

CP 1.2 Annex 1 to Information Strategy

Information Charter and Privacy Policy 2021

Transport Focus holds information about individuals in various aspects of its work and for various purposes. The vast majority of this data is low risk – for example where individuals proactively provide us with their details so we can stay in touch with them – but some is sensitive. This second category includes details of passengers who have approached us to help them with a complaint, for example. In this respect, we have developed a privacy policy which follows and is also available on our website. This Charter has been developed to ensure those individuals for whom we hold and process personal data can be assured we treat such data with the degree of care it merits. The privacy policy gives effect to this Charter by helping train our staff and managing customer expectations.

We know how important it is to protect your privacy. When we ask for your information and / or you provide us with it, we will:

- be transparent about why we need it, and ensure it is processed fairly and lawfully
- only ask for what we need (we will not collect information other than for specified, explicit, and legitimate purposes) and we will try to ensure it is adequate, relevant and limited to what is necessary (in relation to the purposes for which it is being processed)
- make sure nobody has access to it who shouldn't
- only keep it for as long as we need to - and whilst we do, keep it accurate
- not make it available for commercial use (such as marketing) without your permission

In return, to help us keep your information reliable and up to date, we ask you to:

- Give us accurate information
- Tell us as soon as possible of any changes, such as a change of address

How to find out what personal information we hold about you

Under the data protection regulations currently in force, you have a number of rights in respect of your personal data. You can ask us if we hold any personal information about you. If we do hold information about you we will:

- give you a description of it
- tell you why we are holding it
- tell you who it could be disclosed to
- and let you have a copy of the information in an intelligible form.

To help us give you the information you want, we need you to tell us which part of our organisation you have been dealing with and why you believe we hold that information.

You have the right to request a copy of your personal details at any time, to have inaccuracies rectified, and to have it erased. Other rights also apply.

When we share information

We are committed to providing the best and most efficient service to our customers. We may share personal information within our organisation or with other bodies where it would be compatible with the purpose for which we collected it, and/or where we are required or permitted to do so by law.

To find out more about whom we share information with, please see contact details below.

The training and guidance we give to our staff

We provide general awareness training to all our staff, and those in positions with formal responsibility for information handling receive additional specific training.

You can ask to see what guidance we provide to our staff via the contact details below.

How to contact us or make a complaint

If you are unhappy with the way we have handled your personal information and wish to make a complaint, please contact the Senior Information Risk Owner. We will acknowledge your complaint within 5 working days and let you have a full response within 20 working days. If it is not possible to respond fully within this timescale, we will write and let you know why and say when you should receive a full response.

Senior Information Risk Owner, Transport Focus
Albany House, Ground floor west, 86 Petty France, London SW1H 9EA.

Or email to siro@transportfocus.org.uk

Transport Focus is the operating name of the Passengers Council

For independent advice about data protection, privacy and data sharing issues, you can contact the:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Privacy Policy

This is the April 2021 version of Transport Focus's privacy policy which has been updated to reflect the changing data protection framework and Transport Focus's business and consumer activities for 2021-22.

Introduction

This policy applies when Transport Focus captures and processes personal details of those people with whom it deals across the entirety of its external facing work. It should be noted however that different parts of this policy may apply to particular types of work for which personal data is captured and processed.

In this policy (and in other documents – for example, staff guidance) we use the expression 'data protection regulations currently in force'. Based on the guidance provided by the Information Commissioner's Office, this means the UK General Data Protection Regulation (UK-GDPR) based on the Data Protection Act 2018, as amended by the Data Protection, Privacy and Electronic Communications (EU Exit) Regulations 2019 with effect from 31 January 2020.

By submitting your details to Transport Focus, you are deemed to have accepted our use of your personal information as set out below.

Transport Focus is registered as a data controller with the Information Commissioners Office under registration number Z9171370.

Our information charter

We process personal information in line with both the data protection regulations currently in force and our information charter.

Information we collect from you

We collect personal information from you if you contact us with consumer enquiries and complaints about rail, bus, coach, tram and road journeys, with stories or examples as part of our campaigns, if you engage with us for consultation or research purposes, or with comments and complaints about the Transport Focus service and with feedback on the websites.

Information collected may include personal details such as names and addresses, email addresses and details of individual queries or issues. In addition, we collect information on the usage of the websites used to collect this information.

This usage information will not identify you individually and is stored and processed in aggregate and will not allow the identification of individual users.

Please note that if you choose not to provide personal details when using the Transport Focus websites this may limit the extent to which you can use the sites or how we can help you.

Lawful basis for processing your data

Under Article 6 of the data protection regulations currently in force, we are required to have and explain a valid lawful basis for holding and processing your data. This depends on the basis on which you are contacting us:

In respect of passenger enquiries and complaints this basis is provided in Article 6 (1) (e): processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The 'official authority' in this case is set out in section 76 of the Railways Act 1993.

In respect of the various Transport Focus campaigns, and the recruitment to and operation of our online panel, this basis is consent. Under the provisions of Article 7 (3) you may withdraw your consent at any time.

In respect of the bulk of Transport Focus's research activities, this basis is legitimate interests where, based on the provisions of Article 6 (f), Transport Focus is satisfied that these interests are not overridden by your interests or fundamental rights and freedoms as set out in law.

How we protect your privacy

Any personal information you provide will be held securely by Transport Focus in accordance with the data protection regulations currently in force. These regulations protect your personal information and ensure, among other things, that:

- we only hold and process your information for purposes that we make clear to you in advance
- we keep your information only for as long as we need to carry out these purposes
- we will put in place appropriate measures that ensure your information is held and processed securely and confidentially.

