Data Protection Impact Assessment

Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.
Winchester City Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators aims to clearly outline the procedures for processing and determining applications for hackney carriage and private hire licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Policy outlines processes defined by the relevant legislation, and local procedures decided by Winchester City Council to ensure public safety. This includes a framework for taking enforcement action where required. The Policy also seeks to clarify how the Council has had regard to Government guidance, such as the Department for Transport's Statutory Taxi and Private Hire Standards published in July 2020. Applications require applicants to submit personal data, such as their full name, date of birth, place of birth, national insurance number, home address, telephone number and email address. This data is retained for the period of licence and beyond, in the interests of promoting public safety. Applicants are also required, depending on the type of licence applied for, to submit special category data such as biometric data, data revealing racial or ethnic origin, data concerning health, and criminal offence data. There is a lawful basis for the Council to process special category data and criminal offence data. The Policy outlines circumstances in which data may be obtained from or shared with other agencies, such as the Police or the Disclosure and Barring Service. Obtaining and sharing personal data outside of the organisation must have a legal basis and appropriate data sharing agreement in place. I have identified the need for a Data Protection Impact Assessment as the relevant application processes include the collection and retention of personal and sensitive data, which need to be controlled.

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Personal data collected for each type of licence

Hackney carriage and private hire drivers licences

Personal data
Full name; date of birth; home address; telephone number; email address; national insurance number. Collected on application and every year or every three years depending on the period of licence.

Special category data
Biometric data (used for identification purposes); personal data revealing racial or ethnic origin; and data concerning health. Collected on application and every year, three years or five years depending on the period of licence and the licensee's age (relevant to health data).

Criminal offence data
Criminal activity; allegations; investigations; proceedings; unproven allegations; absence of convictions; personal data about penalties; conditions or restrictions placed on an individual as part of the criminal justice process; and civil measures which may lead to criminal penalty if not adhered to. Data provided by way of an enhanced DBS check (including checks of the Barred Lists). Collected on application and every 6 or 12 months depending on the type of licence, or on request where the authority has a lawful reasons for requiring this.

Hackney carriage and private hire vehicle licences

Personal data
Full name; date of birth; home address; telephone number; email address. Collected on application and every year depending on the period of licence.

Special category data
Biometric data (used for identification purposes); and personal data revealing racial or ethnic origin. Collected on application and every year depending on the period of licence.

Criminal offence data
Criminal activity, Criminal activity; allegations; investigations; proceedings; unproven allegations; absence of convictions; personal data about penalties; conditions or restrictions placed on an individual as part of the criminal justice process; and civil measures which may lead to criminal penalty if not adhered to. Data provided by way of a basic DBS check. Collected on application and every 12 months depending on the type of licence, or on request where the authority has a lawful reasons for requiring this.

Private hire operator licences

Personal data
Full name; date of birth; home address; telephone number; email address. Collected on application and every year or every five years depending on the period of licence.

Special category data
Biometric data (used for identification purposes); and personal data revealing racial or ethnic origin. Collected on application and every year or every five years depending on the period of licence.

Criminal offence data
Criminal activity, Criminal activity; allegations; investigations; proceedings; unproven allegations; absence of convictions; personal data about penalties; conditions or restrictions placed on an individual as part of the criminal justice process; and civil measures which may lead to criminal penalty if not adhered to. Data provided by way of a basic DBS check. Collected on application and every 12 months depending on the type of licence, or on request where the authority has a lawful reasons for requiring this.

Data retention

Personal data is retained for the duration of licence and beyond, in the interests of public safety. Special category data is retained for the duration of licence only. Criminal offence data is retained for the duration of licence only. Email correspondence relating to the application or licence will be retained in accordance with the City Council's Mailmeter system (2 years).

Geographical area affected

Applicants and licensees for a hackney or private hire licence may reside anywhere in the UK; they do not need to be based in the Winchester District.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Personal data is collected and retained for the purposes of administrating the application process for hackney carriage and private hire licences, for determining the outcome of enforcement cases, and for notifying other licensing authorities of enforcement action taken via data-sharing agreements and/or the NAFN NR3 database.

Any individual providing data to the Council by means of an application form must read and confirm they have understood that their personal data may be lawfully shared with other licensing authorities, the NAFN NR3 database, and Government bodies such as the DfT or DEFRA.

Applicants must declare that they are over the age of 18 or 21 (depending on the type of licence) at the time of making the application. Applications which do not include this declaration will be rejected.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Personal data, special category data and criminal offence data is collected in order to determine the outcome of hackney carriage and private hire licences.

