

Licensing Privacy Notice

Dover District Council is a Data Controller under UK GDPR. We determine the purpose and means of how your personal data is processed.

Please read this privacy notice carefully as it contains important information about your rights and how we will process and protect your personal information. This notice should be read in conjunction with our Corporate Privacy Notice which can be viewed at www.dover.gov.uk/privacy.

Service description

We have a statutory duty to regulate hackney carriage and private hire licensing activities and the sale of alcohol, late night refreshment including the provision of entertainment under the Licensing Act 2003 in the Dover District.

We need to collect and process your personal information to carry out these functions.

Hackey Carriages and Private Hire Vehicle Licensing

Processing activity - most of the personal information we hold about you is provided by you in your licence application(s) and supporting document(s). The information collected and held will vary and depend on the nature of the service. We will process personal information relating to:

- appeals against refusal of a licence;
- applications for and issue of hackney carriage licences;
- applications for and issue of private hire driver licences;
- applications for and issue of private hire vehicle licences;
- applications for and issue of stretch limo driver licences;
- applications for and issue of stretch limo vehicle licences
- applications for and issue of private hire operator licences;
- driver knowledge tests of local routes;
- driver Communication tests;
- returns to Secretary of State (Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019);
- general correspondence between you and us on matters related to the licensing service.

Information requirements - this information may include:

- your name;
- your vehicle registration number, vehicle ownership checks (through the DVLA), vehicle make and model;
- your address, telephone number, email address;
- contact we have had with you, such as any correspondence and penalty points;
- identification badge;
- image(s) of you;
- personal reference(s);
- health data;
- MOT test certificate(s);
- 'hire and reward' insurance policy(ies);
- immigration status;
- record of fee payments (excluding debit/credit card details)

Lawful bases- our lawful bases and legal gateways for processing your personal information are, where applicable:

- UK GDPR Article 6(1)(c) - our legal obligation(s) under the:
 - Town and Police Clauses Act 1847;
 - Local Government (Miscellaneous Provisions) Act 1976;
 - Crime and Disorder Act 1998 (duty to consider crime and disorder);
 - Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019;
 - Finance Act 2021, Schedule 33 (Licensing Authorities: Tax Information) Regulations 2022;
 - Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022;
- UK GDPR Article 9(2)(g) and DPA 2018, Schedule 1, para.6(1) & (2)(a) -special category personal data - where processing is necessary for the reasons of substantial public interest;
- UK GDPR Article 10 and DPA 2018 section 10(5) & Schedule 1, Part 2, paras. 6(1) and (2)(a)) - criminal convictions and offences - where processing is necessary for reasons of substantial public interest.

Data sharing - we are required by law to disclose:

- to the Cabinet Office, information about licensed drivers (as part of the National Fraud Initiative);
- to the Department for Environment, Food and Rural Affairs (Defra), registration marks of vehicles, date from which licences have effect, date on which licences are due to expire, whether vehicles are taxis or private hire vehicles and such other information we hold for the purposes of ensuring the accurate identification of vehicles (pursuant to the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019), to enable Defra to create a database to support the operation of charging clean air zones by local authorities or other air quality plans

We share information with:

- Defra pursuant to a Memorandum of Understanding;
- Tameside Metropolitan Borough Council – host of the NR3 (refusals and revocations of driver licences (hackney carriage and private hire vehicle) – limited to basic details to identify the driver;
- National Anti-Fraud Network - host of the NR3S (suspensions of driver licences (hackney carriage and private hire vehicle) - limited to basic details to identify the driver.

We may receive from and share your information with a number of other organisations as part of the licensing process for example the police, DVLA, Home Office, HMRC and DWP to aid with the detection and prevention of criminal acts.

Licensing Act 2003

Processing activity - to undertake our Licensing Act 2003 functions, it is necessary for us to collect and hold personal information. In general terms, we process personal information relating to:

- applications for and issue of premises licences;
- applications for and issue of provisional statements;
- applications for and issue of personal licences;
- applications for and issue of club premises certificates;
- applications for variations/minor variations of premises licences;
- applications for transfer of premises licences;
- applications for variations of designated premises supervisors;
- applications for variations/minor variations of club premises certificates;
- submission of temporary event notices (TENs) and late temporary event notices;
- submission of interim authority notices;
- applications for the mandatory alcohol condition requiring a designated premises supervisor;
- in respect of a premises licence to be disappplied;
- requests to cease being the designated premises supervisor in respect of a premises;
- applications for review of premises licences or club premises certificates;
- notifications of interest in a premises;
- appeals against refusal of a licence;
- general correspondence between you and us on matters related to the licensing service;
- instigation of legal proceedings;
- consultations on policies;
- complaints and enforcement action taken against a premises or club premises.

Information Requirements

- name, address, email, telephone number
- date of birth
- NI number
- eligibility to remain and/or work in the UK
- company/corporate information including details of director and registration details
- image
- information (current and/or previous) relating to criminal convictions, criminal proceedings, sentences , formal cautions, endorsements
- relevant licensing qualifications
- licensing history (such as details of licences previously held with other licensing authorities, the outcome of these applications, any formal or informal enforcement action taken and/or the outcome of any such action)
- address, email and telephone number of premises or club premises
- non-domestic rateable value of premises or club premises
- representations received during the consultation period

Lawful bases - our lawful bases for processing your personal information are:

- UK GDPR Article 6(1)(c) - our legal obligation(s) under the Licensing Act 2003
- UK GDPR Article 6(1)(c) - our legal obligation(s) under the Immigration Act 2016
- UK GDPR Article 6(1)(e) and DPA 2018, section 8(c) - where processing is necessary for the performance of a task in the public interest or in the exercise of official authority vested in us under the legislation referred to above
- UK GDPR Article 9(2)(g) and DPA 2018, Schedule 1, para.6(1) & (2)(a) - special category personal data - where processing is necessary for the reasons of substantial public interest
- UK GDPR Article 10 as supplemented by DPA 2018 section 10(5) & Schedule 1, Part 2, paras. 6(1) and (2)(a) and 10 - criminal convictions and offences - where processing is necessary for reasons of substantial public interest

Data sharing - to aid with the detection and prevention of criminal acts, we may collect from and share your information with:

- council department(s)
- responsible authorities under the Licensing Act 2003
- Home Office
- Cabinet Office (**National Fraud Initiative**)
- courts/tribunals
- insurance agencies
- Member of Parliament
- Kent Police
- Kent Fire and Rescue Service
- Kent County Council
- National Probation Service
- Crown Prosecution Service
- Border Force
- HM Revenue and Customs
- Trading Standards

We may also rely on a number of **exemptions**, which allow us to share information without needing to comply with all the rights and obligations under the Data Protection Act 2018. Please refer to the Kent and Medway Information Agreement for further details on our sharing arrangements.

Retention period - we keep your personal information for the minimum period necessary for the purpose(s) in which its collected. The information outlined in this Privacy Notice will be kept in accordance with the retention period(s) referred to in our retention schedule at www.dover.gov.uk/Corporate-Information/Retention-Schedules/Licensing.pdf where further information can be found. All information will be held securely and disposed of confidentially.

Right to object - where processing your personal information is required for the performance of a public interest task (see our lawful bases above), you have the right to object on 'grounds relating to your particular situation'. We will have to demonstrate why it is appropriate for us to continue to use your personal data.

Further Information

Please refer to our Corporate Privacy Notice at <https://www.dover.gov.uk/privacy> for further details of how we process your personal information and your rights. This is also available in other formats (e.g. print)

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