

## Audit and Assurance Committee

**Date:** 14 March 2024

**Item:** Personal Data Disclosure to Police and Other Statutory Law Enforcement Agencies (2023)

---

### 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

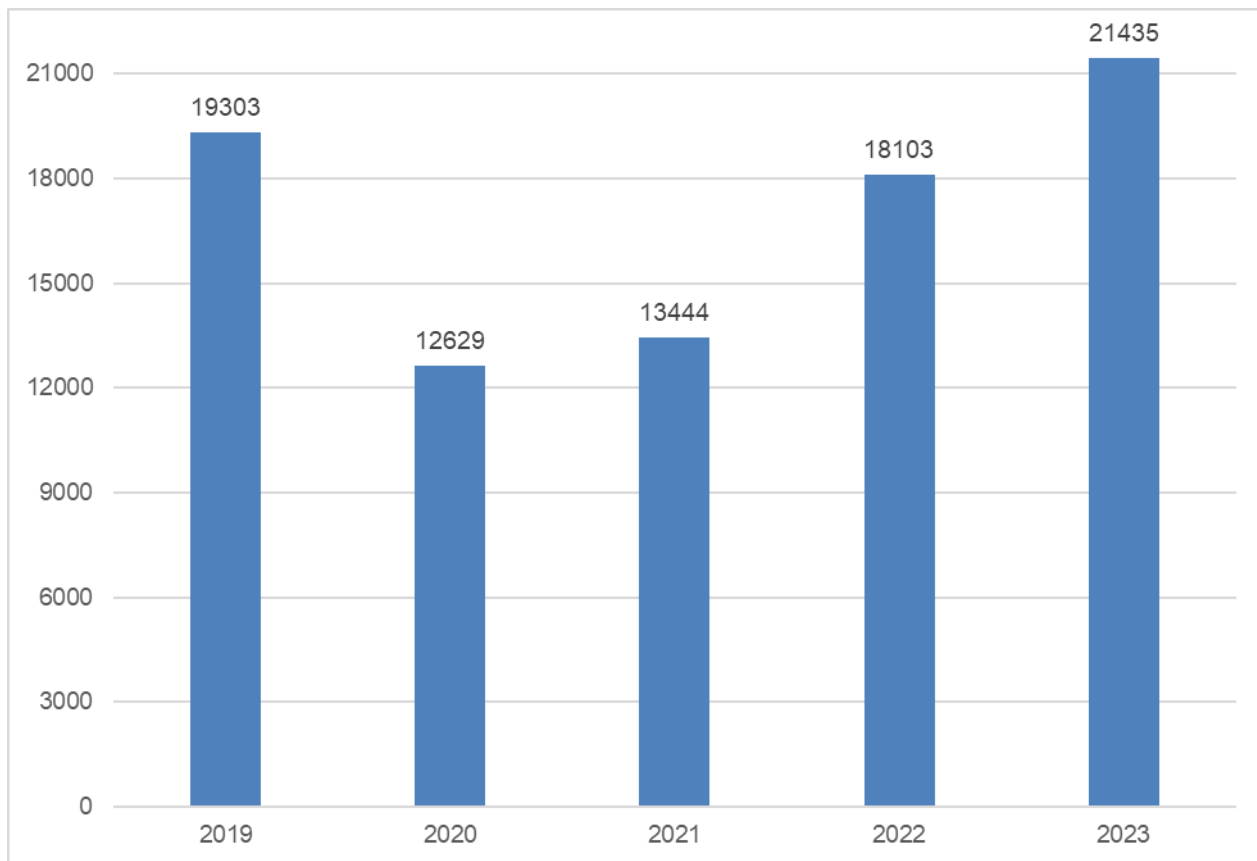
- 3.1 TfL, and its operators, provide valuable support to the police and other SLEAs' efforts to prevent, investigate and detect crime, safeguard the most vulnerable and assist in bringing offenders to justice. This is done through our significant investment in dedicated policing for our public transport networks and London's, strong partnership working and through the provision of personal data that we and our operators hold. This support is vital to the Mayor's commitment to improve the safety and security of London.
- 3.2 We hold a range of information about our customers and employees which is of significant value to our partners in the police and in other law enforcement agencies for the prevention and detection of crime and in safeguarding the most vulnerable in our society. In disclosing personal data to the police and other statutory law enforcement bodies without the subject's consent, we must comply with our duties under data protection legislation. We rely on the exemption under Schedule 2 Part 1 and Schedule 2 Part 2 of the Data Protection Act 2018 in relation to the disclosures 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 of the data disclosed in 2023 against trends from the previous four years.
- 3.4 Our 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>.

