

## Audit and Assurance Committee

**Date:** 15 March 2023

**Item:** Personal Data Disclosure to Police and Other Statutory Law Enforcement Agencies (2022)

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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 disclosure of personal data to the police and other Statutory Law Enforcement Agencies (SLEAs) 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<sup>1</sup> without the subject's consent, TfL must be mindful of its duties under data protection legislation to ensure it is GDPR compliant. 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 consistent with our powers.
- 3.3 This paper provides the Committee with a summary picture of the data disclosed in 2022 against trends from 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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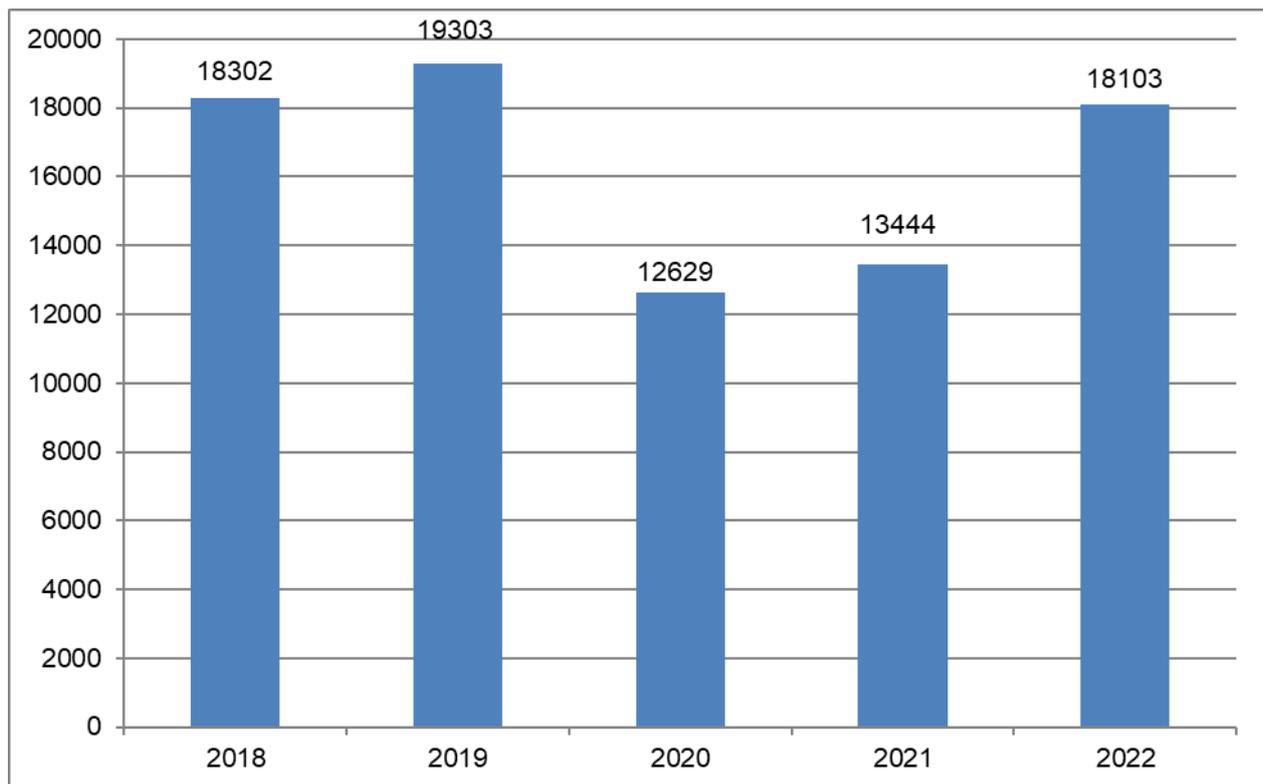
<sup>1</sup> Includes national security and other agencies with a statutory role in crime prevention and detection. Non-police bodies include agencies such as the Driver and Vehicle Standards Agency (DVSA), local authorities, HM Revenue and Customs, and the National Crime Agency.

