



Privacy Notice concerning data collected from users of the Licensing Service.

Warrington Borough Council is committed to protecting your personal information and being transparent about what information we hold about you.

This Privacy Notice is intended for all people who use the Licensing Service. This includes but is not limited to:

- *Applicants for licences and holders of licences*
- *Individuals who share personal information with us on behalf of a company or corporation*
- *Members of the public*
- *Officers from other organisations such as other local authorities, police, other Law Enforcement Agencies.*
- *Other stakeholders such as members of Pub Watch, Licensed Taxi Drivers' Association.*

Who will be responsible for my data once it is collected?

The Public Protection Service which is part of Warrington Borough Council will be responsible for the data once it is collected

What information do you hold about me?

This will depend upon the purpose of your engagement with the Council. Most commonly this includes (but is not restricted to):

- *Your name, date of birth and gender*
- *Your address, email address and telephone number*
- *Your photograph*
- *Details of qualifications and courses taken relating to the licence held or application made (as applicable)*
- *Immigration status/ right to work (where applicable)*
- *Details of any vehicle driven or owned by you including make, type and vehicle registration number (where applicable)*
- *Details of any property which is the subject of your licence or your application for a licence*
- *Your history as a licence holder with this council*
- *Details of history as a licence holder of any other council*
- *Details of any complaints made by you or against you*
- *We only retain the last four digits of your payment (13mths to remedy any VISA query)*
- *Images of you captured by way of CCTV equipment*
- *Congratulations, complaints or comments made by you about the Service*
- *Details of any previous convictions, formal cautions or warnings*
- *Medical report (for drivers)*

What Allows You To Use My Information?

The Council will only process personal data where there is a Lawful basis to do so.

*The Council relies on the following lawful basis for processing your personal information: **Public Task**.*

Article 6 of the GDPR: Lawfulness of processing: 1.Processing shall be lawful only if and to the extent that at least one of the following applies:- (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The council is also subject to statutory licensing duties set out in legislation.

Exceptionally, the council may also rely on the bases of

- *Complying with a legal obligation*
- *To ensure the vital interests of an individual (e.g. to protect someone's life)*

*The Council relies on the following lawful basis for processing your special category data (previously known Sensitive Personal Data) : **Legal Obligation***

Article 6 of the GDPR: Lawfulness of processing: 1.Processing shall be lawful only if and to the extent that at least one of the following applies:- (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

The Council needs to comply with the Local Government (Miscellaneous Provisions) Act 1976: Part ii to ensure that applicants are a 'fit and proper person to hold a driver's licence' and 'holds a licence granted under Part III of the Road Traffic Act 1988)

Taxi and private hire drivers are exempt from the Rehabilitation of Offenders Act 1974. This means that any convictions or cautions can be taken into consideration, even if they would ordinarily be considered 'spent', due to our obligation to ensure the safety of the public.

Why Do You Need My Information?

The Council has a statutory duty to regulate various licensable activities in the borough including, but not limited to

- *hackney carriage and private hire activities This includes ensuring that drivers and operators of licensed vehicles are fit and proper people to hold licences.*
- *street trading*
- *charitable collections*
- *scrap metal dealing*
- *pavement cafes*
- *premises licensed under the Licensing Act 2003 and Gambling Act 2005*
- *premises licensed under the Betting Gaming and Lotteries Act 1963 and Lotteries and Amusements Act 1976 and other lottery and amusements*
 - *sexual entertainment venues*
 - *Acupuncture and tattoo parlours*
 - *food premises*

- *game dealing*
- *Animal boarding premises*
- *Zoos and dangerous animals*
- *Animal trainers and exhibitors*
- *Cinema and theatre licences*
- *Licensable Pleasure boats*
- *Knackers yards*
- *Pyrotechnic licences*
- *Other licensing functions not mentioned above*

The Council also has a duty to protect the public and to prevent and detect crime and to keep children and vulnerable adults safe.

We need your information to administer the licensing regimes and carry out these statutory functions. This will include populating statutory registers and Public Notices with your information where the licensing regime requires it. It will also include using the information to make decisions about applicants and holders of licences and to regulate the activities in accordance with the statutory functions set out above. It will also include sharing some of the information where this is necessary to carry out the statutory function.

We also need your information to inform you about any changes to the licensing service and policies and information such as changes in legislation which may affect you or to offer you the opportunity to engage further with our services.

We need your information to deal with complaints.

We need your information to help us to improve our service, provide statistical and analytical information and reports and carry out research

Who Will My Information Be Shared With?

Where it is legally required or necessary for the reasonable undertaking of our public task or where an exemption applies under the Data Protection Act 2018 which allows us to share the information for the purposes set out in the exemptions in the Act, we may have a requirement to share your information with:

- *The Home Office and/or the Department for Work and Pensions (DWP).*
- *the Police*
- *Other Law Enforcement Agencies*
- *The licensing committee*
- *The Council's Passenger Transportation Unit and Social Services.*
- *Other people who are also data subjects (e.g. the subjects of CCTV footage/ audio recordings)*
- *Parents/ Guardians of minor data subjects and /or social workers of vulnerable adults or children for the purposes of them carrying out their statutory functions*
- *The public at large (e.g. statutory registers and/ or advertisements/ Public Notices*
- *Your bank for the purposes of processing payments made to us*

- *Other colleagues within the council for the purposes of their statutory function*
- *Other organisations at your request*
- *Other local authorities and their licencing team*
- *National Anti Fraud Network (NAFN)*

In each case an appropriate assessment will be made by an authorised officer of the Council as to whether there is a legitimate need to download and/ or share the information. Only the information needed will be accessed and shared.