- 3.5 Our Compliance, Policing, Operations and Security (CPOS) Directorate 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 our data without increasing costs to us we established a pioneering partnership unit in 2010 with officers from the British Transport Police (BTP) and the Metropolitan Police Service (MPS) attached to us, working under the direction of a TfL manager and subject to regular review. 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 across the organisation. These business areas disclose data in accordance with our policy and are subject to regular review to ensure compliance:
- (a) for London Underground (LU), LU is the Data Controller and BTP is the data processor of CCTV for crime-related purposes. BTP host an integrated centre for CCTV from across the railways at Ebury Bridge which includes feeds from the majority of LU stations.
  - (b) requests for information on taxi and private hire licensees, held by our 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 London River Services are responded to directly.
- 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 to the transport system.

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

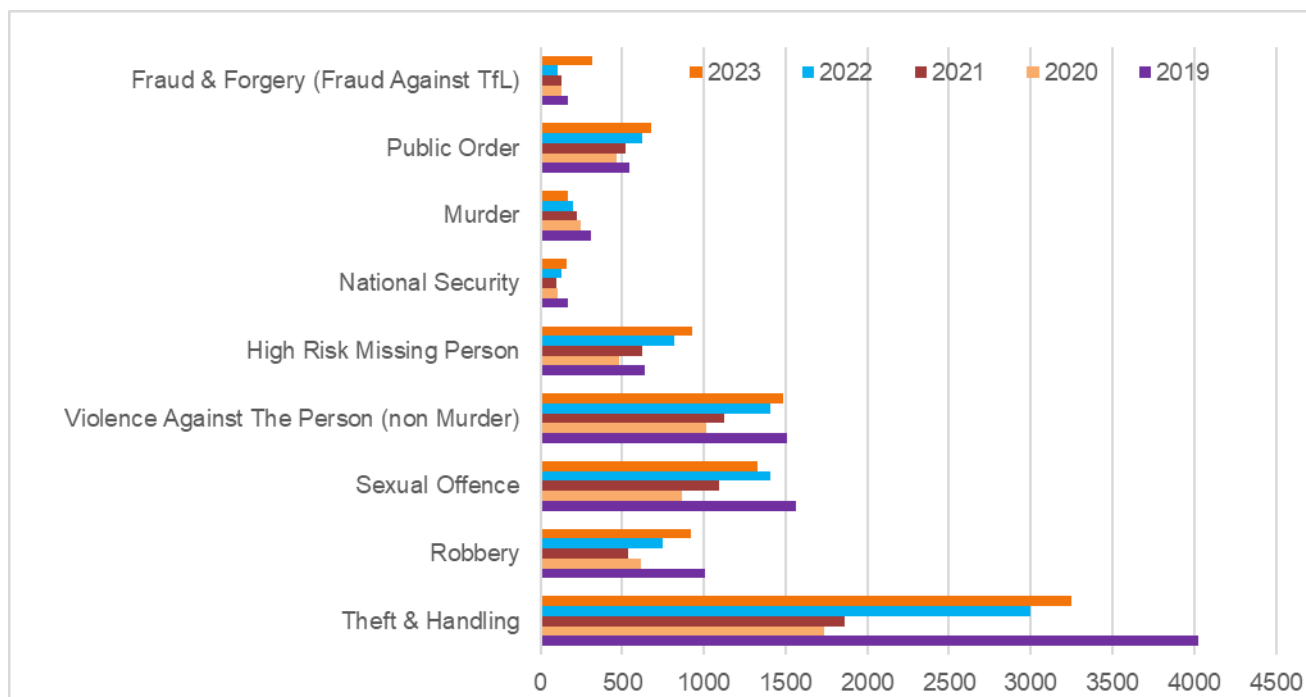
- 4.1 Chart 1 shows the volume of all police and SLEA data requests for ticketing data, Body Worn Video (BWV) and LU CCTV for the last five full calendar years. The total number of data requests made in 2023 was 21,435; a 18 per cent increase on 2022 (3,332 additional requests). Of the requests, 10,841 were for ticketing data, 10,594 were for LU CCTV and 360 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 our 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. Overall TfL public transport crime trends largely reflect national crime trends rising from the lower volumes recorded during the pandemic.
- 4.3 We continued to provide valuable support to the MPS' efforts to help locate highly vulnerable people. TfL data was requested in the investigation of 929 high risk missing persons: 13 per cent higher (109 additional requests) than the previous year. Our support for high risk missing person cases is an important and increasing part of our Data Disclosures Unit's (DDU) workload. The team continues to work very closely with the police to improve processes to ensure that data is turned around as quickly as possible.
- 4.4 We dealt with 165 requests relating to murder and fatality investigations. These are often complex cases that require a significant amount of work by the DDU. We are acutely aware of how important the timely disclosure of ticketing data and CCTV is for investigating and solving these crimes and will do all we can to support police. Our bus operators should also be recognised for the vital support they provide to the police in these circumstances – often outside of business areas.
- 4.5 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



4.6 Most requests in 2023 (3,252 requests/30 per cent of total) were related to theft and handling offences. This reflects the fact that theft remains the highest volume crime on our public transport networks.

4.7 There was a 30 per cent increase in requests for BWV footage captured by our frontline customer-facing colleagues in 2023 compared with 2022 (360, an additional 83 requests). The increase is in line with the wider rollout of BWV to more operational colleagues as part of our efforts to tackle work-related violence and aggression. The overwhelming majority of requests related to the investigation of incidents against TfL colleagues.

4.8 Table 1 shows a breakdown of data requests by requesting agency (by percentage) for 2023.

Table 1: Data requests by requesting agency:

SLEA	No of requests	2023 (%)	2022 (%)
BTP	11,528	54%	48%
MPS	9,051	42%	49%
Non-police bodies that have a statutory role in crime prevention and detection	334	1.5%	<1%
Other police forces	266	1%	1%
National Security	158	<1%	<1%
City of London Police	51	<1%	<1%
Bus Company (for personal injury/insurance claims)	47	<1%	<1%

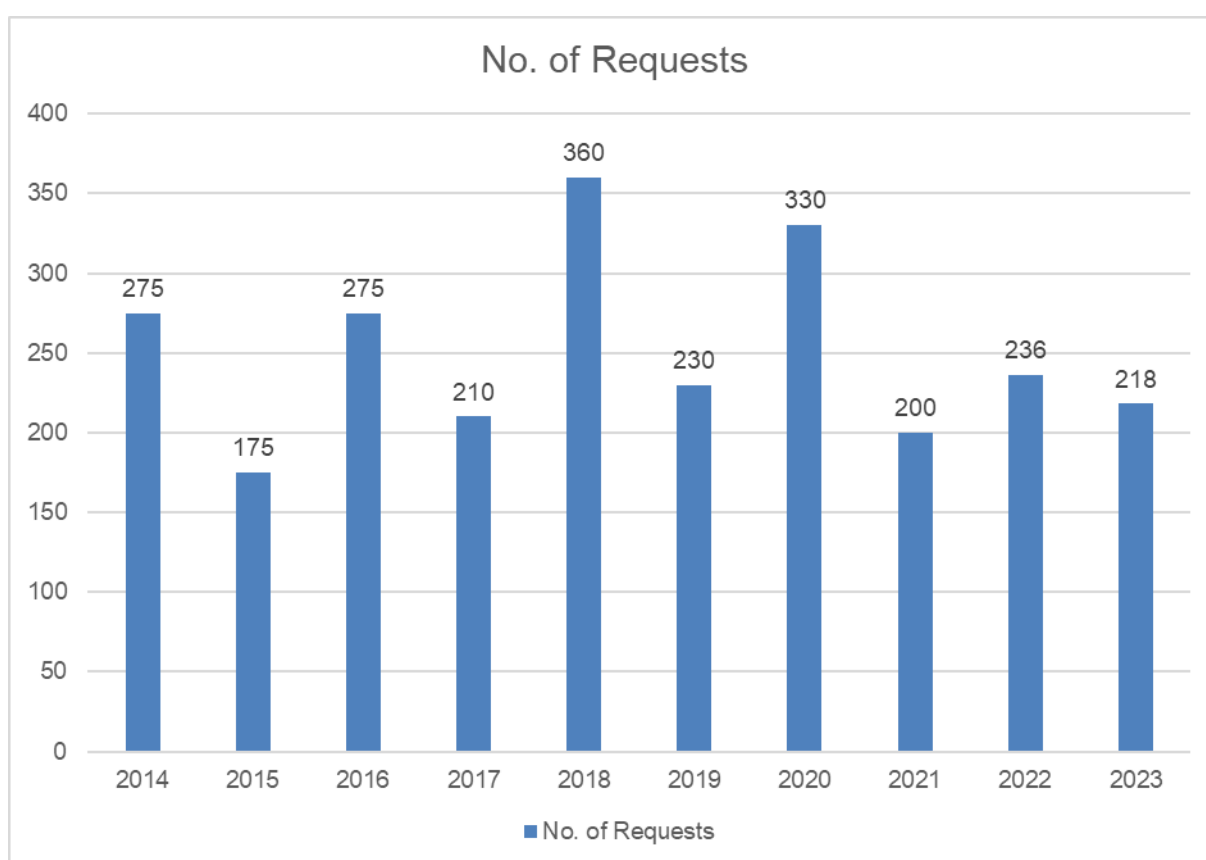
- 4.9 There have been several high-profile police investigations that have been dealt with by CPOS that have subsequently resulted in custodial prison sentences or life saving intervention. Data released by the DDU helped to lead to:
- (a) a high-risk missing person who had threatened to throw themselves off a bridge being identified quickly. The journey data we provided to the police assisted them in identifying a bus the person had boarded and they were able to locate them and provide safeguarding intervention;
  - (b) a suspect being arrested, charged and subsequently jailed for a minimum of 19 years for a murder linked to a Santander Cycle Hire bike; and
  - (c) a suspect being identified, charged and convicted for a stabbing of a victim, who was known to the suspect, on a route 94 bus. The offender pleaded guilty at court was jailed for a minimum term of 25 years and 6 months.
- 4.10 In addition to the requests to us for personal data, the MPS made 13,889 requests directly to our bus and rail operators for CCTV. This included 202 requests for CCTV relating to murder investigations, 2,685 for violence against the person offences, 1,715 for robbery, 1,650 for road traffic collisions and 1,241 for sexual offences. The requests were to support investigations of both transport and non-transport related crimes and incidents.
- 4.11 While this paper focusses 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.
