

## **Appendix A - Hackney Carriage and Private Hire Licensing Policy**

### **Information Sharing**

#### **Introduction**

The policy contains a number of references to information sharing and therefore the purpose of this Appendix is to set out clearly how information is dealt with, in terms of who information is shared with, and requested from, and in what circumstances.

The Council processes information in accordance with the UK Data Protection Act (DPA) and UK General Data Protection Regulation (GDPR) and the Human Rights Act 1998 (HRA). This legislation sets out the guiding principles for sharing information and that there is a lawful basis for sharing information in furtherance of regulatory duty and in the public interest.

The legal basis for the processing of taxi licence related information is that it is necessary for the compliance with a statutory and/or legal obligation. All information is held for the purpose of assessing the suitability of the licence holder/proposed licence holder to be granted a licence or to have their licence reviewed or relating to historical information relating to safeguarding matters.

The legal basis that are relied upon are:

- The Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Article.6.1.c (GDPR) – compliance with a legal obligation
- Article 6.1.e (GDPR) – performance of a task carried out in public interest

Where special category data and/or data related to criminal convictions and offences is processed the following legal basis are relied upon:

- Article 9.2.g (GDPR) – processing data for reasons of substantial public interest
- Schedule 1, Part 2, Paragraphs 6 and 12 (GDPR)

The council may seek and share your relevant information with the following third parties in order to ensure public safety, protect public funds and for the prevention and detection of crime:

#### **Initial application**

The Licensing Authority (LA) will seek information from:-

- the Council's Independent Safeguarding team, including the Local Authority Designated Officer and the Multi-Agency Safeguarding Hub (MASH);
- the Council's Personal Safety Precautions register( PSP);
- West Mercia Police , or other relevant police force;
- Other local authorities with licensing responsibilities (where appropriate) – this includes, but is not limited to, their licensing teams and their safeguarding teams;

- the NR3 National Register
- the Disclosure & Barring Service (including information on the Barred Lists);
- Private Hire Operators (where appropriate);
- The Council's complaints team
- Any other organisation, team or agency that may hold information that is relevant to an application for a dual driver's licence, vehicle proprietor licence or private hire operator's licence.

The purpose of this activity is to seek information from a wide range of organisations that would be relevant when considering whether an applicant is a fit and proper person to hold the licence that they have applied for. In order to seek such information, it will be necessary for the Council to securely share relevant personal and special category data of the applicant, including:-

- Name (including any known pseudonyms/aliases and any previous names);
- Address (including previous addresses);
- Date of birth;
- Gender;
- National Insurance details;
- Criminal convictions including motoring offences;
- Other relevant personal and special category data.

Relevant personal and special category data will only be shared to the extent that it is necessary for seeking accurate information from the relevant organisations referred to above.

### **Renewal applications**

The Licensing Authority (LA) will seek information from:-

- the Council's Independent Safeguarding team, including the Local Authority Designated Officer and the Multi-Agency Safeguarding Hub (MASH);
- the Council's Personal Safety Precautions register( PSP);
- West Mercia Police , or other relevant police force;
- Other local authorities with licensing responsibilities (where appropriate) – this includes, but is not limited to, their licensing teams and their safeguarding teams;
- the NR3 National Register
- the Disclosure & Barring Service (including information on the Barred Lists);
- Private Hire Operators (where appropriate);
- The Council's complaints team
- Any other organisation, team or agency that may hold information that is relevant to an application for a dual driver's licence, vehicle proprietor licence or private hire operator's licence.

The purpose of this activity is to seek information from organisations that is relevant when considering whether an applicant is a fit and proper person to hold the licence that they have applied for. In order to seek such information, it will be necessary for the Council to share personal and special category data of the applicant, including:-

- Name (including any known pseudonyms/aliases and any previous names);
- Address (including previous addresses);
- Date of birth;
- Gender;
- National Insurance details.
- Criminal convictions including motoring offences
- Other relevant personal and special category data.

Such personal and special category data will only be shared to the extent that it is necessary for seeking accurate information from the relevant organisations referred to above.

In addition to these checks, the council will carry out at a minimum 6 monthly DBS checks throughout the duration of a licence.

## **Complaints**

When the Council receives a complaint regarding a licensed driver, vehicle proprietor or private hire operator, it is required to consider what action, if any, it is necessary to take to investigate that complaint and to keep members of the public safe during that period. The Licensing Authority may choose to:-

- Revoke a licence;
- Suspend a licence;
- Take action short of revocation or suspension;
- Take no further action.

In most cases, information will only be securely shared once the outcome of a complaint is known and the Council has decided what action, if any, it will take. However, in cases involving very serious complaints, the Council may choose to securely share relevant information prior to any action it takes in relation to the licence. In most cases, the sharing of this information will only be in cases where revocation or suspension of a licence is being considered (see exceptions below). Information about the complaint may be shared with:-

- The Council's Safeguarding Team including the Local Authority Designated Officer and the MASH;
- Other Licensing Authorities where there is reason to believe that the licence holder may also hold a licence with that authority;
- West Mercia Police; or other relevant police force;
- Private Hire Operator if the complaint relates to a driver working with that operator; and
- Any other government or local authority regulatory body or agency where the information relates to public safety, protection of public funds and for the prevention and detection of crime.

## **Exceptions**

There are two exceptions to the above.

The first is where any complaint is made which could reasonably indicate that the licence holder poses a risk of harm to children. In this case, irrespective of the seriousness of the complaint, this information will be shared with the Council's Safeguarding Team so that appropriate investigations can be made in relation to any children who may have contact with the licence holder. The information will also be shared with the Council's Passenger Transport team so that appropriate action can be taken in relation to school contracts (irrespective of whether or not the licence holder currently holds a school contract).

The second exception is where the complaint relates to a driver who is known to hold a school contract. In this case, details of all complaints will be shared with the Passenger Transport team.

### All other cases

In all other cases, once a complaint has been concluded, the Council may share information with the following:-

- The Council's Safeguarding Team including the Local Authority Designated Officer and the MASH;
- Other Licensing Authorities where there is reason to believe that the licence holder may also hold a licence with that authority;
- West Mercia Police; or other relevant police force and
- Private Hire Operator if the complaint relates to a driver working with that operator.
- Any other government or local authority regulatory body or agency.

Only relevant information will be securely shared on a lawful basis if it relates to protection of public safety, protection of public funds and for the prevention and detection of crime.

### Other

The Council also shares information with:

- Cabinet Office for National Fraud Initiative purposes – for prevention and detection of fraud
- HMRC
- Department for Environment, Food and Rural Affairs (DEFRA).