

Policy

P113 A2

Information Access

1 Purpose

The objective of this policy is to establish a framework that ensures Transport for London (TfL) has in place structures and processes to manage requests to access information held by TfL so as to:

- a) Ensure requests are dealt with in compliance with the requirements of the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIR), United Kingdom General Data Protection Regulation (UK GDPR) and other information access legislation and
- b) Ensure that TfL employees are aware of their obligations in relation to providing access to information held by TfL in accordance with the law.

2 Organisational scope

This policy applies to TfL and to any commercial organisations or service providers (including agencies or consultancy companies) contracted to carry out work for TfL.

3 Policy statement

- 3.1 TfL will increase openness, promote transparency and demonstrate accountability by proactively sharing information with its customers, employees and the general public.
- 3.2 The FOIA and EIR allow individuals or organisations the right to request and, subject to certain exemptions, receive information held by a public authority. TfL falls within the definition of a public authority contained in the FOIA.
- 3.3 The UK GDPR gives individuals the right to know what information is held about them, and subject to certain exemptions, receive a copy of that information. It also provides a framework to ensure that personal information is handled appropriately (see TfL Privacy and Data Protection Policy).
- 3.4 Any TfL Staff may be guilty of a criminal offence if they alter, deface, block, erase, destroy or conceal any record held by TfL, with the intention of preventing the disclosure of all, or any part, of the Information that the applicant would have been entitled to under the FOIA, EIR or UK GDPR.
- 3.5 The discovery or suspicion of any such offence must be reported immediately to Information Governance and may be referred to the police.
- 3.6 This policy applies to all recorded information held by TfL in any format, as well as:
 - a) Information held in non-TfL IT services used by TfL Staff during the performance of activities covered by their contract of employment (or a relevant contract for services). This includes non-TfL email accounts, SMS (text) services and messaging services such as WhatsApp;



- b) Information held by another person/body on behalf of TfL (for Information that falls under the FOIA); and
- c) Environmental Information held by another person/body under the control of TfL who has responsibility in relation to the environment (e.g. private companies or public private partnerships) (for Information that falls under the EIR).

3.7 TfL will adhere to the principles laid out in the following codes of practice, policies and guidance in order to support its compliance with the FOIA, EIR and UK GDPR:

- a) Cabinet Office Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000 (issued under section 45 of the FOIA);
- b) The Secretary of State for Digital, Culture, Media and Sport's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000;
- c) Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004 (issued under Regulation 16 of the Regulations);
- d) Information Commissioner's range of guidance documents;
- e) TfL's suite of Information Governance Policies;
- f) TfL's Policy on the Disclosure of Personal Data to the Police and other Statutory Law Enforcement Agencies.

2.8 TfL will comply with all other information governance legislation that may be relevant to the proper provision of access to information.

4 Policy content

4.1 TfL's policy is to ensure that:

- a) Information Access Requests are responded to in a timely manner and in accordance with statutory timescales;
- b) Information is provided in response to Information Access Requests, unless a statutory exemption applies;
- c) Information not required for a specific legal, business, operational or historical purpose will be disposed of promptly and in an efficient manner, in accordance with corporate records disposal schedules;
- d) Structures, systems and processes are in place to manage all Information Access Requests in compliance with the appropriate legislation;
- e) Information about its activities is held in officially approved and readily accessible repositories. Information or communications relating to TfL business, which are sent or received by TfL Staff using non-TfL email accounts, or other non-corporate IT services, must be copied to a TfL system to ensure they can be accessed in the event of a related Information Access Request, unless they are ephemeral or trivial in nature;
- f) In response to Information Access Requests that fall under the FOIA and EIR, applicants are informed whether TfL holds the information requested and



- provided with it, normally within 20 working days, in the format requested; or informed that TfL refuses to confirm or deny the existence of the information and/or refuses to provide it, if an exemption applies or the request is vexatious or identical to one previously received from the same applicant. Any such refusal must be approved by Information Governance;
- g) FOIA requests may also be refused if the cost of compliance would exceed an appropriate limit of £450 (there is no corresponding cost limit in the EIR). Any such refusal must be approved by Information Governance;
 - h) Complaints about how an Information Access Request has been dealt with are managed in accordance with TfL's published Internal Review Procedure. Any such complaint must be promptly directed to the Head of Information Governance;
 - i) Procedures are in place which allocate responsibility for coordinating FOIA and EIR responses within TfL;
 - j) TfL will maintain and publish information in line with the Information Commissioner's model FOI Publication Scheme;
 - k) In response to valid Subject Access Requests made under the UK GDPR, TfL will tell the applicant whether it, or someone else on its behalf, is processing that individual's Personal Data, and if so, provide a description of: the Personal Data; the purposes for which they are being processed; and those to whom they are or may be disclosed. TfL will also communicate in an intelligible form all the information which forms any such Personal Data;
 - l) TfL will respond to all Subject Access Requests within one month of receipt of a valid request, however this may be extended where it is necessary to obtain additional information from the applicant, or when responding to complex or particularly voluminous requests;
 - m) In response to Subject Access Requests, TfL will only refuse to provide a copy of the Personal Data processed and information concerning the processing if an exemption applies. Any such refusal must be approved by Information Governance, either directly or through delegated authority to respond to Subject Access Requests;
 - n) Personal data is not disclosed to third parties except where disclosures are permitted by, or required by, law;
 - o) When considering whether to disclose Information in response to an Information Access Request, the TfL Staff involved in that process must take into consideration the security classification attached to the information under TfL's Information Security Classification Standard for protectively marking Information. Information classified according to this Standard must be transmitted, stored and disposed of as required by the Classification Standard and its accompanying guidelines; and
 - p) Information Risk is considered and afforded a priority in decisions within TfL in the same way as financial and operational risk. This will be reflected in corporate and local risk registers. Information Risk will be managed by a process of identifying, controlling, minimising and/or eliminating risks that may affect TfL's information or information systems.



