

To: Metrolinx Board of Directors
From: Fawad Ebraemi
Chief of PRESTO, (Acting)
Date: March 25, 2021
Re: **PRESTO Report**

Executive Summary

This report is to provide an update on PRESTO activities over the last quarter. Also included this quarter is PRESTO's annual transparency report, reporting on requests received from law enforcement agencies for PRESTO customer data, and information provided in response, which is based on Metrolinx's established processes. This is the third PRESTO transparency report published to report on these processes, which were established in 2017.

PRESTO Updates and Status

- Following successful testing in late 2020 and early 2021, Metrolinx is now piloting new contactless payment options on PRESTO that allow customers to pay their transit fare using their credit card or mobile wallets on UP Express. In addition, PRESTO will soon be the first system in Canada to allow customers to pay their fares with a debit card - functionality that is being added to the UP Express PRESTO machines this spring.
- The second phase of the PRESTO Device Refresh project, which saw over 2,500 buses and 1,150 stations outfitted with new and improved devices across 905 transit agencies, GO Transit, and UP Express is now complete. The third, and final, phase of the project to deploy new fare inspection devices to York Region Transit, MiWay in Mississauga, GO Transit, and UP Express is now underway with completion anticipated later this spring.
- As a first step to advance the PRESTO Procurement Program, which is underway to replace the current PRESTO vendor agreement when it expires in late 2022, Metrolinx (in consultation with the TTC and other transit agencies across the region) issued a Request for Information (RFI) in February that remained in market for six weeks. The purpose of the RFI was to seek input on how to best deliver on customer's needs, while significantly reducing the cost of ownership of the PRESTO system, increasing adaptability to changing needs and evolving technology, and reducing complexity. Teams are now working to analyze the results of the RFI and share recommendations with our stakeholders before moving forward into the Request for Proposals (RFP) process.
- Teams are working to support a PRESTO device solution that will allow Hamilton Street Railway to complete the retirement of its legacy fare media, which is currently still accepted on its specialized service, DARTS. Rollout of the solution is anticipated to be completed this month.
- Metrolinx continues to enhance the PRESTO customer experience with the recent removal of the \$0.25 overdraft fee, reduction of the minimum load from \$10 to \$0.05 on PRESTO Ticket Vending Machines, and PRESTO app updates, including accessibility improvements and new features like the ability to check your transfer window and set a GO Train default trip on the home screen - contributing to a rising 81% PRESTO customer satisfaction rate.
- Network-wide PRESTO equipment reliability (February 2021) was 99.7% on individual fare payment devices and 99.8% on card load equipment (e.g. Self-Serve Reload Machines).

2020 PRESTO Law Enforcement Requests Data Transparency Report

Metrolinx has an established a process to facilitate access to PRESTO information by law enforcement agencies or entities in very limited circumstances. That process includes logging and verifying the authority of the requestor, the purpose of the request, and the reasonableness of the kind and amount of information requested vis-a-vis the stated purpose. Metrolinx's process is rigorously managed and monitored by Metrolinx's Privacy Office staff, follows the requirements of the Freedom of Information and Protection of Privacy Act, and incorporates best practices as recommended by Ontario's Information and Privacy Commissioner.

In 2020 Metrolinx received 157 requests from law enforcement for PRESTO customer data. This represents an increase of 2% over 2019, when 154 law enforcement requests were received. While the number of *active* PRESTO cards used decreased from 2019 to 2020 by 22% (reflecting a decline in ridership as a result of the pandemic), information relating to only 287 unique cards or accounts was disclosed through this process - or, comparatively speaking, less than 0.009% of all cards/accounts in circulation. Notably, a single law enforcement investigation was associated with 146 of those cards/accounts - meaning almost 51% of all unique cards/accounts were disclosed under one request.

Metrolinx provided some or all of the information requested 34% of the time (53 instances -- slightly lower than 2019, where Metrolinx released information 38% of the time). Almost half of the requests (48%, or 75 instances) related to law enforcement investigations (such as criminal offences), and approximately 42% (66 instances) related to emergencies or compassionate circumstances, such as locating missing persons in circumstances where there were concerns for their health or safety and other methods to locate them had been unsuccessful. In about 10% of cases (16 instances), the law enforcement requests related to missing or found PRESTO cards -- and in each of these cases, no cardholder information was disclosed. Instead, the cardholder was contacted by Metrolinx and advised to contact the relevant law enforcement entity.

Based on these numbers, Metrolinx staff believes that the current process and policy continues to provide an appropriate level of oversight and rigour to ensure that Metrolinx responds to law enforcement requests in a compliant and transparent manner, balancing Metrolinx's commitment to protecting the privacy of PRESTO card users and the safety and security of the transit system and its passengers.

See Appendix A for further information on this process and the associated data for 2020.

Coming Up Next for PRESTO

- With the launch of PRESTO Contactless payment on UP Express, work is now underway with additional transit agencies to prepare for the introduction of this new fare payment option across these networks.