- 3.5 TfL's Directorate of Compliance, Policing, Operations and Security (CPOS) manage 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 2010 with officers 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 few 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 and Regulation 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, or where there is a tangible and significant threat to life, or a threat to the transport system.

## **4 Overview of Data Requests and Disclosures**

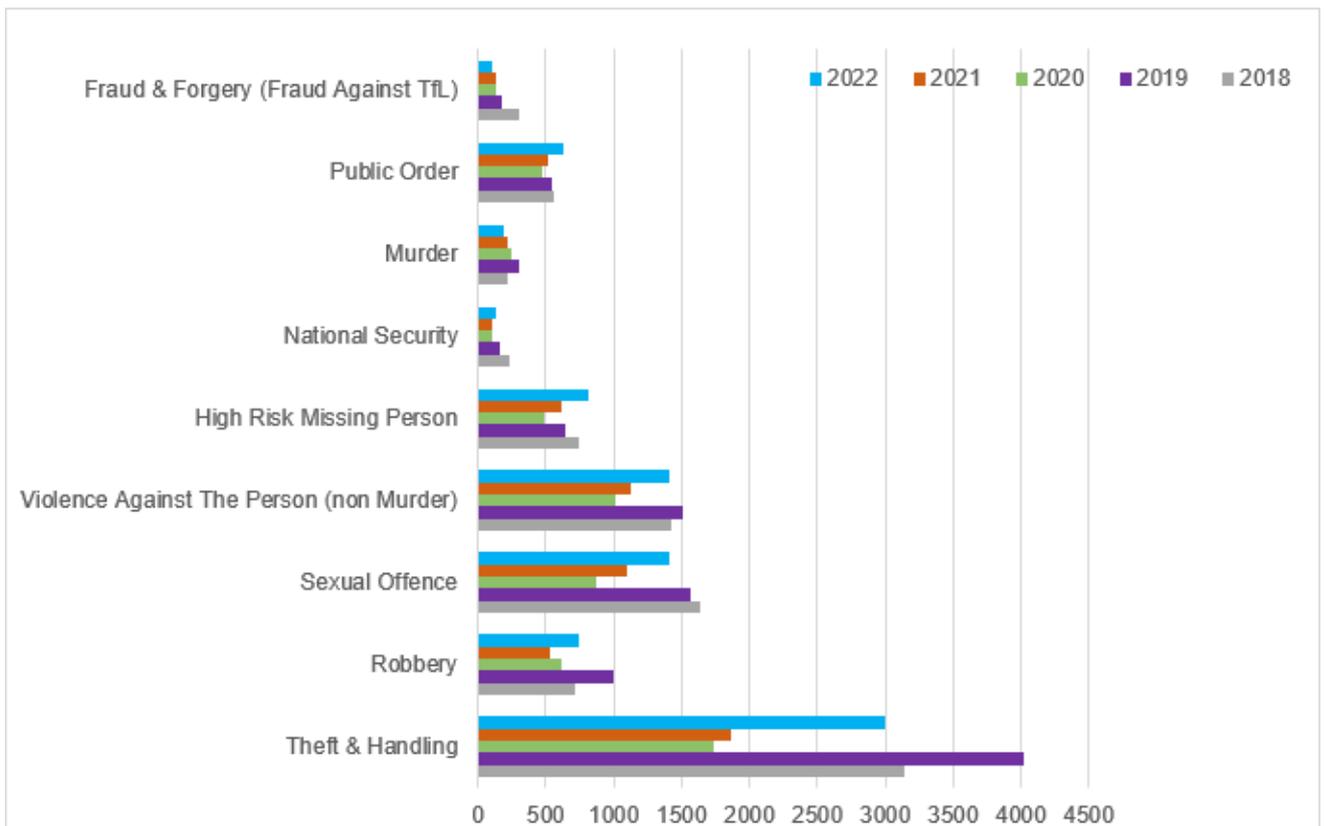
- 4.1 Chart 1 shows the volume of all police and SLEA data requests for ticketing data, Body Worn Video (BWV) or LU CCTV for the last five full calendar years. The total number of data requests made in 2022 was 18,103; a 35 per cent increase on 2021 (4,659 additional requests). Of the requests, 9,805 were for ticketing and bankcard data, 8,298 were for LU CCTV and 277 for BWV.

