

**To:** Board of Directors  
**From:** Sara Azargive, *Senior Privacy Officer*  
**Date:** February 7, 2019  
**Re:** **2018 PRESTO Law Enforcement Requests Data Transparency Report**

---

## **Executive Summary**

As committed in December 2017, Metrolinx reports annually on how it receives and responds to law enforcement requests for PRESTO information. Metrolinx first started tracking such data in January 2017 and released its first report in March 2018.

In 2018, Metrolinx received 94 requests from law enforcement for PRESTO customer data. This represents an increase of 47% since 2017 (which saw 64 law enforcement requests received).

Overall, in 2018 Metrolinx provided information 37% of the time (35 instances). Although a majority related to law enforcement investigations, such as criminal offences, 46% (43 instances) of the law enforcement requests related to emergency requests, to help locate missing persons in circumstances where there were concerns for their health or safety and other methods to locate them had been unsuccessful.

As part of Metrolinx's revised protocol, staff have committed to annually reporting on these statistics. This annual analysis provides an opportunity to review and improve Metrolinx's processes and policies over time. Staff believe that the current process and policy provides the level of oversight and rigour that is required to ensure that Metrolinx responds to law enforcement requests in a compliant and transparent manner, and appropriately balances Metrolinx's commitment to protecting the privacy of PRESTO card users and maintaining the safety and security of the transit system and its passengers.

## **Background**

In 2017, Metrolinx committed to review its PRESTO privacy policy and practices, and to seek input from the public and stakeholders as part of this review. Through its consultation with stakeholders, including input from the

Information and Privacy Commissioner/Ontario (IPC), Metrolinx proposed revisions to PRESTO's privacy policy to clarify how and when Metrolinx may disclose PRESTO

information to law enforcement.<sup>1</sup> Metrolinx also reviewed and proposed revisions to its practices for receiving, reviewing and recording requests for information from law enforcement.

Metrolinx's commitment to public safety led to its conclusion that, in certain situations, a court order will still not be required from law enforcement. These situations include:

- where there are immediate concerns for a person's health or safety, such as a lost or missing person;
- in emergencies, such as where a person has been injured or is ill;
- where a PRESTO transit operator is investigating a safety or security incident, such as theft or vandalism, or for the prevention or detection of crime on or in relation to the transit operator's property or services.

However, a court order is generally required in most cases where the information requested relates to a crime or incident committed outside of the transit system. These situations are now described in PRESTO's privacy policy.

Revisions to Metrolinx's law enforcement request form also provide greater clarity on what information is needed and why, and whether Metrolinx can notify the individual of the request. Metrolinx also requires an additional layer of oversight on requests for PRESTO information by requiring the requester to obtain signed approval from his or her supervisor.

To provide additional transparency to its process, Metrolinx committed to annually publishing data on the number of law enforcement requests it receives and responds to. The following is summary of the information that is logged:

- how many requests were received;
- how many disclosures were made, with and without a court order;
- how many requests were contested or rejected, including those modified by Metrolinx. These are treated as "partial" disclosures;
- a description of the type of information disclosed;
- what law enforcement agencies have issued requests to Metrolinx; and
- a summary of reasons why requests were rejected or modified (by disclosing less information than requested and available).

The 2018 PRESTO Law Enforcement Request Data Transparency Report is attached as Schedule "A" to this Report.

In summary, there were 94 law enforcement requests received in 2018 compared to 64 received in 2017 (a 47% increase). Over the same period there was an increase in PRESTO card users from 2,024,036 to 3,017,290 (a 49% increase). In terms of

---

<sup>1</sup> See previous Board report here:

[http://www.metrolinx.com/en/docs/pdf/board\\_agenda/20171207/20171207\\_BoardMtg\\_PRESTO\\_Privacy\\_Review\\_EN.pdf](http://www.metrolinx.com/en/docs/pdf/board_agenda/20171207/20171207_BoardMtg_PRESTO_Privacy_Review_EN.pdf)

disclosures, information was provided 47% of the time in 2017, whereas in 2018 it was provided only 37% of the time.

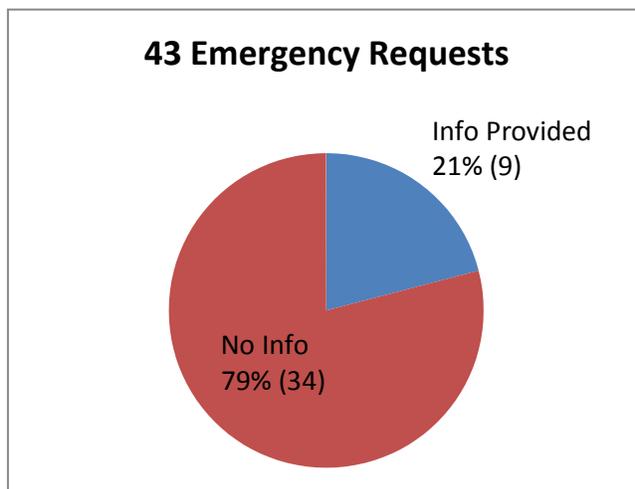
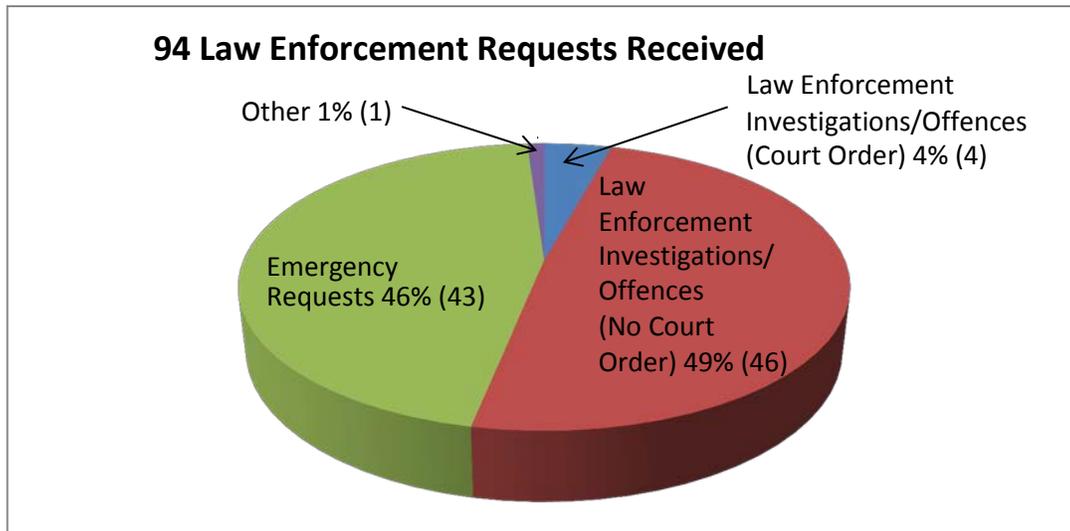
Respectfully submitted,

