

APPENDIX A

Policy regarding disclosure and use of information stored on the National Register of Refusals and Revocations ('NR3')

2.1 General

In this Policy, the 'first authority' refers to a licensing authority that has stored information on the NR3. The 'second authority' refers to a licensing authority that is seeking more detailed information about information stored on the NR3.

Throughout this Appendix the term licence is used to refer to a hackney carriage driver's licence, a private hire driver's licence (restricted), and a combined dual licence. Any reference to a 'new' licence should also be read to include a 'renewal' of licence.

2.2 Overarching principles

The Council will access and use information contained in the NR3 in accordance with this Policy. The NR3 contains information relating to refusal to grant, or revocation of, a licence. This information is important in the context of any subsequent application to another authority for a licence by a person who previously has had their licence refused or revoked.

The Council has registered to use and enter information to the NR3. This means that when an application for a licence is refused or an existing licence is revoked, that information will be entered to the NR3.

When an application for a licence is received, the Council will search the NR3. The search will only be made by an officer who has been trained in the use of the NR3. If details are found that appear to relate to the applicant, a request will be made for further details from the first authority that entered that information. The applicant will then be notified.

Information that is received from another authority in respect of an application for a licence will only be used for the purpose of its determination. Any information received relating to the applicant will only be kept for as long as is necessary to determine the outcome of their application. The period it takes to determine any application is variable and often depends on the applicant's circumstances and timely responses to further questions. Once an application is determined there may be a further period where it is necessary to retain information for purposes of notifying the applicant of the outcome their application, and for any period to accommodate an appeal against the Council's determination should the applicant so choose.

2.3 Requesting further information relating to an entry on the NR3

When an application for a licence is made the Council will check the NR3.

The Council will make and then retain a clear written record of every search that is made of the NR3,¹ and which will detail:

- date of search
- name or names searched
- reason for the search – new application or renewal
- results of the search
- use made of the results of the search – (this may be entered to the NR3 at a later date once the application and appeal process has been fully concluded)

Search records will not be combined with other records and will be retained for a period of 25 years.

Should the Council's search of the NR3 reveal a potential match, a request for further information will then be made to the first authority that made the entry.

The request will be made in writing in accordance with the standard form and which a copy of is available from hackneycarriage@southend.gov.uk.

The form requesting further information used by the Council will be posted or emailed to the contact address of the first authority that made the NR3 entry. The application process will thereafter pause until a suitable response to that request has been received by the Council.

2.4 Responding to a request for further information relating to an entry on the NR3

If the Council receives a request as first authority for further information from a second authority a clear written record will be made. A record of the Council's response arising out of the request from the second authority will be retained for a period of 25 years.

On receipt of a request from a second authority the Council will then determine to what extent it shall respond. It should be noted the Council will not simply provide information as a blanket response to every request.

Access to the NR3 is only possible where the licensing authority is a current member of the National Anti-Fraud Network (NAFN), and has signed a data processor agreement, and a data sharing agreement. The NR3 is hosted by Tameside Metropolitan Borough Council on behalf of the NAFN via a Public Services Network (PSN) compliant environment. The PSN is a government approved network that helps public sector organisations work together to share and access data securely over the

¹ A written record may be in electronic format rather than paper hard-copy format.

internet. Access to the NR3 is only given to specifically authorised (and trained) users from each licensing authority and requires four-factor authentication.

Any disclosure must be considered and proportionate, taking into account the data subject's rights together with the role and responsibilities of a licensed driver. Whilst data is held on the NR3 for a period of 25 years, the Council (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Where the reason for refusal to grant or revoke a licence relates to a conviction, or caution, consideration will be further given to the full circumstances of the case prior to disclosure. Any information about convictions and cautions will be shared in accordance with this Policy by virtue of Part 2 of Sch 1, Data Protection Act 2018 (DPA 2018). In so far, processing of data is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

In fulfilment of a request for further information from a second authority, the relevant officer will record what action was taken and why. The Council will make and then retain a clear written record detailing:

- date the request was received
- how the data protection impact assessment was conducted and its conclusions
- 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 to make disclosure
- 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 and will be retained for a period of 25 years.

2.5 Using information obtained arising out of a request to a first authority

If the Council receives information arising out of a request that has been made to a first authority, it will take it into account (together with other information obtained as detailed in this Policy) when determining an application for a licence.

The Council will make and then retain a clear written record of the use that is made of the results of its request and the subsequent determination of the application for a licence (this information may be added to the NR3).

Information that is received may warrant significant weight being attached to it, but it will not be the sole determinant for any decision that the Council makes in relation to the application for which it was obtained.

2.6 New and Historical Data

The Council will upload new and historical revocation and refusal data to the NR3, and which 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

This authority will begin using the NR3 from _____. This means from that point:

- applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3
- where an existing licence is revoked, or an application for renewal or a new licence is refused, this will be recorded on NR3