Chart 1: Breakdown of request (by volume) for ticketing and bankcard 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 820 high risk missing persons, 32 per cent higher (198 additional requests) than the previous year. TfL’s support for high risk missing persons cases is an important and increasing part of the TfL Data Disclosures Unit’s workload. The Unit continues to work very closely with the police to improve processes to ensure that data is turned around as quickly as possible.
- 4.4 TfL dealt with 196 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 areas and at their own cost.
- 4.5 In 2022, ridership on TfL’s public transport networks was up by approximately 48 per cent compared with 2021. Crime on TfL’s public transport rose by a 51 per cent compared with 2021. In 2022, there were approximately 37,000 offences recorded by transport policing partners across all of TfL’s networks.
- 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 requests by crime/incident type



- 4.7 Most requests in 2022 (3,002 requests/31 per cent of totals) were related to theft and handling offences. This reflects the fact that theft remains the highest volume crime on TfL’s public transport networks. The level of theft fell significantly during the coronavirus pandemic when public health measures were in place but is increasing again albeit still below levels prior to the pandemic. Theft on TfL’s transport networks in 2022 was 81 per cent higher than in 2021.
- 4.8 The level of reported sexual offences on TfL’s public transport networks in 2022 increased by 35 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 29 per cent in 2022 compared to the previous year. We anticipate levels of reported offences to increase with the launch of new bystander campaigns for sexual harassment and hate crime in early 2023.
- 4.9 There were 277 requests (104 per cent increase from 2021 – an additional 141 requests) for BWV footage captured by TfL’s frontline customer-facing staff. The overwhelming majority of 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 2022.

Table 1: Data requests by requesting agency

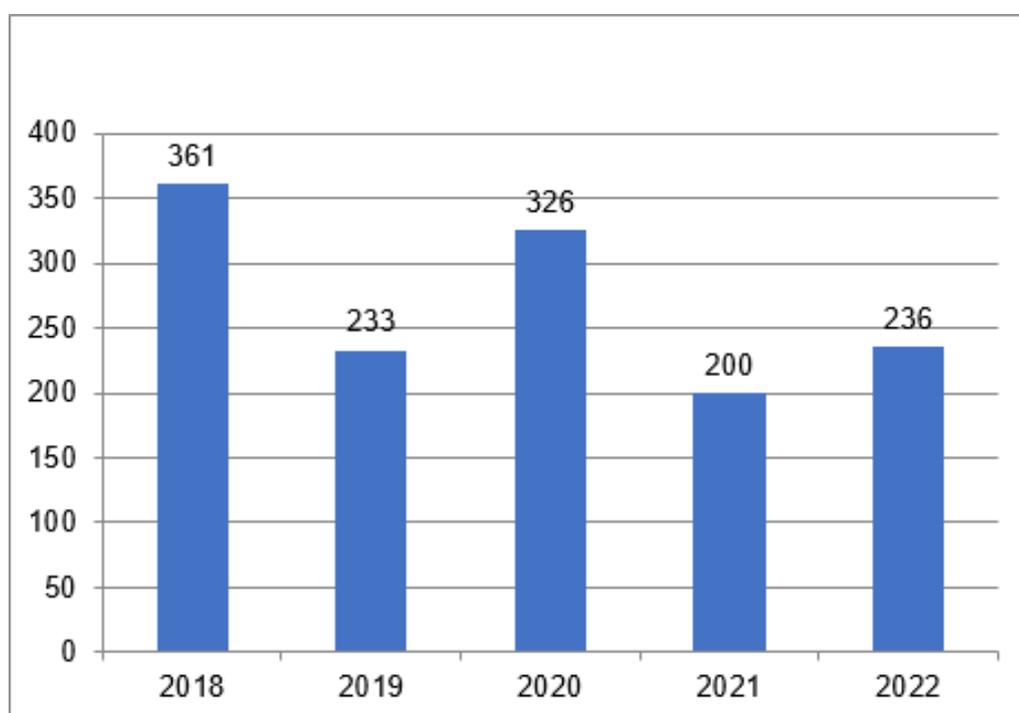
<b>SLEA</b>	<b>No of requests</b>	<b>2022 (%)</b>	<b>2021 (%)</b>
MPS	8,445	49%	50%
BTP	8,298	48%	45%
Other police forces	233	1%	2%
National Security	130	<1%	1%
Non-police bodies that have a statutory role in crime prevention and detection	113	<1%	1%
Bus Company (for personal injury / insurance claims)	58	<1%	<1%
City of London Police	44	<1%	<1%