Respectfully submitted,

Fawad Ebraemi
Chief of PRESTO, (A)

Attachments:
Appendix "A" 2020 PRESTO Law Enforcement Requests Data

Appendix "A"

2020 PRESTO Law Enforcement Requests Data

Background

In December 2017, Metrolinx committed to reporting annually on how it receives and responds to law enforcement requests for PRESTO card information. Metrolinx started tracking these requests in January 2017 and released its first report in March 2018. The second report was released in February 2019. Below is Metrolinx's third annual report, which will also be published on the PRESTO card website. This annual analysis provides Metrolinx with an opportunity to review and improve our processes and policies over time.

Grounded in a commitment to public safety and the safety and security of the region's transit system, Metrolinx's policy stipulates that, in certain circumstances, a court order will not be required to disclose certain PRESTO information to law enforcement. These situations include:

- where there are immediate concerns for a person's health and safety, such as a lost or missing person;
- in emergencies, such as where a person has been injured or is ill;
- where Metrolinx or another 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 a transit operator's property or services.

A court order is generally required in cases where the information related to a crime or incident committed outside of a transit system. These situations are described in PRESTO's privacy policy.

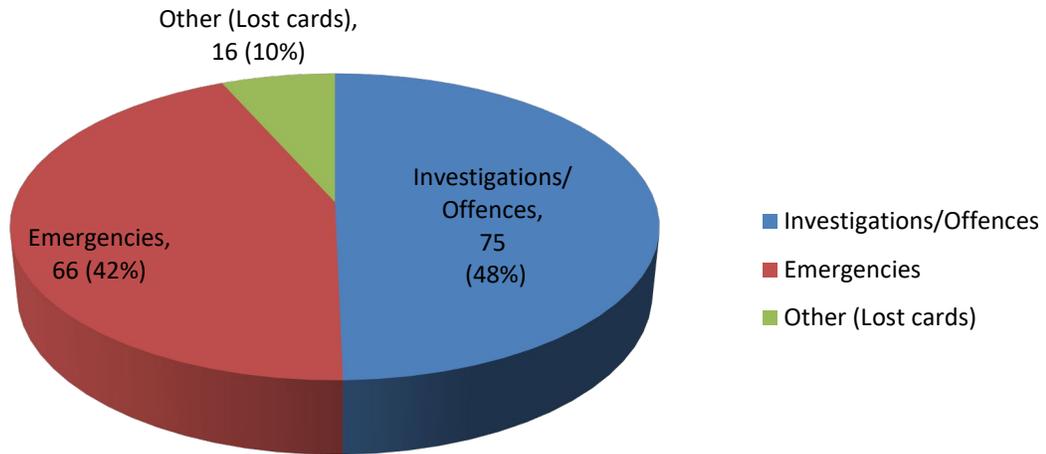
Metrolinx requires that all such requests be made through a specific law enforcement request form. This form requires a rationale for why the information is being sought, what it will be used for, and whether Metrolinx can notify the individual of the request. Metrolinx also requires an additional layer of oversight on these requests by requiring the requestor to obtain signed approval from their supervisor. Each form is reviewed by Privacy Office staff before requests are processed and any information is disclosed.

To provide additional transparency into its processes, Metrolinx annually publishes a transparency report on the number of law enforcement requests it receives and responds to. For these purposes, Metrolinx logs the following information:

- 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 types 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).

2020 PRESTO Law Enforcement Request Data

157 Law Enforcement Requests Received



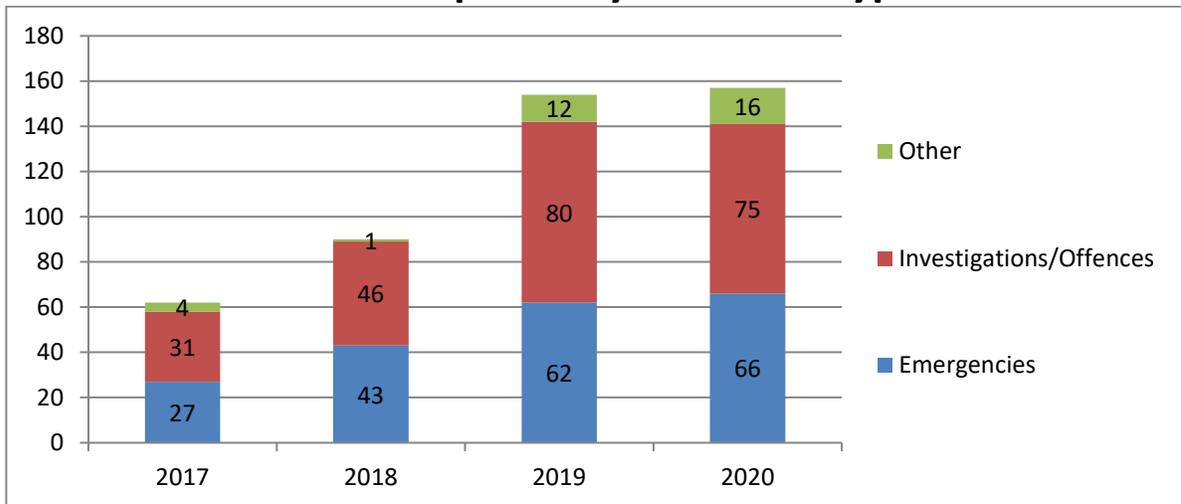
Total PRESTO Cards Used

2018: 3,017,290
 2019: 4,249,129
 2020: 3,306,085

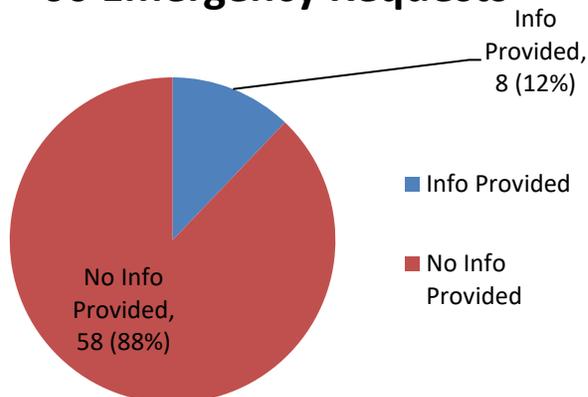
% of Requests based on Cards Used

2018: 0.003%
 2019: 0.004%
 2020: 0.005%

Total Requests by Year and Type



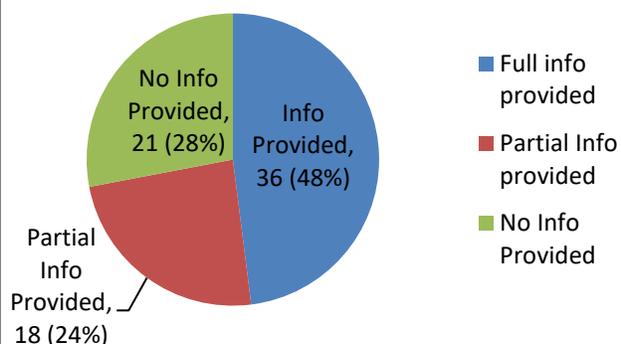
66 Emergency Requests



Emergency Requests

- Includes requests for information relating to missing persons where there are immediate and compelling concerns about their health and safety, as well as compassionate requests relating to injuries, illnesses or fatalities
- Some or all of the requested information was disclosed in 8 instances (12%)
- For requests relating to missing persons, travel information is typically provided only from the date that the person is reported missing

75 Law Enforcement Investigations/Offences



Investigations/Offences

- Of the 75 requests received, full information was provided in 36 instances (48%) and partial information in 18 instances (24%)
- In 10 cases (approx. 13% of all cases) information was provided in response to a court order
- 37 (49%) of all requests came from Metrolinx Transit Safety
- Requests were also received from Police forces in Toronto, Halton, Hamilton, Peel, York Region, Ottawa and Durham

Additional information:

- 16 of the 157 (10%) requests received related to found PRESTO cards. In each of these cases no cardholder information was disclosed; instead, the customer was contacted by Metrolinx and advised to contact the relevant law enforcement entity.
- Registered cardholder personal information, such as name and address, was disclosed 35 times (22%); 5 of those instances related to emergency circumstances.
- Travel information was disclosed 47 times (30%); 7 of those instances related to emergency circumstances.
- Financial transaction information was disclosed 10 times; in 3 of those instances a court order was required; in the other 7 instances the request was from internal Transit Safety & Security.
- Court orders were also obtained in relation to 7 other instances prior to disclosure of travel or personal information. Therefore, a total of 10 court orders

were received over the year - representing approximately 18% of all instances where Metrolinx disclosed information.

- 14 (19%) of the Law Enforcement Investigation/Offences requests related to fraud or suspected fraud; in 7 of those cases, multiple cards were involved (a total of 216 cards involved across the 7 cases; one case alone involved 146 cards)
- In one other instance relating to a criminal investigation into an incident that occurred off a transit property/system, information relating to 11 cards/accounts was disclosed pursuant to court order
- In one instance relating to a criminal investigation on transit property, tap information relating to 8 cards was disclosed to Transit Safety
- Law enforcement requests were denied or modified for the following reasons:
 - the requestor did not follow up/provide complete information/did not provide court order on request
 - the card was not registered so no information was available
 - the requestor withdrew or abandoned the request
 - the request was too broad (for example, seeking travel information beyond that necessary to substantiate the incident at issue, or identify the last location of the missing individual)
 - the request sought information about an offence not committed on a transit operator's property; in these cases officers were asked to obtain a court order
 - the request sought financial transaction information; in these cases officers were asked to obtain a court order
 - an alternative approach to contact the customer was agreed upon, such as Metrolinx contacting the customer and asking them to contact the relevant law enforcement entity