

## Privacy Statement (Licensing)

Fenland District Council is a 'Data Controller' as defined by Article 4(7) of the General Data Protection Regulation (GDPR). This Privacy Notice is designed to help you understand how and why Licensing process your personal data. For more information on your rights and how to lodge a complaint, you should read this in conjunction with the Council's [Privacy Statement](#).

## Licensing – information we hold and process

This document explains how Fenland District Council uses your information to administer its obligations in relation to licensing requirements. This information applies to the administration of the following: Licensing Act 2003, Gambling Act 2005, driver licensing, charities, sex entertainment venues and sex establishments, animal licensing, street trading, hypnotism and scrap metal.

## Personal information that we hold

- Name
- Contact details (this will include address, email address and telephone numbers)
- Date of birth
- National Insurance Number (where applicable)
- Details of any relevant convictions (this include information from DBS checks which are returned to applicant or destroyed after determination of an application)
- DBS checks or outcomes of DBS checks
- Photographs
- Identity documents (we will destroy copies of bank statements and other proof of address documents once we have determined your application)
- Details of your nationality (where applicable)
- Proof of right to work in the UK (where applicable)
- Your driving licence details (DVLA or overseas) (where applicable)
- Employment history (where relevant)

- Details of knowledge tests taken and scores (drivers)
- Medical forms and supporting information (drivers)
- Vehicle details including registrations and garage tests, insurance documents etc
- Complaints made about persons, vehicles or premises and details of investigations
- Licenses issued to you and premises and details included on them
- Information shared with us from other authorities or internal departments
- Details of persons making representations in relation to applications
- Details of any relevant qualifications held
- Evidence relating to enforcement actions which may include prosecutions and reviews and may make reference to individuals and include personal data.

Details from payment cards used are encrypted and stored in accordance with requirements.

### **Using your information**

Fenland District Council has a statutory duty to regulate matters captured within the regimes referenced above. The council is required to collect and hold your information in order to fulfil its obligations.

### **Right to work**

We are required to verify your right to work status of all applicants. Where required we may make enquiries and verify information with the Home Office and the Department for Work and Pensions (DWP).

### **Qualifications and assessments**

Where you have indicated to us that you hold qualifications or have passed assessments, we may make enquiries with the relevant bodies.

## **DBS**

Where you apply for a DBS check, we will securely send the original copy of until your application to a third party for them to apply on our behalf. A copy may be held on your file for the duration of the time you hold a licence with the council and for a specified period after.

We may share information with other council departments, for example we may share details of licensed vehicle drivers and owners to assist with street scene officer compliance (this includes parking, and smoking offences). We may also share information with other internal departments including revenues and benefits, community safety and council tax enquiries for the purposes of them undertaking their functions.

The council has contracts with third party providers of services, such as for the application for DBS checks. Information will be shared to support the delivery of such services.

## **Information Sharing**

We may share information with other council departments, for example we may share details of licence holders to assist with street scene officer compliance (this includes parking and smoking offences). We may also share information with other council departments including revenues and benefits, community safety and council tax enquiries.

The Council is required by law to share data with Defra to support the operation of charging in clean air zones or other air quality plans put in place by the Local Authority. Defra may, under contracts or similar agreements, use third party organisations to process this personal data. These organisations, if used, will not be able to use this data for any other purpose and will be required to meet the requirements of data protection legislation and government security standards.

When the council receive complaints regarding licensees, vehicles or premises, information provided may be stored. This may include social media postings, photographs and personal details.

The police may inform the council if you are arrested or charged with a criminal offence under common law police disclosure. We may use this information to decide if it is appropriate to consider action in respect of a licence or authorisation.

The council may share information with other local authorities and other partners to support the delivery of our statutory functions. Any information sharing is managed in accordance with relevant privacy and data protection legislation.

When available, we will share details of any suspensions and refusals to a national database and provide details of such to other local authorities upon request as part of their application considerations.

The council receives and shares information from partners and other authorities relating to the on- going fitness and propriety of licensees and as part of the licensing process. These organisations include Cambridgeshire Constabulary, DWP, DVSA, DVLA, Home Office and other local authorities. Any information shared is managed in accordance with relevant data protection legislation. Disclosures of personal data to law enforcement agencies are permitted by data protection legislation for the prevention or detection of crime, or the apprehension or prosecution of offenders. Each request for information will be considered on a case by case basis to ensure the request is carried out in accordance with guidance.

Every two years, the council is required by law to disclose information regarding personal licence holders to the Cabinet Office (National Fraud Initiative).

We will not pass your information to any other organisation for marketing purposes without your consent. We will not sell data to third parties for this purpose.

If you contact us and we note your contact details need updating we will do this for you or contact you and advise you what steps you must take.

We may request information from Private Hire Operators regarding their day to day operators including records held.

Occasionally the council will provide data for trends and monitoring purposes to outside organisations. This information will not contain identifiable or personal data.

If you contact us by telephone your call may be recorded for training and monitoring purposes.

## **Public Registers**

Limited information regarding licensees may be made available to the public where legislation requires such. This includes names of licence holders; details of licences including operating schedules and dates applications have been received. Such information will be provided via a public register when available. Statutory public registers form a permanent record held by the council. In some circumstances the council may publicise details of the name of a licensee that has had a licence revoked or has been subject of other enforcement action.

## **Hearings**

Licensing hearings are conducted in public and form part of a public process. In all but a few circumstances they follow a public consultation. Those making representations in respect of applications should expect their name and address to accompany their representation which will be available in the public domain. The Act requires such information to be disclosed to the applicant (and licence holder if different from the applicant) prior to a hearing. The council may publish information relating to hearings into the public domain (including via the website, this includes application forms, reference documents, and other information provided by parties to the hearing. Any such information will be published in redacted format except where statute specifies certain information should be made available (e.g. the provision of names and addresses of persons making representations in respect of public consultations including applications made under The Licensing Act 2003).

## **Information we provide to you**

Where it is possible information will be provided to you in email format. Otherwise we will use standard post. If we need to contact you urgently we will telephone you.

## **Additional taxi information**

The council has a statutory obligation to maintain a convictions register for drivers. This means that any live convictions relating to licensed drivers will be placed on a public register which must be made accessible to the public upon request. If an applicant makes a false declaration and convictions come to light, these will still be placed on the register. By making an application to the authority for a licence, you are

consenting to this information being published. Once a conviction is spent under the Rehabilitation of Offenders Act 1974, the conviction will be removed from the register.

We may request information from a testing centre regarding the testing of your vehicle and details of the results.

Where you apply for a DBS check, we may make enquiries with our contractor that undertakes this service provision for us to establish if a check has been applied for or has been completed and provided to you.

### **How do we keep your records confidential and secure?**

Everyone working in the Council has a legal and professional duty to ensure that all your information is safely and securely protected and kept confidential. We will take all reasonable steps to prevent the loss, misuse or alteration of your personal information. Our networks are kept secure, internal and external IT is protected using appropriate safeguards, and audits ensure we protect your right to privacy and confidentiality. We only keep your records as long as we need to and are required to by law, after which they are securely destroyed.

### **Data retention periods**

The council retain your data in accordance with a retention schedule.

### **Changes to this notice**

We may update this privacy notice from time to time. When we change this notice in a material way, we will update the version date at the bottom of this page. For significant changes to this notice we will try to give you reasonable notice unless we are prevented from doing so. Where required by law we will seek your consent to changes in the way we use your personal information.