

## **PRIVACY NOTICE – LICENCE HOLDERS AND APPLICANTS**

### **Purpose of our processing**

You are being asked for your personal data so that we can process your licence application.

### **Lawful basis for processing your data**

South Oxfordshire District Council has a legal obligation to process the information under the relevant licensing legislation as detailed on the application form. We are also required to comply with the Data Protection Act 2018 (DPA 2018) and General Data Protection Regulation (GDPR). We rely on Article 6(1)(e) of the GDPR, which has 'public task' as the lawful basis for processing the following personal data.

### **The personal data we process**

We will collect the following categories of personal data:

- Name (trading name may also contain personal data).
- Address (business address may be your home address)
- Previous names (including deed poll notices) and previous addresses
- Email address and telephone numbers
- Right to work documentation reference number e.g. Passport Number
- National Insurance number
- Driver and Vehicle Licensing Agency ('DVLA') Driving Licence number
- Licence reference numbers
- Date of birth, place of birth and nationality
- Personal certificates, e.g. birth certificates and marriage certificates
- Photographs and signatures
- Bank Account Name, Number and Sort Code
- Debit/Credit card information
- Disclosure and Barring Service – Enhanced Disclosures - Update Subscription Number, Form References and associated identification documents
- Disclosure and Barring Service - Basic Disclosures
- Scottish Vetting and Barring Number (if relevant)

### **Special category personal data**

In addition to the above, we also process special category personal data for taxi drivers when appropriate. We rely on Article 9(g) of the GDPR, 'reasons of substantial public interest (with a basis in law)', and the condition set out in paragraph 6 of Schedule 1, Part, 2 of the DPA 2018 as the lawful basis for processing the following special category personal data:

- Health

We may request special category personal data, including ethnic origin information, in order to ensure we can look at the impact our policies and practices have on different groups of people, in line with our specific duties under the Equality Act 2010. This data is separated from applications in order to ensure anonymity

and will always be treated in confidence. In order to request this data from you we will rely on your explicit consent being provided which is the condition set out in Article 9(a) of the GDPR. Once your ethnic data is provided it is not retained in a way that identifies whose data it is.

### **Criminal offence data**

We also process criminal data for taxi drivers when appropriate. We rely on Article 10 of the GDPR and paragraph 36 in Schedule 1, Part 3 of the DPA 2018, 'extension of conditions in Part 2 of the schedule referring to substantial public interest', as the lawful basis for processing the following personal data:

- Criminal convictions, cautions and motoring convictions

### **Who we share your data with**

We may receive from and share your information with a number of other organisations as part of the licensing process where we have a lawful basis to do so. For example the police, DVLA, Home Office and DWP to aid with the detection and prevention of criminal acts. 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.

There may be circumstances when we would share your personal data with one of our partners. These are organisations we work with only when it is appropriate to do so and we have legally binding agreements about when and how we would share your personal details with them. If you would like to understand more about this, please contact us on 01235 422556 or by email on [licensing@southoxon.gov.uk](mailto:licensing@southoxon.gov.uk)

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 a 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. Defra is a separate data controller for the information received from us;
- to Her Majesty's Revenue and Customs (HMRC), information about licence applicants under Schedule 23 to Finance Act 2011 (Data Gathering Powers) and Schedule 36 to Finance Act 2008 (Information and Inspection Powers).

For specific details about information sharing between licensing authorities, please refer to our current information sharing agreements at [www.southoxon.gov.uk/taxis-and-private-hire/useful-documents/](http://www.southoxon.gov.uk/taxis-and-private-hire/useful-documents/).

Since 25 February 2022, the NR3S Register held by the National Anti-Fraud Network has held the following personal data about individuals who have their driver licence application or renewal refused or have a driver licence suspended or revoked:

- Name
- Date of birth
- Address and contact details
- National insurance number
- Driving licence number
- Decision taken (but not the reason for it)
- Date of decision
- The date the decision took effect.

Where this is the case, the data will be held on NR3S for 11 years from the decision. We will hold supporting information about that decision for 11 years, and may share it where it is appropriate and legal to do so.

Some limited information such as licensee names and associated badge or licence numbers, together with the status and expiry dates of those licences may be made publicly available, in accordance with the Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as applicable. Some information may also be disclosable under the Freedom of Information Act 2000. We will never publish your home address online, or in a publicly available register which is held at our offices for inspection.

If your vehicle is wheelchair accessible, then we are permitted by section 167 of the Equality Act 2010 to maintain a list of wheelchair accessible taxis and PHVs. Our list is published on our website so that it is easily accessible for passengers.

Our records, and those of our contractors/partners, are regularly monitored by auditors to ensure your information is kept securely and used only for the purposes mentioned above. The council also has a duty to prevent misuse of public funds and may review your application as part of that work.

### **How long we keep your data**

We are legally required to keep records for 6 years from the expiry, revocation or surrender of the licence (11 years for taxi driver licences). Exceptional circumstances may require longer retention, such as pending court cases.

### **Your information rights**

Under the Data Protection Act 2018 and General Data Protection Regulations (GDPR), you have a number of rights regarding the way in which we are allowed to process your personal data.

- The Right of Access
- The Right to Rectification

- The Right to Erasure
- The Right to Restrict Processing
- The Right to Data Portability
- The Right to Object
- Rights in Relation to Automated Decision Making and Profiling

Not all of these apply depending upon the lawful basis we have for processing your data. For further information and to exercise these rights please read our webpage on data subject access requests:

[www.southoxon.gov.uk/about-the-council/privacy/privacy-policy/](http://www.southoxon.gov.uk/about-the-council/privacy/privacy-policy/)

If you would like to know more about how we use and store your data, please see:

[www.southoxon.gov.uk/about-the-council/privacy/privacy-policy/](http://www.southoxon.gov.uk/about-the-council/privacy/privacy-policy/)

If you believe we have not handled your personal data as we have described here, please either call 01235 422485 or contact us by email to [data.protection@southandvale.gov.uk](mailto:data.protection@southandvale.gov.uk) and your concerns will be fully investigated. If, after we have investigated your concerns, you are not satisfied with our conclusion, you have the right to refer the matter to the Information Commissioner's Office (ICO). You can reach them [through this link to their website](#) or call them on 0303 123 1113. Their mailing address is: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.