

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 June 2017

Public Authority: Transport for London
Address: Windsor House
42-50 Victoria Street
London
SW1H 0TL

Decision (including any steps ordered)

1. The complainant has requested information from Transport for London ("TfL") regarding TfL's procedures for extracting customer data from its records of journeys paid for by bank card.
2. The Commissioner's decision is that TfL did not deal with the request for information in accordance with the FOIA in the following way:
 - It failed to provide a response to the request within the statutory time frame of 20 working days as set out in section 10 of the FOIA.
3. As the information has now been provided to the complainant, the Commissioner does not require TfL to take any steps.

Request and response

4. On 23 December 2017, the complainant wrote to TfL and requested information in the following terms:

"I started at Caledonian Road at around 4pm.

My SAR includes the data that you hold as to when and where I entered and exited the Tube system. Please advise how you are going to provide that? It's personal data held by TFL.

Please also explain:

- 1) *why you asked which platforms I was using and which direction I was traveling in, given that I had stated that in the original SAR*
 - 2) *how you obtain individual travel data from the system when required for e.g. revenue protection, safeguarding, police enquiries or other reasons when you have to retrieve this data even though the card owner isn't able or willing to co-operate*
 - 3) *how you extract and provide this data when required following a SAR*
 - 4) *how you are going to extract and provide this data to me*
 - 5) *how the validation of the card happens when somebody phones up for their own travel details*
 - 6) *what steps TfL have taken over the last 18 years in order to ensure they comply with the ICO's best practice and position statement that data controllers should accept payment for SARs by card."*
5. TfL did not respond to all parts of the request that fall within FOIA within 20 working days.

Scope of the case

6. The complainant contacted the Commissioner on 15 March 2017 to complain about the way his request for information had been handled.
7. The Commissioner considers that the scope of the case has been to consider whether TfL responded to the complainant's freedom of information requests within the statutory time frame.

Reasons for decision

8. Section 10 of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt.*"
9. From the information provided to the Commissioner in this case, it is evident that TfL did not respond to all of the requests that are subject to FOIA within the statutory timeframe of 20 working days. She has therefore found TfL to be in breach of section 10 of the FOIA.
10. As TfL has now responded, the Commissioner does not require TfL to take any steps.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF