

Privacy Notice for Taxi Licensing



Nottingham City Council Information Compliance

Service Area: Taxi Licensing
Directorate: Resident Services
PN - 048

01/2021

The **Taxi Licensing Team** are part of Nottingham City Council, who are the data controllers for the personal data (or personal information) that we process about you. When we process personal information relating to you, we will only do so when it is necessary and where we have a lawful reason to do so.

We will use the information provided by you for a number of reasons, depending on the service or reasons for interacting with you. This includes:

- To process new applications and existing applications for a taxi licence and to administer taxi licensing within the City of Nottingham. This includes ensuring that licence holders are 'fit and proper' to hold a driver's licence, or is not disqualified by reason of the applicant's immigration status;
- To conduct necessary checks relating to the driver's right to work in the United Kingdom;
- To conduct compliance checks, including inspections, dealing with complaints, concerns and undertaking any necessary investigations;
- To conduct investigations and prosecutions;
- Sharing information with the National Register of Taxi Licence Revocations & Refusals (NR3), set up by the National Anti-Fraud Network (NAFN). Whilst data is not shared directly with other local authorities, any information you have

provided to another authority in any other taxi licensing application can be viewed by Nottingham City Council;

- To maintain a public register of all registered vehicles and licences within the City of Nottingham
- To safeguard the public;
- To prevent fraud;

When we process your personal information, we will comply with data protection legislation and enable you to exercise your rights contained within the legislation.

What personal information will the Council process?

The information that we collect about you to fulfil the purposes, objectives, or to deliver the services outlined above relates to your:

- Name,
- Date of Birth
- Contact details such as your address email and phone number,
- National Insurance number
- Driver's Licence details
- Taxi licence number
- Details of the decision (relating to the application) and the date of effect
- Photograph
- Details relating to any relevant criminal record;
- Medical details

The information provided by you may include the following 'special categories of personal data':

- Race or Ethnic origin
- Physical or mental health
- Sex life or sexual orientation

Lawful basis for processing

The basis under which we use your personal information for these purposes is that this is

- **necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council; and**
- **Necessary for compliance with a legal obligation to which Nottingham City Council is subject to.**

The Council will process your personal information to fulfil the public tasks and legal obligations contained in the following legislation:

- Equality Act 2010
- Immigration Act 2016
- Local Government (Miscellaneous Provisions) Act 1976;
- Town Police Clauses Act 1847 and 1899

The condition under which we process 'special categories of personal data' is that such use is **necessary for reasons of substantial public interest** and in accordance with the provisions of the UK General Data Protection Regulation and the Data Protection Act 2018.

The information provided by you may also include personal data relating to criminal offences. The condition under which this information is processed is for **statutory reasons of substantial public interest**.

Criminal Investigations

The Council also investigate and if necessary, prosecute criminal offences in relation to the:

- Local Government (Miscellaneous Provisions) Act 1976;
- Town Police Clauses Act 1847 and 1899; and
- Equality Act 2010

The basis under which the Council uses personal data for this purpose is that this is necessary for **law enforcement purposes**.

Part 3 of the Data protection Act 2018 applies to processing personal data for 'law enforcement purposes'. When processing personal data for 'law enforcement purposes', the Council are acting as a 'Competent Authority' and have law enforcement powers given to us within statute (these statutes are outlined above).

It covers processing for the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

In practice, the lawful basis would either be necessary for the performance of a task carried out for law enforcement purposes by Nottingham city council, or based on consent. There may be circumstances where we obtain consent from the individual whose data we are processing, although this will only be appropriate in certain circumstances in the context of law enforcement.

The information provided by you may include the following sensitive personal data:

- Race or Ethnic origin

- Physical or mental health
- Sex life or sexual orientation

In order to process this type of data Nottingham City Council must be able to demonstrate that the processing is strictly necessary and satisfy one of the conditions in Schedule 8 or is based on consent.

The conditions for sensitive processing in Schedule 8 of the Act are:

- necessary for statutory purposes for reasons of substantial public interest;
- necessary for the administration of justice;
- necessary to protect the vital interests of the data subject or another individual;
- necessary for safeguarding of children and of individuals at risk'
- personal data already in the public domain (manifestly made public);
- necessary for legal claims;
- necessary for judicial acts
- necessary for the purpose of preventing fraud; and
- necessary for archiving, research or statistical purposes

The Taxi Licencing Team will mainly process sensitive information for reasons statutory purposes for reasons of substantial public interest. In accordance with the requirements set out in the legislation, the Council have an Appropriate Policy Document in place.

Will my information be shared with other organisations or used for other purposes?

The Council will only share your personal information with other departments within the Council, and with other organisations when it is necessary to provide the services

to you, and when we have a lawful reason to do so. The Council may also share your information when we are obliged to by law.

In relation to this service, the Council will share your personal information with:

- The Driver Vehicle and Licensing Agency (DVLA),
- Other Local Authorities
- The National Fraud Initiative (NFI)
- Disclosure and Barring Service (DBS)

The information provided by you may also be used for the purpose of any other function carried out by the Council. This may include sharing your information across the Council, or with external organisations. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/>

The information will only be used for another purpose where it is lawful to do so.

Do I have to provide the information?

You are not obliged by statute to provide some of the information that is specified here. However, without the information we may not be able to process your application for a licence.

How long will the Council retain the data for?

The information that you have provided will be kept for:

- Six years after your licence is no longer valid;
- 25 years for information shared in relation to the NR3 initiative

The Council publish an Information Asset Register (IAR), this will outline the retention periods for the personal data we process. You can find this IAR on our website <https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

Information Rights

The UK General Data Protection Regulation provides for the following rights as prescribed by the legislation:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision making including profiling

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

Data Protection Officer

The Data Protection Officer is Naomi Matthews. You can contact the data protection officer at:

Loxley House,
Station Street,
Nottingham,
NG2 3NG

or at data.protectionofficer@nottinghamcity.gov.uk .

Information Commissioner's Office

The Information Commissioner's Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at www.ico.org.uk. You also have the right to complain to the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House,
Water Lane
Wilmslow,
Cheshire
SK95AF

www.ico.org.uk

Further Information

For more information about these rights please refer to our detailed privacy statement at <https://www.nottinghamcity.gov.uk/privacy-statement> .