- 4.12 During the past three calendar years, we have received two production or court orders. The first order was for data that had been deleted in line with our data destruction policy of 12 months so was not available. The second order was for data for an investigation received from the MPS of a grievous bodily harm offence. The data request was initially refused due to the wide scope of the request for all registered bank cards or Oyster cards that were validated on a specific bus within a timeframe. The data was released once the order was received.
- 4.13 We processed 1,953 bank card data requests in 2023, which equates to 18 per cent of the total number of requests. Fewer than five per cent of bank cards are registered with TfL. Where a suspect is identified using an unregistered bank card, the police need to contact the bank for details of the cardholder.
- 4.14 There are tight controls and auditing processes in place for the processing of bank card data enquiries. This includes an annual review of the processes, and compliance with those is undertaken by TfL, MPS and our merchant acquirer. A report is submitted to the merchant bank which has always found us to be compliant in our processing of bank card data.

## 5 Taxi and Private Hire Requests

5.1 There were 218 data requests for information on taxi and private hire drivers and vehicles in 2023.

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 us as the licensing authority 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.

Table 2: Data requests by requesting agency:

SLEA	No of Requests	2023 %	2022 (%)
MPS	131	60%	68 %
Other police forces	60	28%	26%
National Crime Agency	17	8%	4%
City of London Police	6	3%	1%
BTP	3	1%	1%
Non-police bodies that have a statutory role in crime prevention and detection	1	<1%	0%

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

Table 3: Breakdown of requests by Private Hire and Taxi

Type of Driver	No of Requests	2023 (%)	2022(%)
Private Hire	158	73%	54%
Other	25	12%	27%
Taxi	22	10%	16%
Dual Licence	11	5%	3%
Operator	2	1%	0%

5.5 The above statistics refer to both electronic and telephone data requests. However, the Taxi and Private Hire telephone lines were closed from March 2020 due the pandemic and as such requests for taxi or private hire information or confirmation have now significantly shifted to email, being sent to the relevant CJSM email account.

## 6 Conclusion

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

### List of appendices to this report:

None.

### List of Background Papers:

None.

Contact Officer: Siwan Lloyd Hayward OBE, Director Security, Policing and Enforcement

Email: [siwan.hayward@tfl.gov.uk](mailto:siwan.hayward@tfl.gov.uk)