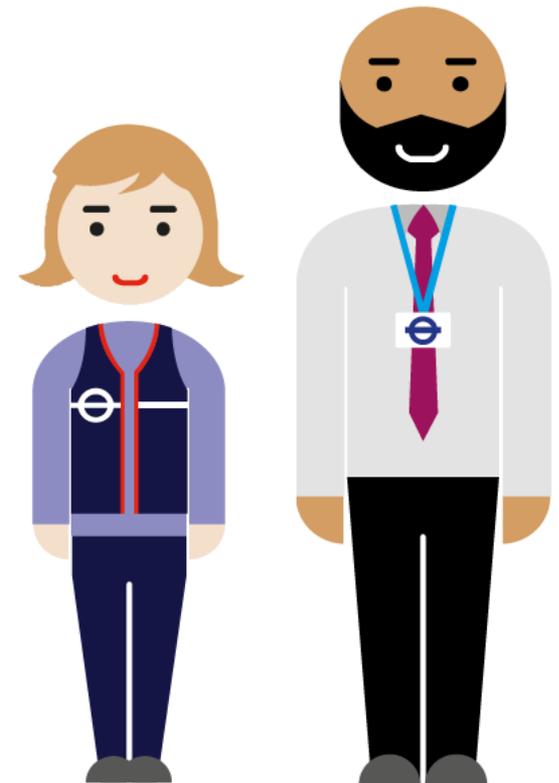


TUESDAY 24 JULY 2017

# The new General Data Protection Regulation

T&D GDPR Compliance Project  
Planning Workshop

James Alexander  
Head of Privacy and Data Protection



EVERY JOURNEY MATTERS

# What is the new EU General Data Protection Regulation (“GDPR”)..?



# The General Data Protection Regulation

- Replaces the EU Data Protection Directive 1995 and the UK Data Protection Act 1998
- Harmonised legal framework to support a modern digital economy
- Comes fully into effect on 25 May 2018
- Many concepts stay the same (personal data, data processing, data controller/processor, etc)



## What about Brexit and the General Election?

- UK will still be a full member of the EU on 25 May 2018
- Conservative Party Manifesto stated: “...*we will be the global leader in the regulation of the use of personal data...*”
- HM Government had already confirmed it would implement GDPR in full
- New Data Protection Bill included in Queen’s Speech 2017



## Key changes in the law

- Significantly increased fines; two tiers with a maximum of either:
  - **2%** of annual turnover (internal record keeping; processor agreements; security; breach notification; DP by design/default)
  - **4%** of annual turnover (data protection principles/consent/data subject rights/international data transfers)
- TfL's annual turnover is around £10billion!



## Key changes in the law (continued)

- Legal basis for processing – contract, legal powers, legitimate interest and/or consent
- Consent – clear affirmative action (freely given, specific, informed and unambiguous)
- Accountability – detailed records of processing accessible to the regulator
- Data breach notification – serious breaches must be reported to ICO within 72 hours



## Key changes in the law (continued)

- Right to erasure (in certain circumstances!)
- Right to object to processing/profiling (in certain circumstances!)
- Subject Access – no fee (currently £10); data controllers must respond within one calendar month (currently 40 calendar days)
- Privacy by design – eg Data Protection Impact Assessments for new projects
- Stronger ‘data processor’ agreements



**Why does the new law matter to TfL in the context of customer and employee data..?**



## We have lots of personal data about...

- Customers using our transport services and the TfL Road Network (TLRN)
- Members of the public
- Current/former employees (including health related information, drug and alcohol test results, etc)
- Holders of staff nominee travel passes
- Unsuccessful job applicants/candidates
- TfL pensions scheme members



## Lots and lots of personal data...

- **8.2m** contacts in our customer database
- **6.6m** customer email addresses
- **3.8m** registered Oyster cards
- **2.6m** Oyster concessionary photocards
- **905,637** CC/LEZ Penalty Charge Notices
- **421,000** CC/LEZ customer accounts
- **248,751** Santander Cycles accounts
- **141,819** licensed taxi/private hire drivers



## Lots and lots of personal data... (continued)

- **107,976** traffic Penalty Charge Notices
- **84,376** TfL pension scheme members
- **83,645** Penalty Fare Notices
- **47,000** registered Dial-a-Ride users
- **29,000** members of staff
- **27,915** CCTV cameras
- **15,545** prosecutions for fare evasion
- **1,400** ANPR cameras



## What could happen if we don't comply?

- Monetary penalties or other regulatory enforcement action taken by the ICO
- Civil litigation (including group/class actions)
- Adverse media coverage
- Reputational damage
- Loss of trust and confidence amongst our customers and/or employees
- Political consequences (the Mayor, Assembly Members, MPs, councillors)



**What are we doing to prepare for the new law..?**



## We started preparing early...

- New GDPR compliant contract clauses
- Updated Information Sharing Protocol and Procedure templates
- TRUSTe Data Protection Impact Assessment tool procured and deployed
- Breach services framework with Experian
- Colleagues being briefed on the GDPR
- Being more open and transparent about how we use personal data – for example...



# Transparency – how we use Oyster data

**TRANSPORT FOR LONDON** Plan a journey Status updates Maps Fares & payments More... ▾ Search 🔍 ⭐

Privacy & cookies Oyster card

## Oyster card

This page explains how Transport for London (TfL) uses the personal information you supply when applying for, or using, your registered Oyster card. It also describes how long that information is kept for and the limited circumstances in which we might disclose it to a third party.

[Personal information we hold](#)
[Sharing personal information](#)

[How we use personal information](#)
[Overseas processing](#)

[Length of time we keep information](#)
[Accessing your personal information](#)

[Keeping personal information secure](#)
[Oyster card Privacy Notice](#)

If you hold a concessionary Oyster card, please refer to the privacy page which applies to your scheme.

### Personal information we hold

In most cases, registering your Oyster card details with us is optional. If you do register your Oyster card or add it to your online account, the personal information we will hold includes:

- Name, address, email address, telephone number
- Password/memorable information
- Your marketing preferences
- Your journey history

We store the details of any payment cards used for auto top-up, to add pay as you go credit or to purchase season tickets. This information is encrypted and stored in line with payment card industry security standards.

### PRIVACY & COOKIES

- Access your data
- Surveillance cameras
- Contactless payment
- Cookies
- Dial-a-Ride
- Employment
- External Recruitment
- Road User Charging
- Oyster card
- Privacy & data protection policy
- Protect your data
- Santander Cycles
- Taxi & private hire licensing



# Transparency – how we use CCTV data



## There's more to do by 25 May 2018!

- Personal data mapping
  - *what have we got and where is it?*
  - *why are we keeping it and for how long?*
  - *what's the legal basis for processing it?*
- GDPR gap analysis focussed on business processes and systems
- Over 30 privacy notices to be updated
- Over 500 'data processor agreements' with service providers to be updated



## ...lots and lots more to do! (continued)

- 28 existing information sharing agreements to be reviewed/updated
- Modifying business processes to accommodate new data subject rights
- “My role in privacy and data protection” eLearning to be reviewed and updated
- Privacy and Data Protection Policy to be reviewed and updated
- Review of HR policies and terms and conditions of employment



## Contact

Privacy and Data Protection Team  
Windsor House  
42-50 Victoria Street  
London SW1H 0TL

[privacy@tfl.gov.uk](mailto:privacy@tfl.gov.uk)