We may also be obliged to share information for the purposes of legal proceedings. This will only be done where there is a legitimate request and it is justified on the grounds of necessity.

In the event that a licence issued by this council to you is revoked, the fact of the revocation (although not the reasons) and your name may be shared on the Sanctions Information Database accessible to other Local Authorities.

Do I Have To Provide This Information And What Will Happen If I Don't?

If you are applying to the Council to become a licence holder or you wish to retain a licence, we will need personal information from yourself to allow us to perform our licensing functions. In respect of CCTV in licensed vehicles the footage is held as part of the licence conditions placed on the driver and or operator of the vehicle. The information is held for a minimum period of 14 days and a maximum of 30 days. Audio data will only be held when the audio trigger is activated. If the driver or operator refuses to install CCTV then the licence application maybe refused. In this event they would have the right of appeal to the magistrates.

GPS information is being continually collected to ensure an accurate date and time stamp when the vehicle is in business mode. GPS will not recorded when the system is in privacy mode. GPS location data would only ever be accessed if there was a legitimate and justified reason for accessing the location of the vehicle.

We have a separate Privacy Notice for passengers of vehicles where CCTV is installed.

If you are a stakeholder or contact us voluntarily in connection with the licensing functions, we will need some information from you to allow us to perform those functions.

If a licence holder refuses reasonable access to the information then they may have their licence suspended or revoked by authorised officers or licensing committee.

How Long Will You Keep This Data For And Why?

We have a policy on how long information can be kept for known as a Retention Policy.

Your information will be retained for as long as is necessary consistent with the purpose for which it was collected. It will then be disposed of securely and confidentially. The Public Protection Retention Policy requires that retained documents associated with the licensing of taxi vehicles; operators and drivers are securely disposed of in line with the corporate policy six years after the licences lapses.

In respect of CCTV footage and audio recording in licensed vehicles the information is held securely on the CCTV unit for a minimum of 14 and up to a maximum of 30 consecutive days. This is considered to be a reasonable period for someone to report an incident or crime and for an authorised officer to download the footage. Downloaded CCTV footage will only be retained for a period of 14 days after release of the data to the investigating body, this is to ensure that it can be viewed by the investigating body.

How Will My Information Be Stored?

We have put in place safeguards (both in terms of procedures and the technology we use) to keep your information as secure and confidential as possible. All information will be stored on the Council's secure ICT systems within the UK

Any information captured by CCTV system in a licensed vehicle will be held securely on the CCTV system within the vehicle for a minimum of 14 consecutive days and up to a maximum of 30 days. It can only be accessed by an approved person who has specialist equipment to do so. The information is held in a way that means that that it cannot be downloaded, viewed or be capable of being listened to without this specialist equipment.

If it is necessary to download the information then it will be held securely on an encrypted laptop. Only a limited number of authorised officers will be able to access the data. It will then be held only for such time as is necessary and consistent with the purpose for which it was downloaded and thereafter disposed of securely and confidentially.

Anyone who is provided with a copy of the information will need to abide by the Data Protection Act 2018 and the General Data Protection Regulation (GDPR)

Will This Information Be Used To Take Automated Decisions About Me?

No this information will not be used to take any automated decisions about you

Will My Data Be Transferred Abroad and Why?

No your information will not be transferred abroad

What Rights Do I Have When It Comes To My Data?

Under the General Data Protection Regulation, you might have more rights about what happens with your data. As different rights apply in different situations each request will be assessed on a case by case basis. Some of the rights which may apply include:-

1. The right to be informed through this privacy notice about how we process your information
2. The right of access through subject access requests

You have the right under the Data Protection Act 2018 (General Data Protection Regulation) to request a copy of your information and to know what it is used for and how it has been shared. This is called the right of subject access.

To request a copy of your data or ask questions about how it is used, please look at our webpages on Requests for Information available here:-

https://www.warrington.gov.uk/info/201121/access_to_information/2352/request_for_information

3. The right to rectification if your information is inaccurate
4. The right to erasure in circumstances such as if the personal data is no longer necessary for the purpose we collected it for. As the lawful basis for processing the data is public task, we may not be able to uphold every request for the right of erasure.
5. The right to restrict processing
6. The right to data portability, allowing you to move, copy or transfers your personal data
7. The right to object to the processing of your data
8. Rights in relation to automated decision making and profiling

For further information on your information rights please see the ICO's webpage for further information <https://ico.org.uk/your-data-matters/>

Who Can I Complain To If I Am Unhappy About How My Data Is Used?

If you are not satisfied with how your request has been dealt with, or if the information held about you is incorrect, you should email or write to Warrington Borough Council outlining your concerns.

If you then wish to make a complaint then please contact us using one of the methods below:

Use the [online complaints form](#)

- Email us at contact@warrington.gov.uk
- ☎ Phone us on: 01925 443322
- Write to us at: Contact Warrington, PO Box 5, New Town House, Warrington WA1 2NH
- Visit us at: Contact Warrington, 26-30, Horsemarket Street, Warrington WA1 1XL

You also have the right to complain to the Information Commissioner's Office using the following details: -

The Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk