Audit and Assurance Committee

TRANSPORT FOR LONDON
EVERY JOURNEY MATTERS

Date: **16 March 2022**

Item: **Personal Data Disclosure to Police and Other Statutory Law Enforcement Agencies (2021)**

This paper will be considered in public

1 Summary

1.1 This paper provides an update to the Committee on the disclosure of personal data to the police and other Statutory Law Enforcement Agencies (SLEAs) in 2021 for the prevention and detection of crime in London.

2 Recommendation

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

3 Background

3.1 TfL, and its operators, provide valuable support to the police and other SLEAs efforts to prevent, investigate and detect crime, safeguard the most vulnerable and assist in catching and convicting offenders. This is done through TfL's significant investment in roads and transport policing services for London, our strong operational partnerships with London's police services and through the provision of personal data that TfL and its operators hold. This support is vital to the Mayor's aspirations to improve the safety and security of London.

3.2 TfL holds a range of information about its customers and employees which is of significant value to our partners in the police and in other law enforcement agencies in the prevention and detection of crime and in safeguarding the most vulnerable in our society. In disclosing personal details to the police and other statutory law enforcement bodies[1] without the subject's consent, TfL must be mindful of its duties under data protection legislation. We exercise the exemption under Schedule 2 Part 1 and Schedule 2 Part 2 of the Data Protection Act 2018 for the purposes of crime prevention and detection. We consider all requests on a case-by-case basis and release personal data where it is lawful to do so and is consistent with our powers.

3.3 This paper provides the Committee with a summary picture of the data disclosed in 2021 against trends for the previous four years.

3.4 TfL's policy on the disclosure of personal data to the police and other law enforcement agencies can be found at http://content.tfl.gov.uk/aac-20150309-part-1-item13-policy-on-disclosure-of-personal-data.pdf.
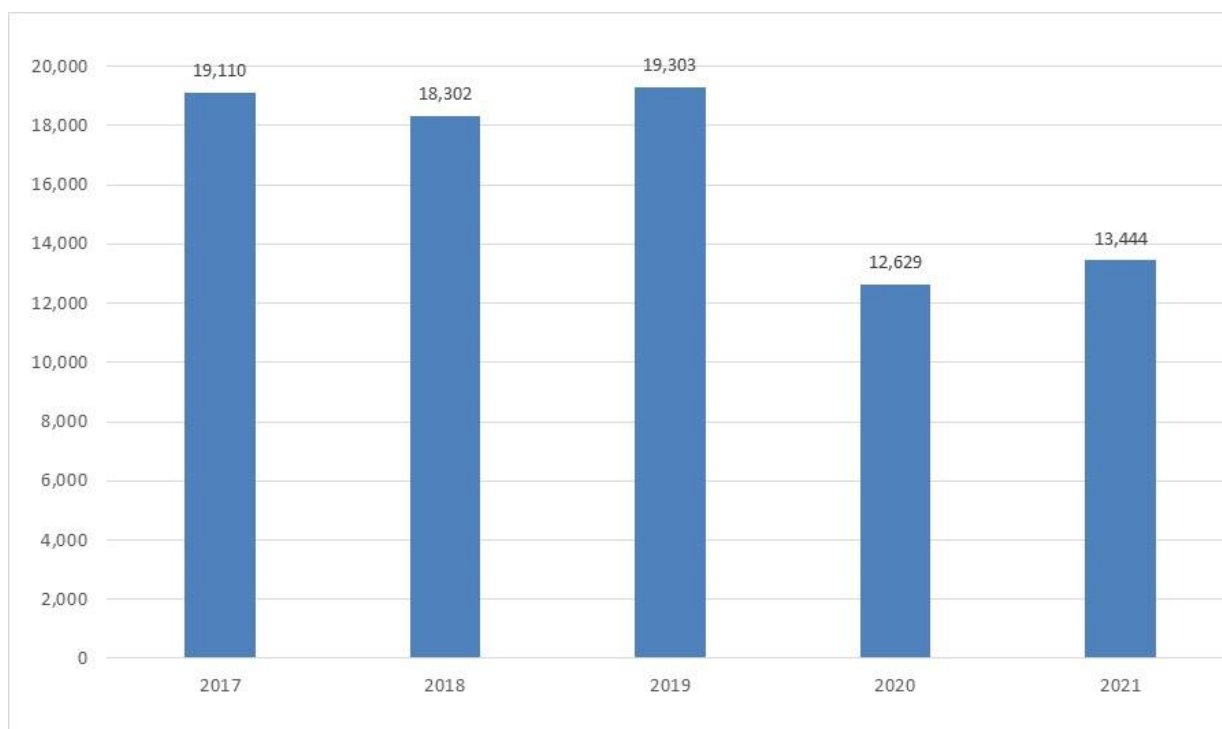
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[1] Includes national security and other agencies with a statutory role in crime prevention and detection. Non-police bodies include agencies such as the Driver and Vehicle Standards Agency (DVSA), local authorities, HM Revenue and Customs, and the National Crime Agency.

3.5 TfL's Directorate of Compliance, Policing, Operations and Security (CPOS) manages the day-to-day operation of data disclosure, and deal with the bulk of requests for personal data made by the police and other SLEAs.

3.6 To resource adequately the growing demand for TfL's data without increasing costs to TfL we established a pioneering partnership unit in 2009 with officers and staff from the British Transport Police (BTP) and the Metropolitan Police Service (MPS) attached to TfL, working under the direction of a TfL manager and subject to regular auditing. In addition, the MPS Roads and Transport Policing Command resource a dedicated unit to liaise with bus operators and assist in the identification and retrieval of bus CCTV for the purpose of crime investigation. TfL's bus operators provide significant support to the police to investigate crimes that occur both on and off the bus network.

3.7 A number of other business areas which hold personal data disclose directly to the police under the guidance of CPOS and General Counsel. This is to avoid the unnecessary transfer of personal data within TfL. These business areas disclose data in accordance with the TfL policy and are subject to regular auditing to ensure compliance:

(a) requests for access to CCTV held by London Underground (LU). These requests are currently processed directly by LU where the BTP acts as the data processor.

(b) requests for information on taxi and private hire licensees, held by TfL's Licensing, Regulation and Charging Directorate for the investigation of sexual offences and other alleged or suspected criminal activity involving a licensee as a suspect or witness; and

(c) requests for CCTV for bus stations and London River Services.

3.8 CPOS operates a 24/7, 365 day call out service to support urgent police requests. This arrangement, funded by the MPS, means that the police can obtain electronic ticketing data and related information for incidents that are deemed of national importance, there is a tangible and significant threat to life, or a threat the transport system.

4 Overview of Data Requests and Disclosures

4.1 Chart 1 show the volume of all police and SLEA data requests for ticketing data, Body Worn Video (BWV) or LU CCTV for the last five full calendar years. The total number of data requests made in 2021 was 13,444, a six per cent increase on 2020 (815 additional requests). Of the requests, 7,893 were for ticketing data, 5,420 were for LU CCTV and 131 for BWV.

Chart 1: Breakdown of request (by volume) for ticketing data, BWV and LU CCTV data

4.2   There are several key factors that influence the number of requests received from the police and other SLEAs each year. These include the level and nature of crime on TfL's public transport networks as well as wider crime in London, the number of serious safeguarding incidents both on and off the transport network and national security investigations.

