

**POLICY IN RESPECT OF REQUESTS FOR INFORMATION, DISCLOSURE OF INFORMATION AND USE OF INFORMATION AS A RESULT OF AN ENTRY ON NR3**

**1. Overarching principles**

This policy covers the use that this Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant or revocation of a hackney carriage and/or private hire vehicle driver's licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

This Council has signed up to the NR3. This means that when an application for a hackney carriage or private hire vehicle driver's licence is refused, or when an existing hackney carriage or private hire vehicle driver licence is revoked, that information will be placed on the register.

When an application for a new driver's licence, or renewal of an existing driver's licence is received this Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information into NR3 for further details.

Any information that is received from another authority in relation to an applicant will only be used in relation to the application, and the determination of it and will not be used for any other purpose. Any information that is received will only be kept for as long as is necessary in relation to the determination of the application. This will include the period of processing the application, making a decision, notifying the applicant of the outcome of that decision and the appeal process.

For the avoidance of any doubt, any such information will be kept for a period of no more than 35 days from the date of service of the written notification of the determination of the application.

Where an appeal to the Magistrates' Court is made, the information will be retained until that appeal is determined or abandoned. Where the appeal is determined by the Magistrates' Court, there is a further right of appeal to the Crown Court. In these circumstances, the information will be retained for a period of no more than 35 days from the date of the decision of the Magistrates' Court. If an appeal is made to the Crown Court, the information will be retained until that appeal is determined or abandoned. Where the appeal is determined by the Magistrates' Court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the information will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the Magistrates' Court, the retention period has already been addressed). If an appeal by way of case stated is made, the information will be retained until all court

proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The information will be held securely in accordance with this Council's general policy on the secure retention of personal data. At the end of the retention period, the information will be erased and/or destroyed in accordance with this Council's general policy on the erasure and destruction of personal information.

## **2. Making a request for further information regarding an entry on NR3**

When an application is made to this Council for the grant of a new or renewal of a hackney carriage or private hire vehicle driver's licence this Council will check the NR3.

This Council will make and then retain a clear written record of every search that is made of the register. This will detail:

- The date of the search;
- The name or names searched;
- The reason for the search (new application or renewal);
- The results of the search; and
- The use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (ie combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this Council discovers any match (ie there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing. It will be posted or emailed to the contact address of the first authority which will be detailed in the register.

## **3. Responding to a request made for further information regarding an entry on NR3**

When this Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (ie combined with a register of licences granted) and will be retained for the retention period of 25 years.

This Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this Council is satisfied that the second authority data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and position and responsibilities of a hackney carriage or private hire vehicle driver. Data is held on the NR3 register for a period of 25 years, but this Council will not disclose information relating to every entry. Each application will be considered on its own merits.

This Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within its Hackney Carriage and Private Hire Licensing policy. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined then the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the Council by an enactment or rule of law.

The officer will record what action was taken and why. This Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- The date the request was received;
- How the data protection impact assessment was conducted and its conclusions;
- The name or names searched;
- Whether any information was provided;
- If information was provided, why it was provided (and details of any further advice obtained before the decision was made);
- If information was not provided, why it was not provided (and details of any further advice obtained before the decision was made); and
- How and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (ie combined with a register of licences granted) and will be retained for the retention period of 25 years.

#### **4. Using any information obtained as a result of a request to another authority**

When this Council receives information as a result of a request that has been made to another authority it will take that information into account when determining the application for the grant or renewal of a hackney carriage or private hire vehicle drivers' licence. This will be in accordance with the usual process for determining applications contained in our Hackney Carriage and Private Hire Licensing policy.

This Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this Council will make in relation to the application.

