

Privacy Policy

Licensing

Date: May 2022

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Version Control

Version	Description of version	Effective Date
1.0		May 2018
2.0	Updates of legislation	July 2019
3.0	Review of Notice	May 2022

Approvals

Approved by	Date

This Privacy Notice will be kept under regular review to ensure that it is fit for purpose.

1.0 Who we are

South Derbyshire District Council is registered as a data controller with the Information Commissioner's Office.

Our address is Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.

The Council is committed to protecting your privacy when you use our services. This privacy notice tells you what to expect when the Licensing Department collect personal information. It also explains when and why we collect this information, how we use it, the conditions under which we may disclose it to others, how we keep it secure and what rights you have in relation to the data we hold about you.

2.0 How do we collect information from you?

We collect information from you when you fill in any forms on our website www.southderbyshire.gov.uk or associated customer portals, when you contact us in writing, speak to us on the phone or face to face or communicate with us by email or any other type of electronic communication.

The Council may also collect personal data about you from the following third parties depending on the type of licence you hold:

- Disclosure and Barring Service to check if you are eligible to hold and to continue to hold a licence;
- Derbyshire Constabulary to check criminal history;
- Other responsible authorities i.e. Trading Standards, Planning, Fire Authority, Environmental Health, Public Health, Gambling Commission, HMRC, Derbyshire Safeguarding Children Board to check if you are eligible to hold a licence;
- Other local licensing authorities that you may have held a licence with;
- National Database for Taxi Refusals and Revocations;
- DEFRA in relation the private hire vehicle licence database;
- Home Office to check your eligibility to work and remain in the UK;
- Environmental Agency to check if you are eligible to hold a licence;
- DVLA database to provide DVLA driving licence checks;
- Personnel Checks to provide details of knowledge tests carried out;
- Defensive Driver Training in relation to practical driving tests.

3.0 What types of information do we collect from you?

We collect different categories of information about you, depending on the service you want from us and/or the reason why we need to process information relating to you. This could be personal information (for example your name and address), or other more sensitive data including criminal data that we would only collect and use in very particular circumstances that are set out in law.

4.0 How is your information used?

We may use your information to assess your suitability and fitness to be issued with a licence and to assist us in managing your licence. We may also use your contact details in the event that we need to contact you in relation to your licence(s).

This is a task given to the Council to fulfil our legal obligation under the following areas of legislation:

- Licensing Act 2003;
- Gambling Act 2005;
- Local Government (Miscellaneous Provisions) Act 1976;
- Local Government (Miscellaneous Provisions) Act 1982;
- House to House Collections Act 1939;
- Police, Factories etc (Miscellaneous Provisions) Act 1916;
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018;
- Animal Welfare Act 2006;
- Zoo Licensing Act 1981;
- Dangerous Wild Animals 1976;
- Scrap Metal Dealers Act 2013;
- Health Act 2006.

We will not sell or rent your information to third parties. We will not share your information with third parties for marketing purposes.

5.0 Who has access to your information?

We may share your information with the following parties for the reasons detailed:

- Other Council Departments as responsible authorities under the legislation to determine if a licence should be granted.
- External organisations including but not limited to Derbyshire Constabulary, Derbyshire Fire Authority, Derbyshire Trading Standards, Derbyshire Public Health, Home Office, Gambling Commission, HMRC, DEFRA, Environment Agency as responsible authorities under the legislation to assist in the determination of applications and to assist in the compliance and enforcement of licences.
- Other local licensing authorities that you may have held a licence with.
- Veterinary surgeons in relation to animal licence applications.
- HMRC as we are under a statutory duty to submit relevant information to the HMRC pursuant to Paragraph 1 Schedule 23 of the Finance Act 2011.
- Cabinet Office (as part of the National Fraud Initiative) as we are under a legal duty to submit information to the government as part of the National Fraud Initiative.
- National Anti-Fraud Network in relation to the National Database for Taxi Refusals and Revocations.
- DEFRA in relation to animal licensing statutory returns and the national database of private hire vehicle licences.
- Councillors who sit on the Licensing and Appeals Committee where the application is referred to Committee for determination.

Certain information about licences (including in particular your name and the address of any premises to which a licence applies) may be published on a public register on our website when we are required to by law. Licences that have to be determined by our Councillors will be published in a Committee agenda and appear in public minutes on our website. Any information determined by our Councillors relating to an individual will appear on the Committee agenda under exempt items and will be in exempt minutes on our website. Only authorised persons have access to exempt agenda items and minutes.

6.0 Research and statistics

Anonymised and pseudonymised data may be used for research and statistical purposes. Any data collected may be used for research and statistical purposes relevant and compatible with the purpose that the data was collected for.

7.0 What are your rights in relation to personal data we process?

Access: You can request copies of any of your personal information held by the Council.

Rectification: You can ask us to correct any incorrect information.

Deletion: You can ask us to delete your personal information. The Council can refuse to delete information if we have a lawful reason to keep this.

Portability: You can ask us to transfer your personal data to different services or to you.

Right to object or restrict processing: You have the right to object to how your data is being used and how it is going to be used in the future.

For further information, please visit the [Data Protection Act 2018](#) section of our website.

8.0 How long will we keep your information for?

We keep and dispose of all records in line with our record retention schedule. Information about this can be found at

<https://www.southderbyshire.gov.uk/assets/attach/4952/Document%20Retention%20Schedule.pdf>

and will comply with the Data Protection 2018.

9.0 What precautions are in place to protect the loss, misuse or alteration of your information?

Your personal data will be stored electronically or in hard copy files as appropriate. The Council uses a variety of different systems to process and store personal data. We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us. However, we cannot guarantee the security of any information you transmit to us. We recommend that you take every precaution to protect your personal information.

10.0 Keeping your data up to date

We want to ensure any information we hold is accurate. You can help us by promptly informing us of any changes to the information we hold about you.

11.0 Under 13s

If you are aged 13 or under, please get your parent/guardian's permission whenever you provide us with personal information.

12.0 Where can I get advice and more information?

We want to ensure any information we hold is accurate. You can help us by promptly informing us of any changes to information we hold about you. If you have any worries or questions about how your personal information is handled, please contact our Data Protection Officer by emailing dataprotectionofficer@southderbyshire.gov.uk or by telephoning 01283 595795.

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 (national rate number).

Email: casework@ico.org.uk.

Further guidance on the use of personal information can be found at www.ico.org.uk.