4.3   TfL continued to provide valuable support to the MPS' efforts to help locate highly vulnerable people. TfL data was requested in the investigation of 1,082 high risk missing persons, 51 per cent higher (364 additional requests) than the previous year. This included significant support from TfL and its bus operators for the investigation of Sarah Everard's disappearance and, tragically, the subsequent investigation of her abduction and murder. TfL's support for high risk missing persons cases is an important and increasing part of the TfL Data Disclosure Team's workload. The team continues to work very closely with the MPS to improve processes to ensure that data is turned around as quickly as possible.
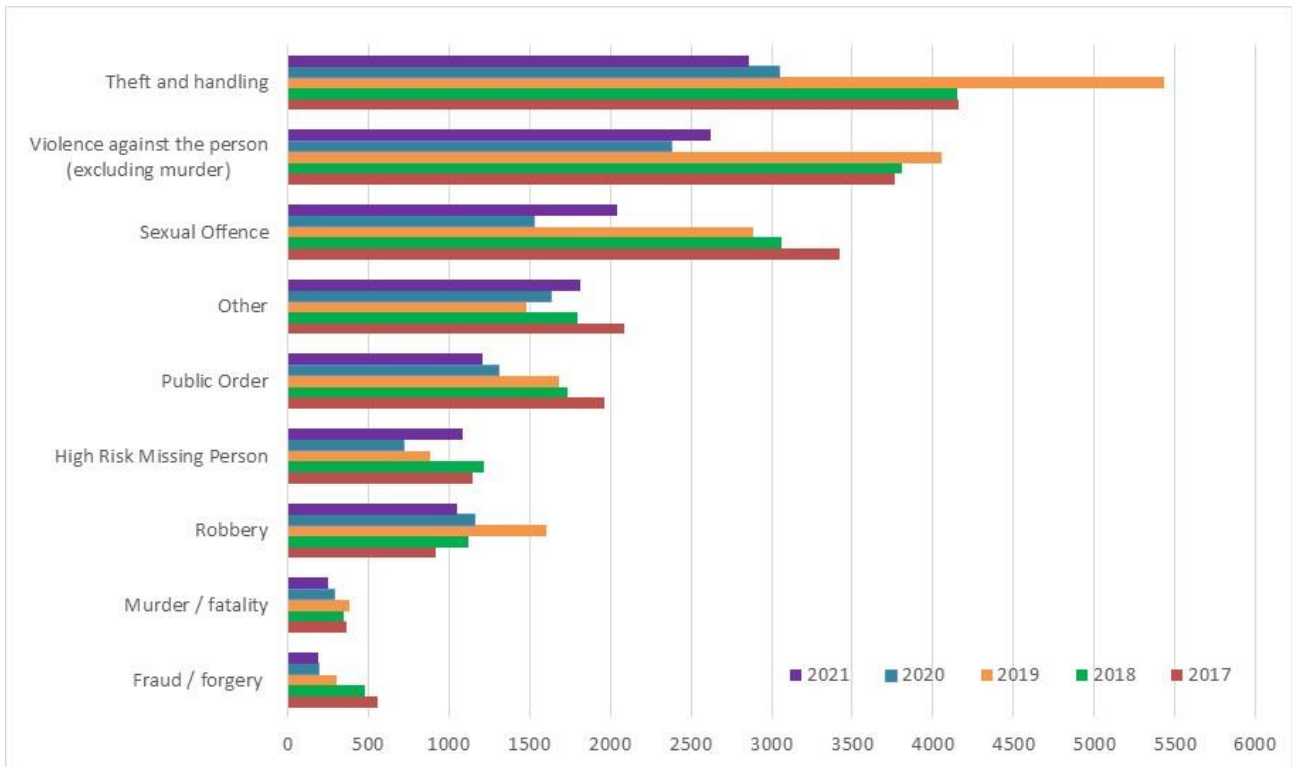
4.4   TfL dealt with 249 requests relating to murder and fatality investigations. These are often complex cases that require a significant level of activity by TfL. TfL is acutely aware of how important the timely disclosure of ticketing data and CCTV is for investigating and solving these crimes and will do all it can to support police. TfL's bus operators should also be recognised for the vital support they provide to the police in these circumstances – often outside of business hours and at their own cost.

4.5   In 2021, ridership on TfL's public transport networks was up by approximately 13 per cent compared with 2020. Despite this, crime on TfL's public transport levels remained at a similar level to 2020 with approximately 25,000 offences recorded by transport policing partners during the year.

4.6   The table below shows the police data requests for personal data held by TfL (ticketing data, CCTV or BWV) by crime or incident type. Categories with fewer than

150 requests are not shown. Requests for taxi and private hire licensee details are reported separately below.

Chart 2: Data request by crime / incident type

4.7   Most requests in 2021 (2,857 requests / 21 per cent of total) were related to theft and handling offences. This reflects the fact that theft remains the highest volume crime on TfL's public transport networks despite significant reductions in offence levels over the last two years. The level of theft in 2021 was nine per cent lower than in 2020 and 55 per cent lower than 2019.

4.8   The level of reported sexual offences on TfL's public transport networks in 2021 increased by 28 per cent. This increase was anticipated because of the significant and ongoing efforts by TfL and its policing partners to tackle sexual harassment across the public transport network. This included the launch of the 'zero tolerance to sexual harassment' communications campaign with posters across the network, social media and editorial content. Police requests for ticketing data, BWV and LU CCTV for the investigation of sexual offences was up by 34 per cent in 2021 compared with the previous year.

4.9   One hundred and thirty-one requests were for BWV footage captured by TfL's frontline customer-facing staff. The overwhelming majority of these requests related to the investigation of work-related violence and aggression incidents against TfL staff.

