

**Date:** 8 December 2015

**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 policy on 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 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 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 of the data disclosed to date in 2015.

### **4 Operation of the Policy**

4.1 Information Governance in General Counsel is responsible for the policy, advise on its implementation and assess 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 within TfL's Directorate of

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

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:

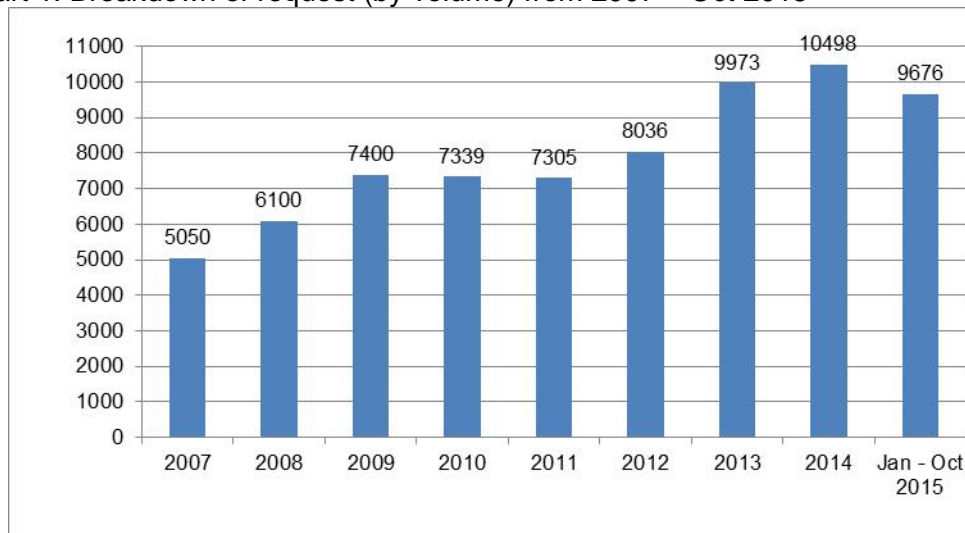
- (a) police requests for access to information, including CCTV images, held by London Underground Limited (LUL). These requests are processed directly by LUL, or in the case of CCTV requests the British Transport Police (BTP) on its behalf;
- (b) police requests for information on licensed drivers, 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. A breakdown is included in 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 Information Governance.

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, local authorities, HM Revenue and Customs, and the National Crime Agency).

## 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 year January – December) and year to date for 2015 up to 31 October 2015. To the end of October this year, 9,676 data requests had been made to EOS. The forecast for the full year for 2015 is estimated to be over 10,000, at a similar level to last year. This increase in requests is in part driven by increasing awareness of the benefits of TfL data as an investigative tool when used effectively. The use by Police of personal data held by TfL has been one of the key supporting factors in the continuing reduction in crime on London's transport system.

Chart 1: Breakdown of request (by volume) from 2007 – Oct 2015



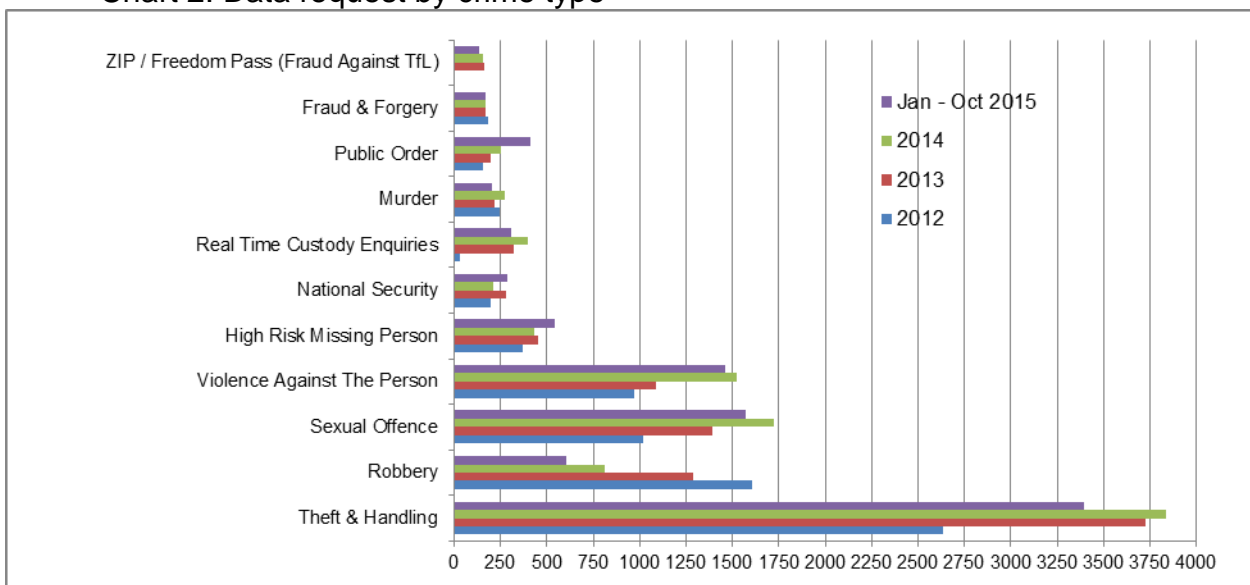
- 5.2 The Metropolitan Police Service (MPS) account for the majority of requests made to EOS. Table 1 shows a breakdown of data requests by requesting agency (by percentage) from 1 January to 31 October 2015, which is similar to last year.

