in EOS and elsewhere are regularly audited internally to ensure that all work is carried out in accordance with TfL policy and the principles of the Data Protection Act 1998.
- 6.6 Overarching 'Information Sharing Protocols' (and a number of subsidiary procedures) with the MPS, City of London Police and the BTP have been implemented. A similar agreement is in place with the National Crime Agency. These agreements streamline the process for entering into arrangements for the regular sharing of information with the police while ensuring that all relevant legal and operational requirements are satisfied.
- 6.7 TfL continues the bulk transfer of data (but not images) collected by Road User Charging and traffic management Automatic Number Plate Recognition cameras to the MPS for the purpose of safeguarding national security. The Home Secretary has certified that it is necessary that this transfer (and the associated processing of this data by the MPS, other police forces and national security agencies) be exempted from a number of provisions of the DPA, in order to safeguard national security.
- 6.8 In the past 12 months, the GLA and Mayor's Office for Policing and Crime (MOPAC) have undertaken a public consultation to make data collected by these cameras available to the MPS for use in crime prevention and detection (in addition to its existing use for national security purposes). This consultation delivered on a proposal made in the Mayor's manifesto to make this data available for these purposes. The consultation has found significant public support for the proposal. The MPS is currently finalising a Privacy Impact

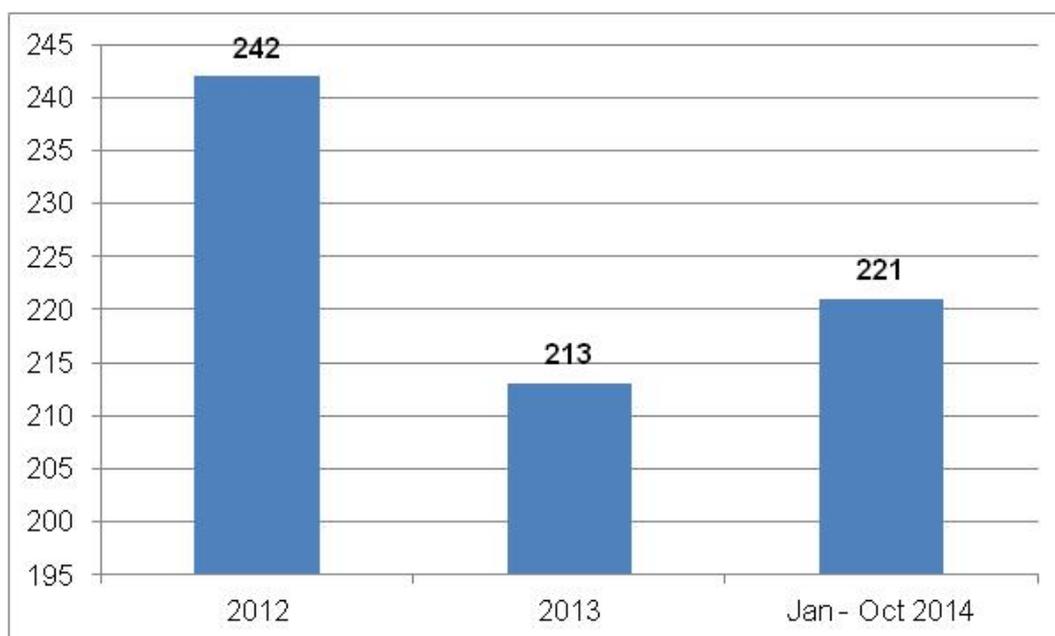
Assessment, which takes account of views raised during the consultation, prior to MOPAC seeking a decision from the Mayor to implement this proposal.

## 7 Personal Data Requests Relating To Taxi and Private Hire Licensees

7.1 At the Audit and Assurance Committee meeting in December 2013, a request was made for this paper to include figures for personal data requests relating to taxi and private hire licensees. Police requests for information on licensed taxi and private hire drivers are processed directly by TfL's TPH department and all data is held within that team.

7.2 Chart 4 shows the volume of all police and law enforcement data requests made to TPH since September 2011, when a central database of requests was established. 221 requests were personal data were made to TPH between 1 January and 31 October 2014.

Chart 4: 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 2014 (1 January – 31 October). It is not possible to provide a breakdown of requests by taxi and private hire licensees as the requests are not recorded in this way.

Table 2: Data requests by requesting agency

SLEA	No of requests	Percentage
MPS	177	80%
Other police force	26	12%
National Crime Agency	8	4%
City of London Police	7	3%
Other	3	1%

## **8 Conclusion**

- 8.1 The fact that data requests and disclosures continue to increase demonstrate the value of the data to the police and other SLEAs for the investigation, prevention and detection of crime on the TfL network and threats to national security. As a result of this work, TfL is making a prominent contribution to the safety and security of London's transport infrastructure and its passengers by enabling Police partners to access data they consider to be necessary to their efforts and contributing to the reductions in crime seen on the transport system over the past few years.

### **List of appendices to this report:**

None

### **List of Background Papers:**

None

Contact Officer: Steve Burton, Director of Enforcement and On-street Operations,  
Surface Transport  
Number: 020 3054 0755  
Email: [steve.burton@tfl.gov.uk](mailto:steve.burton@tfl.gov.uk)