

**BMBC PRIVACY NOTICE**

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**At BMBC we are committed to protecting and respecting your privacy.**

**This Privacy Notice tells you what you can expect when the Council collects your personal information. This notice applies to information the Council collect in relation to taxi licensing.**

**Stage one: Who are we?**

The Taxi Licensing Service is responsible for regulating those who choose to hold licences to operate a business of working as a private hire or hackney carriage driver, vehicle proprietor or operator in Barnsley.  We are also responsible for protecting the public by carrying out enforcement work and investigating complaints.

Everything we do with information about people, such as how we collect it and who we share it with, has to comply with the Data Protection Act and the General Data Protection Regulation (GDPR) that came into force in May 2018.  A key part of this is being open about what personal information we hold about you, how we use it, who we share it with, how long we keep it for, etc.  You also need to know what rights you have in this respect.

**Stage two: What type of information we will collect from you**

* Name, address, phone number, email address, NI Number,
* Criminal Record
* Driving Record (including driving licence number)
* Details of any disabilities or medical conditions

We will not collect any information from you that we do not need to provide and oversee this service to you.

**Stage three: Why do we need your personal information**

We have a statutory duty to provide the service under the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and associated regulations and amended legislation. To deliver these we need to collect and use personal information of those using or affected by these services.

If you access our services then the requirement mentioned above will be our lawful basis for collecting and using your personal data, as we can’t provide you with the service without it.

Whenever we use information, we always limit this to only the details that are needed and we ensure that it is used safely and securely. We require anyone we share information with, or who uses it on our behalf, to do so too.  All our staff receive training on data protection and information security.

All of the personal information we hold is kept securely on our Council servers.  There is no automatic decision-taking when your personal information is processed as part of an application, except for in the limited instance where you apply online and do not meet a statutory requirement (i.e., you state that you have not been licensed to drive a vehicle for 12 months or more, or that you do not have the appropriate right to work in the UK).  In such instance your application will be refused, and you will be given the relevant contact details should you wish to discuss this.

**Stage four: How we will collect your personal information**

Information will be collected via the following routes:

* An individual directly contacting the service
* Another organisation, such as the Police, operator, or insurance company making a referral to us.

**Stage five: Our Legal Basis for processing your information**

We collect and use your information under:

* Article 6(1) (a) – The data subject has consented to the processing
* Article 6 (1)(c) – Processing is necessary for compliance with a legal obligation (referred to in stage 3)
* Article 9(2)(a) – The data subject has provided explicit consent
* Article 9(2) (b) – Processing is necessary for the purposes of carrying out obligations and exercising specific rights of the controller.

**Stage six: Why we may need to share your information**

The Council will not share your information with anyone without consent unless the law and/or our policies allow us to do so for example, in the following circumstances:

* the law states that we can
* there is a risk of serious harm or threat to life
* we are directed by a court of law

More specifically, the licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a licence to drive hackney carriage or private hire vehicles revoked, or an application for one refused.

This is necessary for the performance of a task carried out in the public interest in assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Where a licence is revoked, or an application for one refused, the authority will record this decision on NR3.  All applications for a new licence or licence renewal will automatically be checked on NR3.  If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority that recorded it.

Any information received as a result of an NR3 search will be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

* name
* date of birth
* address and contact details
* national insurance number
* driving licence number
* decision taken
* date of decision
* date decision effective

**Stage seven: Who we may share your information with**

We share information with a range of different types of people and organisations depending on the service being provided or the statutory requirement that we have to comply with.  The types of recipients include:

* Local government organisations
* Central government departments
* Law enforcement agencies, such as Thames Valley Police
* Examining bodies
* Regulatory bodies, investigators and ombudsmen (for example Ofsted, CQC, Local Govt Ombudsman)
* Courts, tribunals and prisons
* Legal representatives
* Fraud prevention agencies
* Press and the media
* Councillors and political parties when part of consultations or committee reports
* National Register of Taxi Licence Refusals and Revocations (NR3)

**Stage eight: How long will your information be kept?**

We only keep information for as long as it is needed.  This will differ according to what information we hold and its purpose. It will be based on either a legal requirement (where a law says we have to keep information for a specific period of time) or accepted business practice.  Within our Service, we keep the following information for the following periods:

* Information submitted as part of an application - 6 years after the date in which the application is refused
* Information held in respect of a licence - 6 years after the date from which the licence ceases to be held
* Information received as part of an enforcement investigation – for a minimum of 6 years and then for only so long as may be necessary to inform a decision to protect the public
* Information held on the NR3 database will be held for a period of 25 years

For more information on our retention schedule please visit [Barnsley Metropolitan Borough Council privacy notice](https://www.barnsley.gov.uk/services/information-and-privacy/your-privacy/).

**Stage nine: What will happen if you fail to provide personal information?**

Failure to provide information may result in the service being unable to process your application or grant a licence.

**Stage ten: How to access and control your personal information**

The Council has a Data Protection framework in place to ensure the effective and secure processing of your information. For details on how your information is used, how we maintain the security of this and your rights to access the information we hold about you, please refer to the [Barnsley Metropolitan Borough Council privacy notice](https://www.barnsley.gov.uk/services/information-and-privacy/your-privacy/)

Should you need to contact the Council to discuss how we use your information, please contact our Customer Feedback and Improvement Team by email at [informationrequests@barnsley.gov.uk](mailto:informationrequests@barnsley.gov.uk) or by telephone on 01226 773555 and ask to speak with the above Team.   If you are not satisfied with our response you may contact our Data Protection Officer on [DPO@barnsley.gov.uk](mailto:DPO@barnsley.gov.uk) .

If you are not satisfied with the way we have handled your information, the Information Commissioners Office (ICO) is the UK’s independent authority upholding information rights in the public interest and can be contacted at [www.ico.org.uk](http://www.ico.org.uk)