Sara Azargive  
*Senior Privacy Officer*

Attachment:           Schedule "A" - 2018 PRESTO Law Enforcement Request Data  
Report

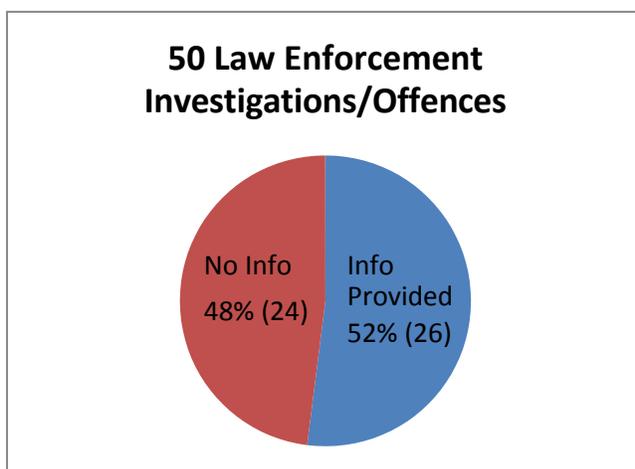
## Schedule "A"

### 2018 PRESTO Law Enforcement Request Data



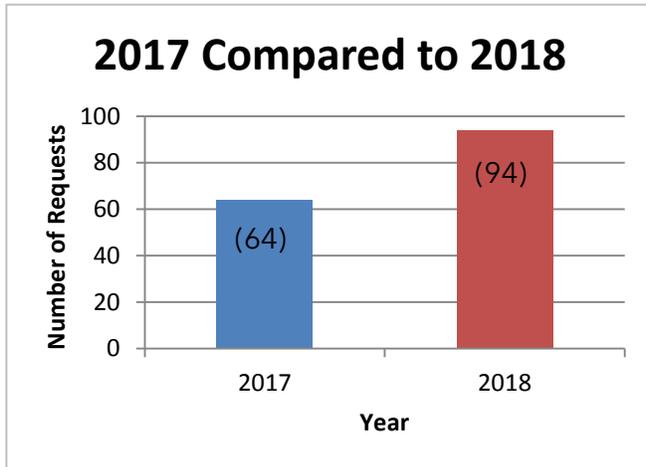
**Emergency Requests**

- Requests for information relating to missing people where there are immediate and compelling concerns about their health and safety
- Of the 43 requests received, the information that was requested was provided in nine instances. For requests related to missing persons, travel information is typically provided only from the date that the person is reported missing



**Law Enforcement Investigations/Offences**

- Of the 50 requests received, the information that was requested was provided in 26 instances, with court orders required in four instances
- Requests were received from Metrolinx Transit Safety, and Police forces in Durham, Ottawa, Peel, Toronto, York Region, Hamilton, South Simcoe, Montreal and Waterloo



- In 2018, 94 law enforcement requests were received.
- This represents an increase of 47% since 2017.
- Over the same period Metrolinx has seen a 49% growth in PRESTO active card users from 2,024,036 to 3,017,290.

### Law Enforcement Request – Additional Information:

Of the 94 law enforcement requests received in 2018:

- Registered cardholder personal information, such as name and address, were disclosed 20 times. In three of these instances, this disclosure was made pursuant to a court order. Of the 20 times cardholder personal information was disclosed, two of them were in emergency situations.
- Travel information was disclosed 32 times. In three of these instances, disclosure was made pursuant to a court order. Of the 32 times travel information was disclosed, 10 of them were in emergency situations.
- Financial transaction information, specifically, truncated credit card numbers, was disclosed one time to permit Metrolinx Transit Safety to pursue a fraud related investigation.
- The one instance identified as other relates to a case where a PRESTO card was found in a lost wallet. In this case the customer was called by Metrolinx and asked to contact the relevant law enforcement entity.
- Law enforcement requests were rejected or modified for the following reasons:
  - the request was too broad i.e., seeking travel information beyond that necessary to substantiate the incident at issue, or identify the last location of a missing person;
  - the request sought information about an offence not committed on a transit operator’s property. In these cases officers were requested to obtain a court order;
  - the request sought financial transaction information. Again, in this case the requestor was required to provide a court order; or
  - an alternative approach to contact the customer was agreed to, such as Metrolinx contacting the customer and asking them to contact police.