Full name, date and birth, address and some special category data may be required to determine the individual's right to work in the UK.

Criminal offence data is required to determine whether the individual is a fit and proper person to hold a hackney carriage or private hire licence.

Special category data relating to health is required to determine whether the individual is a fit and proper person, from a medical perspective, to hold a hackney carriage or private hire licence.

Full name, date of birth, current address, previous addresses, passport number and driving licence number are required to be submitted to the Disclosure and Barring Service to obtain either a basic or enhanced DBS check. The Council is not responsible for processing this data.

The individual applying for a licence benefits from this data collection as it enables the Council to fulfil its statutory obligation to consider applications for hackney carriage and private hire licences, with decisions made that may result in a licence being granted. The public benefit from this data collection as it enables the Council to ensure public safety and the protection of children and vulnerable persons in relation to the hackney carriage and private hire trade.

Collecting personal data, special category data and criminal offence data for these purposes is lawful as per section (6) Schedule 1 Data Protection Act 2018.

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it is not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Applicants have access to a data sharing statement prior to making an application for a hackney carriage or private hire licence, which outlines the lawful reasons for personal data to be collected and shared. Any individual providing data to the Council by means of an application form must read and confirm they have understood that their personal data may be lawfully shared with other licensing authorities, the NAFN NR3 database, and Government bodies such as the DfT or DEFRA.

The Council proposes to securely share personal data in line with data sharing agreements with other licensing authorities, NAFN, DEFRA and the Home Office as required by law. It may also share special category data and criminal offence data where there is a lawful reason for doing so, such as ensuring public safety.

The City Council's Data Protection Officer will review this DPIA.

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

The Council's lawful basis for collecting and processing personal data in these circumstances is the requirement for it to accept and consider applications for hackney carriage and private hire licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Council has specified the form of applications in line with the requirements of the relevant legislation, policy and conditions, having regard to Government guidance where applicable.

The Council's lawful basis for collecting and processing special category data and criminal offence data is under section (6) Schedule 1 Data Protection Act 2018.

Function creep: Prevented by each application and licence having its own unique reference number on Uniform. The type of reference number specifically relates to the applications for that type of licence and is not shared with any other type of application or licence.

Data minimisation: All data will be adequate to fulfil the requirements for processing applications, relevant only to that type of licence or application, and limited only to what is necessary to determining said applications (including determining whether an individual is fit and proper to hold a licence).

Data quality: The accuracy, completeness and reliability of the data collected depends initially on the applicant's ability to provide quality data. The application forms include mandatory fields for key information essential to the processing of the application. Furthermore, the applicant must declare on the application form that they understand that any false statement made in connection with the application will result in the application being refused or the licence revoked. Only relevant data will be collected; Winchester City Council has specified the form of application in such a way to reduce the amount of personal data collected to the bare minimum required for processing the application.

Identify and assess risks			
Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	**Likelihood of harm**	**Severity of harm**	**Overall risk**
Illegitimate access to personal data held in connection with an application	Possible	Significant	Medium
Loss of personal data by City Council	Possible	Significant	Medium
Modification of personal data by City Council or third party	Possible	Significant	Medium

Identify measures to reduce risks				
Risk	**Options to reduce or eliminate risk**	**Effect on risk**	**Residual risk**	**Measure approved**
Illegitimate access to personal data held in connection with an application	- City Council has secure network, can only be accessed with staff username/password. - Majority of applications submitted electronically, and hard copies are immediately scanned and saved to the secure network with hard copies destroyed confidentially - Personal data only shared with other agencies where there is a lawful requirement to do so, or where it is considered proportionate and necessary to ensure public safety	Reduced	Low	
Loss of personal data by Council	Data is subject to organisation's data retention policies. No deletion of data is necessary as the data retention tools in Outlook and IDOX can do this automatically.	Reduced	Low	
Modification of personal data by Council or third party	- Data does not need to be amended by case officer or any other City Council staff member during the processing of the application, unless the applicant specifically requests that details are updated (i.e. change of address). - Uniform has function that allows officers to record changes to name/address/contact details to ensure an audit trail.	Reduced	Low	

Sign off and record outcomes		
Item	**Name/position/date**	**Notes**
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion.
Residual risks approved by:		DPO should advise on compliance, step 6 measures and whether processing can proceed.
Summary of DPO advice:		
DPS advice accepted / overruled by:		If overruled, you must explain your reasons
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will be kept under review by:		The DPO should also review ongoing compliance with DPIA.