4.10   Table 1 shows a breakdown of data requests by requesting agency (by percentage) for 2021.
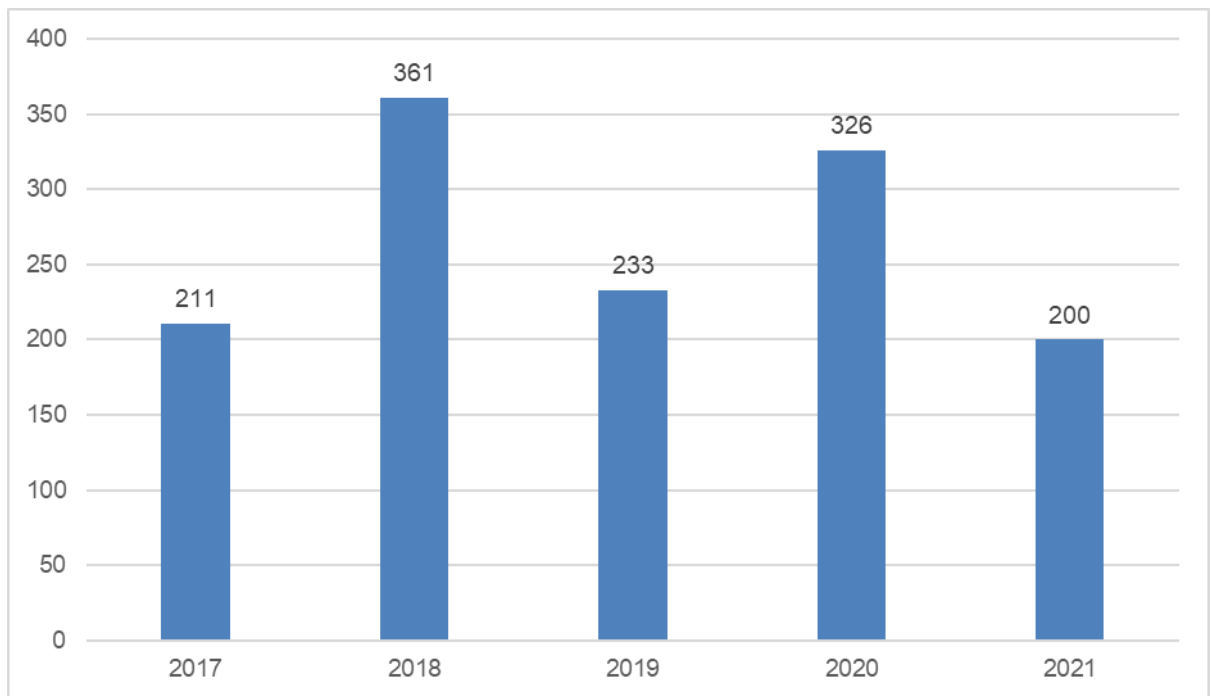
Table 1: Data requests by requesting agency

SLEA	No of requests	2021 (%)
MPS	6762	50%
BTP	6108	45%
Other police forces	275	2%
Non-police bodies that have a statutory role in crime prevention and detection	150	1%
National Security	98	1%
City of London Police	28	<1%
Bus Company (for personal injury / insurance claims)	23	<1%

4.11   In addition to the requests to TfL for personal data, the MPS made 5,070 requests directly to our bus and rail operators for CCTV. This included 254 requests for CCTV relating to murder investigations, 1,229 for violence against the person offences, 1,171 for road traffic collisions, 471 for robbery and 425 for sexual offences. The requests were to support investigations of both transport and non-transport related crimes and incidents.

4.12   While this paper focuses on the disclosure of personal data to the police and other law enforcement agencies, it is important to recognise TfL's wider role in helping to identify the buses that may be relevant to a police investigation. This assistance helps to narrow the police investigation and minimise the amount of personal data that is requested.

5   Taxi and Private Hire Requests

5.1   There were 200 data requests for information on taxi and private hire drivers and vehicles in 2021 which is a return to more normal levels. Both 2018 and 2020 were outliers because of changes in reporting guidance and its implementation.

5.2   All private hire operators have a condition on their licences to report all alleged or suspected criminal conduct to the police in an appropriate and timely way to ensure that the incident is investigated. Operators may receive notification of a potential crime as a complaint from a passenger using their services, a driver or another member of the public. Any suspicious activity identified through their own assurance systems is also reported to TfL and to the police for investigation. Operators can report these issues to the police more easily now through an online reporting tool.

Chart 5: Taxi and Private Hire - Breakdown of Requests (by volume)

5.3   The majority of requests were received from the MPS. Table 2 shows a breakdown of data requests by requesting agency. Data was disclosed for 89 per cent of the requests and data was not held for 11 per cent of requests.

Table 2: Data requests by requesting agency

SLEA	No of Requests	2021 %
MPS	152	76%
Other police forces	30	15%
National Crime Agency	14	7%
British Transport Police	3	1.5%
Non-police bodies that have a statutory role in crime prevention and detection	1	0.5%
City of London Police	0	0%

5.4   The breakdown of requests by type of licensee is shown in the table 3.

Table 3: Breakdown of requests by Private Hire and Taxi

Type of licensee	No of Requests	2021 (%)
Private Hire driver	158	79%
Taxi driver	20	10%
Dual Licence	2	1%
Operator	0	0%
Other	20	10%

6 Conclusion

6.1 TfL data released to the police and other SLEAs for the investigation, prevention and detection of crime on the TfL network and across London continues to prove to be a vital crime prevention tool. TfL continues to make a significant contribution to safety and security in London with TfL's data and support leading to the identification, apprehension and prosecution of offenders.

List of appendices to this report:

None

List of Background Papers:

None

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