5 Responsibility

- 5.1 Each individual employee is responsible for actively supporting this policy. TfL Staff are responsible for promptly retrieving information where they are requested to do so for the purpose of responding to an Information Access Request.
- 5.2 Employees must seek advice in the event of uncertainty in relation to this Policy.
- 5.3 Information Owners are responsible for ensuring that TfL Staff within their area of control are aware of this policy and are adequately trained in the handling of Information Access Requests.
- 5.4 Information Owners are responsible for the assessment and reporting of Information Risk linked to the handling of Information Access Requests within each business unit.
- 5.5 Information Owners will implement appropriate guidelines within their business unit to ensure compliance with corporate procedures on the handling of Information Access Requests.
- 5.6 TfL Staff must familiarise themselves with their obligations via the information access training and communication programme co-ordinated and delivered by Information Governance (specifically e-learning courses and guidance available on TfL's intranet).
- 5.7 Information Governance is responsible for the interpretation of this policy, for monitoring compliance with the policy and for providing advice and guidance on its implementation.
- 5.8 Information Governance will be responsible for maintaining TfL's compliance with the Information Commissioner's model Publication Scheme and for maintaining procedures for answering Information Access Requests.
- 5.9 Information Governance will be responsible for approving, or granting delegated authority to approve, any refusal to provide information in response to an Information Access Request.
- 5.10 Information Governance will be responsible for the implementation of the Internal Review Procedure.
- 5.11 Information Governance shall be responsible for liaising with the Information Commissioner's Office on any matter relating to TfL's handling or resolution of an Information Access Request.

6 Procedures/Guidelines/Processes

- 6.1 All information held by TfL must be managed in accordance with TfL's:
 - a) Privacy and Data Protection Policy (P023)
 - b) Information Security Policy (P116)
 - c) Information and Records Management Policy (P114) and
 - d) Corporate Archives Policy. (P118)



- 6.2 Requests for the disclosure of Personal Data for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders, will be considered in line with the requirements of the UK GDPR and other applicable legislation, and as set out in TfL's Policy on the Disclosure of Personal Data to the Police and other Statutory Law Enforcement Agencies.
- 6.3 This policy will be supported by corporate best practice, guidelines and TfL Standards on managing requests for information, available on TfL's intranet.
- 6.4 Internal Audit will perform a periodic audit of the information access processes, procedures and practices of TfL and its service providers to monitor compliance with this policy.

7 Person accountable for this document

Name	Job title
Richard Bevins	Head of Information Governance and Data Protection Officer

8 Definitions

Term	Definition	Source
United Kingdom General Data Protection Regulation (UK GDPR)	The United Kingdom General Data Protection Regulation only applies to organisations' use of personal data. This is any information relating to an identified, or identifiable, person.	Jargon Buster
Data Subject	An individual who is the subject of Personal Data.	Jargon Buster
Environmental Information Regulations (EIR)	The Environmental Information Regulations 2004, legislation that provides a right of access to information about the environment.	Jargon Buster
Freedom of Information Act (FOIA)	The Freedom of Information Act 2000, legislation that provides a right of access to general information held by public authorities, together with all secondary legislation made under it.	Jargon Buster
Information	Any information, data or records, irrespective of format or medium, which are generated or used by a business system or process. Examples include electronic communications, emails, video recordings, hard copy (paper) files, images, graphics, maps, plans, technical drawings, programs, software and all other types of data.	Jargon Buster
Information Access Request	A request (including a Subject Access Request) from any person for information that falls under the FOIA, EIR or UK GDPR.	Jargon Buster
Information Commissioner	The regulator appointed by the Crown to promote public access to official information and protect personal information.	Jargon Buster
Information Governance	A business unit within General Counsel.	Jargon Buster

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Information Owners	Senior managers, who are responsible for managing the acquisition, creation, maintenance and disposal of TfL's Information and Information Systems within their assigned area of control.	Jargon Buster
Information Risk	That part of TfL's overall risk portfolio which relates to the, integrity, availability and confidentiality of Information.	Jargon Buster
Internal Audit	A business unit within General Counsel.	Jargon Buster
Personal Data	Information which relates to a living individual who can be directly identified from either the information itself, or by combining the information with other data available to TfL. Personal Data includes expressions of opinion and indications of intention, as well as factual information.	Jargon Buster
Subject Access Request (SAR)	A request from an individual for access to their Personal Data.	Jargon Buster
Transport for London (TfL)	The statutory corporation, Transport Trading Limited and its operating subsidiaries.	Jargon Buster
TfL Staff	Includes all TfL employees as well as all temporary staff, contractors, consultants and any third parties with whom special arrangements (such as confidentiality and non-disclosure agreements) have been made.	Jargon Buster

9 Abbreviations

Abbreviation	Meaning
UK GDPR	United Kingdom General Data Protection Regulation
EIR	Environmental Information Regulations
FOIA	Freedom of Information Act
SAR	Subject Access Request
TfL	Transport for London

10 References

Document no.	Title or URL
-	Freedom of Information Act 2000 (FOIA)
-	Environmental Information Regulations 2004 (EIR),
-	United Kingdom General Data Protection Regulation (GDPR)

11 Document history

Issue no.	Date	Changes	Author
A1	May 2012	This policy was originally approved at the meeting of the TfL Leadership Team on 22 March 2010 and brought into the management system 2 May 2012	



A2	Jan 2022	Revised to take account of new ICO guidance and changes to legislation as per change no. CR-15588	Lee Hill
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