- 4.11 In addition to the requests to TfL for personal data, the MPS made 11,870 requests directly to our bus and rail operators for CCTV. This included 249 requests for CCTV relating to murder investigations, 2,382 for violence against the person offences, 1,510 for road traffic collisions, 1,251 for robbery and 1,224 for sexual offences. The requests were to support investigations of both transport and non-transport related crimes and incidents. There were 43 requests made by the police for audio recordings from bus drivers relating to bus incidents.
- 4.12 TfL also provides the MPS with data from the Automatic Number Plate Recognition cameras, which support the operation of Road User Charging schemes. This has been done since 2007 for national security purposes and since 2015 for general policing purposes. A Mayoral Decision (MD2977) in 2022 granted TfL the power to give the MPS access to additional cameras installed for the expansion of the Ultra Low Emission Zone (ULEZ) which took place in 2021 and the MPS are currently working to complete their assessment of which additional cameras they want access to and what the privacy and equalities impacts of that would be, for submission to TfL, prior to any access being given.
- 4.13 In 2022, TfL received two production orders to provide data to the police, where the data disclosure team deemed the initial request was excessive. One was for a murder investigation and the police requested personal data from registered travelcards used to identify potential witnesses on a bus. It is TfL's current policy to write to bus passengers who may have witnessed an event in the scope of a police investigation, for the passenger to decide if they want to assist the police rather than TfL disclose their personal details. The police obtained a production order for all passenger details held and the data was released. The second case was for grievous bodily harm, and the police were seeking details on bus passengers as potential witnesses, with an excessive time period. A production order was received, and data released. We also received and processed one production order in 2020 and another in 2021.
- 4.14 TfL deals with approximately 130 bank card data requests per month. This includes requests for journey history data for TfL's public transport networks, Cycle Hire Scheme rentals as well as ULEZ and Road User Charging data requests. Each year, the Data Disclosures Unit Partnership and Performance Manager meets with the PCI Data Compliance Manager to ensure that the relevant bank card processes are up to date and fit for purpose. A report is submitted to TfL's merchant acquirer to validate these processes and any required recommendations are identified and processed.

## 5 Taxi and Private Hire Requests

- 5.1 There were 236 data requests for information on taxi and private hire drivers and vehicles in 2022 which is a return to levels seen before the pandemic.
- 5.2 In late 2017, TfL and the MPS, issued joint guidance to all London licensed private hire operators on reporting alleged or suspected criminal conduct to the police in an appropriate and timely way. 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, or issues may arise through an operators' assurance systems. Operators can now report these issues to the MPS and other police forces more easily through online reporting tools.

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 57 percent of the requests and data was not held for 43 per cent of requests.

Table 2: Data requests by requesting agency

SLEA	No of Requests	2022 %	2021 (%)
MPS	161	68%	76 %
Other police forces	60	26%	15%
BTP	2	0.8%	1.5%
National Crime Agency	10	4.2%	7 %
City of London Police	3	1%	0%
Non-police bodies that have a statutory role in crime prevention and detection	0	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

<b>Type of Driver</b>	<b>No of Requests</b>	<b>2022 (%)</b>	<b>2021 (%)</b>
Private Hire	127	54%	79%
Taxi	37	16%	10%
Dual Licence	8	3%	1%
Operator	0	0%	0%
Other	64	27%	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 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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