Table 1: Data requests by requesting agency

SLEA	No of requests	Percentage
MPS	8,318	86 %
BTP	792	8 %
Other police forces	202	2 %
National Security	285	3 %
Non-police bodies that have a statutory role in crime prevention and detection	50	<1 %
City of London Police	29	<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, specific, proportionate or appropriate. Only three per cent of requests were

rejected in January to October 2015, compared to 19 per cent for the same period in 2011. This, combined with process improvement, has allowed the increase in police requests to be accommodated within existing staff resource 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 been the proportionality of the data requested. In 2015, there have so far been a total of five 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.

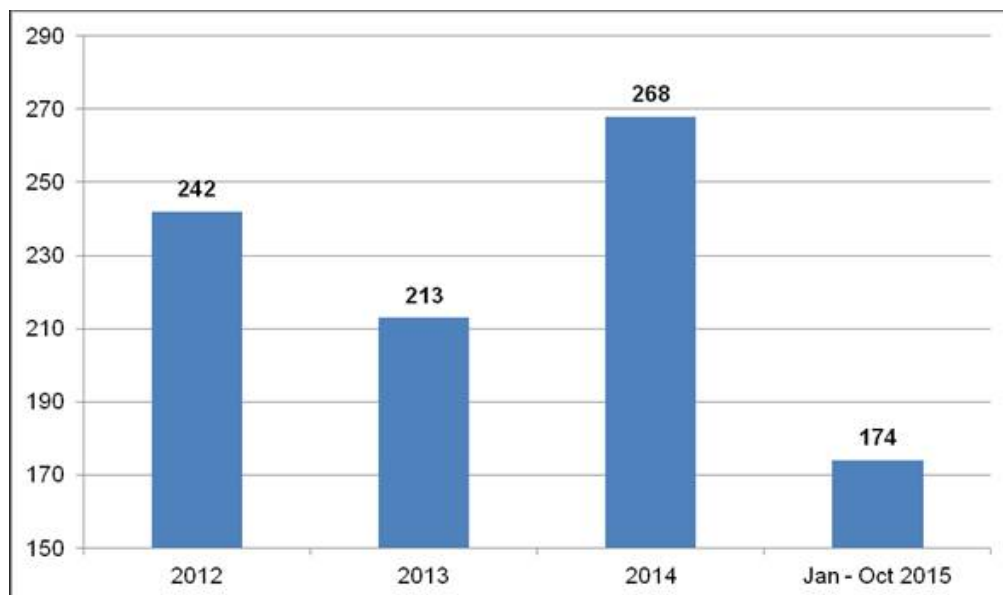
6.6 Overarching 'Information Sharing Protocols' (and a number of subsidiary procedures) with the MPS, City of London Police and the BTP have been implemented. A similar agreement is in place with the National Crime Agency. These agreements streamline the process for entering into arrangements for the regular sharing of information with the police while ensuring that all relevant legal and operational requirements are satisfied.

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

7.1 Police requests for information on licensed taxi and private hire drivers are processed directly by TfL's TPH Directorate 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. 174 requests for personal data were made to TPH between 1 January and 31 October 2015.

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 2015 (1 January – 31 October).

Table 2: Data requests by requesting agency

SLEA	No of requests	Percentage
MPS	130	75%
City of London Police	14	8%
Other police forces	14	8%
National Crime Agency	12	7%
Non-police bodies that have a statutory role in crime prevention and detection	4	2%

- 7.4 Data was disclosed for 94 per cent of the requests to TPH, data wasn't held for five per cent of requests and one per cent of cases are still pending.
- 7.5 The breakdown of requests by Private Hire and Taxi is shown in the table below.

Table 3: Breakdown of requests by Private Hire and Taxi

Type of Driver	No of requests	Percentage
Private Hire Vehicle	83	48%
Black Taxi	75	43%
Knowledge of London Driver	7	4%
Driver Not Licensed	5	3%
No Details Available	4	2%

## **8 Conclusion**

- 8.1 The fact that data requests and disclosures continue to increase demonstrates the value of the data 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. As a result of this work, TfL is making a prominent contribution to safety and security in London.

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

None

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

None

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