If you provide us with 'sensitive personal data' as defined by the data protection regulations currently in force, we will never pass this information on to a third party without your explicit consent. If you withhold such consent, it may limit the extent to which we can deal effectively with your complaint or query.

Sensitive personal data means personal data consisting of information relating to a data subject which identifies:

- (a) racial or ethnic origin
 - (b) political opinions
 - (c) religious beliefs or other beliefs of a similar nature
 - (d) membership of a trade union
 - (e) physical or mental health or condition
 - (f) sexual life
 - (g) the commission or alleged commission of any offence, or
 - (h) any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.
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How we use the information

Consumer enquiries and complaints

If you contact us with an enquiry or complaint, we will use the information you have provided to advise you on your rights as a consumer, on how to avoid problems and how to address any problems you may have encountered.

We may need to pass information you have provided to a service provider. This includes information that may have been routed via an agency or automated portal acting on our or their behalf. These service providers may include:

- providers of passenger transport services
- the Rail Ombudsman (if a complaint you are making falls within the scope of the service it provides)
- the London Transport Users' Committee (operating as London TravelWatch) if a complaint you are making falls within its statutorily defined area; or
- the London Transport Users' Committee (operating as London TravelWatch) who may deal with the matter on Transport Focus's behalf under the terms of a data sharing agreement which provides, among other things, for Transport Focus and London TravelWatch to act as joint data controllers in respect of the personal data you provide.
- other service providers

Unless you tell us otherwise, but with the exception of sensitive personal data as described above, we will assume that you have already provided your personal details as they relate to your complaint or query to the third party to which your complaint or query is directed and that you consent to any further processing or routing of your information as it is necessary, in our opinion, to help you resolve the problem you have encountered. We will hold details of your enquiry or complaint for three years.

We may also share your information with third parties with whom we work to help improve the passenger experience of rail industry operations, complaint handling and redress arrangements. In such circumstances the appropriate measures we will put in place to protect your privacy will include the conclusion of a data sharing agreement with the third party regulating the use of any data we share with them. Among other limitations, such an agreement will always prohibit the onward sharing of any personal data.

If you are making a complaint or query on behalf of another adult or adults, we may ask you to confirm in writing that you are doing so with their authority. This applies to circumstances, for example, in which one adult contacts us on behalf of a group of travellers who have experienced a similar problem, or where an adult is physically or mentally unable to contact us in their own right. If you are making a complaint or query on behalf of a child under the age of 16, we may ask you to confirm that you are the child's parent or legal guardian. Please note that we expect anyone over the age of 16 to contact us in their own right, unless there are clear grounds for an adult to contact us on their behalf.

Campaigns

If you contact us to share a story or example to use in one of our campaigns, we will use the information you have provided in our work on behalf of transport users. We may publish your example on our website and in our newsletter, and share it with transport providers, and if we do, we will only attribute it generically. We may contact you using the details you provided to ask for more information. We won't publish your contact details. We will hold details of your story or example for three years.

If you report a problem via the Sort My Sign website, we will also pass the information you have provided to Highways England so they can address the problem and respond to you.

Online panel

We regularly use responses to surveys conducted via our online panel. Panel surveys enable Transport Focus to get a quick sense of events happening 'in the moment' and are sometimes used to support findings collected through larger and more complex research projects. For example, research using the panel has, in the past, helped to inform those managing upgrade work at stations on how to keep passengers informed, and made clear the impact of strike action on passengers for example. Full details about how the panel works may be found here: <https://www.transportfocus.org.uk/research-publications/research/transport-user-panel/>

Transport user research

What you think matters. Everything Transport Focus does is supported by evidence provided by unique insight work and a wide range of activities designed to find out what matters to road, rail, bus and tram users.

Much of this work is repeated at least once a year, so it is possible to track trends over time and spot the impact of change. You can interrogate the data from all of these so-called 'tracker' surveys via the Transport Focus [data hub](#).

We process personal data in order to collect this evidence, but we will never publish it and keep it securely and only as long as we need to. Publications based on these surveys are always anonymous.

Comments and complaints

If you have a comment on the service you have received – good or bad – we will use the information you provide to help us maintain and enhance our service to all our customers. We will hold details of your comments for three years.

If you have a complaint about Transport Focus itself, we will use the information you provide to investigate your complaint. If your original enquiry or complaint was passed on to a partner organisation, we may also need to pass details of your complaint to them to help them investigate your complaint further. We will hold details of your complaint for three years.

Feedback

We welcome your feedback. If you provide feedback on our website through our on-line form, we will only use this information to develop and improve the site. We may hold details of your feedback for up to one year.

Cookies and visitor statistics

Cookies are files that a website can store on your computer when you visit the website. These files contain information about your use of a website and may contain personal details. This site uses cookies to gather statistics on visitors' use of the site.

We will use this information to make improvements to the layout of the site and to the information in it, based on the way that visitors enter, move around and leave the site.

If you wish to see the information we hold about you

Under the data protection regulations currently in force, you have a number of rights in respect of your personal data. You have the right to request a copy of your personal details at any time, to have inaccuracies rectified, and to have it erased. Other rights also apply.

If you wish to exercise any of your rights, please contact us as follows:

Senior Information Risk Owner
Transport Focus
Fleetbank House
2-6 Salisbury Square
London EC4Y 8JX

siro@transportfocus.org.uk