

TUESDAY 24 JULY 2017

The new General Data Protection Regulation

T&D GDPR Compliance Project
Planning Workshop

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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 photocard
- **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..?

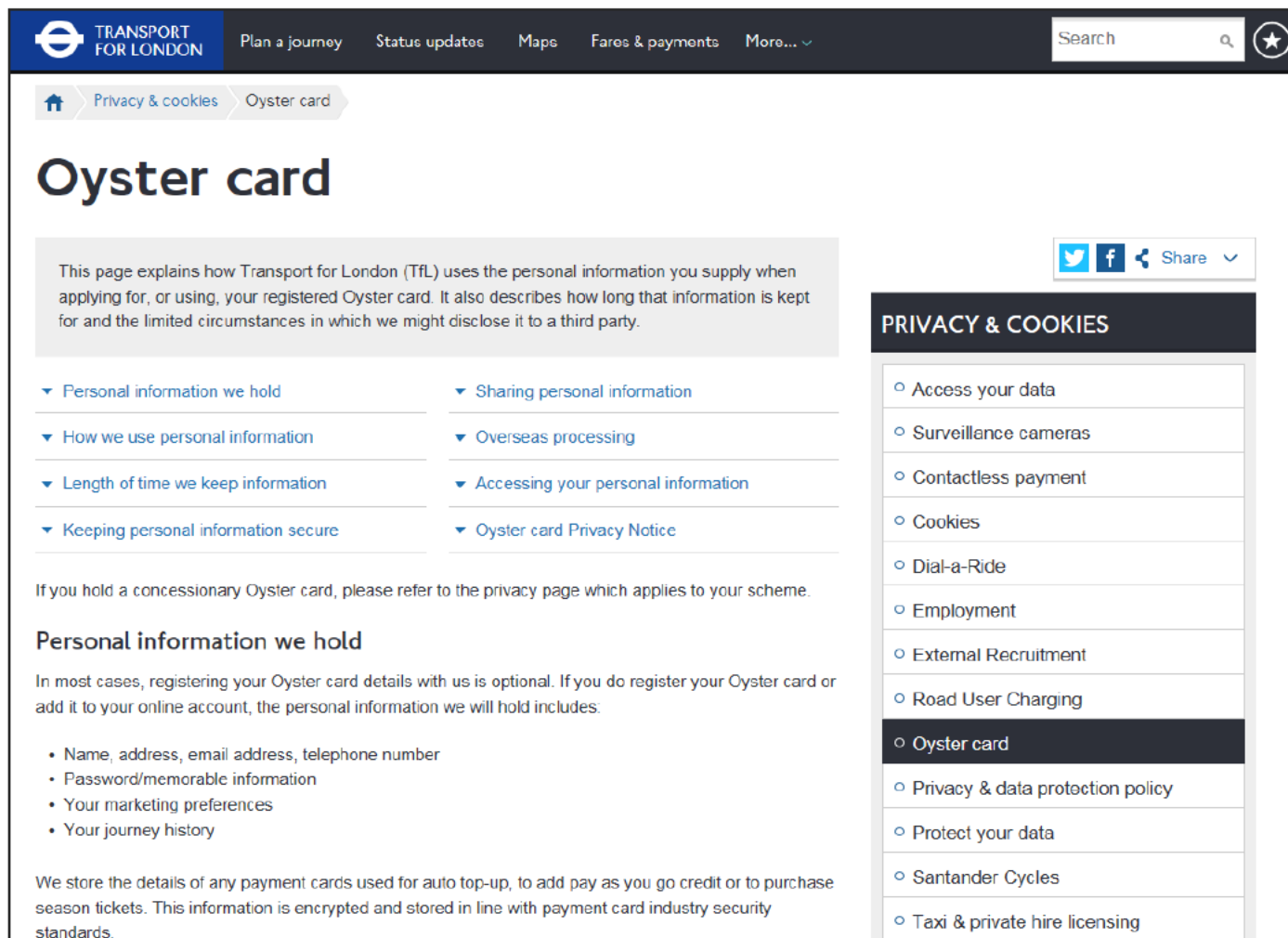


We started preparing early...

- 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



The screenshot shows the Transport for London (TfL) website's 'Oyster card' privacy page. The header includes the TfL logo and navigation links: 'Plan a journey', 'Status updates', 'Maps', 'Fares & payments', and 'More...'. A search bar and a star icon are on the right. Below the header, a breadcrumb trail shows 'Privacy & cookies' and 'Oyster card'. The main heading is 'Oyster card'. A text box explains that the page describes how TfL uses personal information and how long it is kept. To the right of the text box are social media sharing icons for Twitter, Facebook, and a 'Share' button. Below the text box is a list of links: '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', and 'Oyster card Privacy Notice'. A paragraph states that concessionary Oyster card holders should refer to their specific privacy page. The 'Personal information we hold' section lists: Name, address, email address, telephone number; Password/memorable information; Your marketing preferences; and Your journey history. A note mentions that payment card details are stored for auto top-up, credit, or season tickets. On the right, a 'PRIVACY & COOKIES' sidebar lists various topics, with 'Oyster card' highlighted. The sidebar list includes: 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, and Taxi & private hire licensing.

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

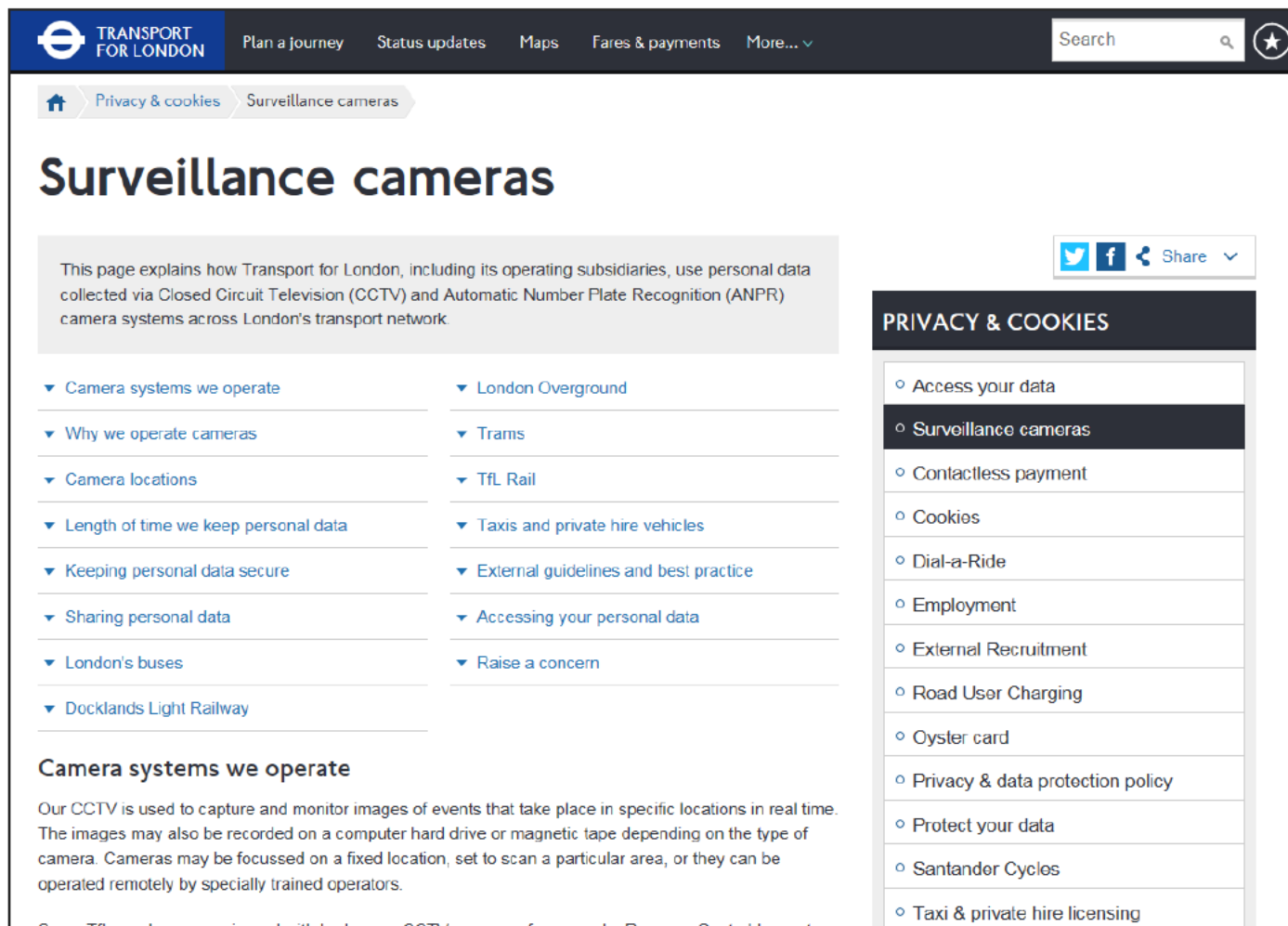
We store the details of any payment cards used for auto top-up, to add pay as you go credit or to purchase season tickets. This information is encrypted and stored in line with payment card industry security standards.

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



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

Privacy & cookies Surveillance cameras

Surveillance cameras

This page explains how Transport for London, including its operating subsidiaries, use personal data collected via Closed Circuit Television (CCTV) and Automatic Number Plate Recognition (ANPR) camera systems across London's transport network.

▾ Camera systems we operate
 ▾ Why we operate cameras
 ▾ Camera locations
 ▾ Length of time we keep personal data
 ▾ Keeping personal data secure
 ▾ Sharing personal data
 ▾ London's buses
 ▾ Docklands Light Railway

▾ London Overground
 ▾ Trams
 ▾ TfL Rail
 ▾ Taxis and private hire vehicles
 ▾ External guidelines and best practice
 ▾ Accessing your personal data
 ▾ Raise a concern

Camera systems we operate

Our CCTV is used to capture and monitor images of events that take place in specific locations in real time. The images may also be recorded on a computer hard drive or magnetic tape depending on the type of camera. Cameras may be focussed on a fixed location, set to scan a particular area, or they can be operated remotely by specially trained operators.

▾ 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



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



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