

## Fair processing Notice - Licensing

### Licensing Privacy Notice

The Licensing team is committed to protecting and respecting your privacy when you use our services. This privacy policy sets out how and when we use any personal information that we collect about you when you use our services, the conditions under which we may disclose it to others and how we keep it secure.

When you contact us to access our services, apply for a licence, registration or permit or we contact you as part of an investigation we may ask you for certain personal information in order to be able to assist you with your enquiry or to enable us to investigate fully. Some of this information will be recorded and stored on our systems. The processing of your data under Article 6 GDPR "Data Processing Conditions" is

- Because we have a legal obligation to do so under the relevant statute and,
- Because it is necessary for the performance of this task to do so.

We also process personal data relating to criminal convictions and offences in respect of Article 10 and the DPA 2018.

The services we offer include the following:

- Hackney Carriage (taxis) and Private Hire Licences
- Alcohol and entertainment licences, permits and notices
- Gambling licences, permits and notices
- Charitable collection licences and permits
- Firework licences
- Petroleum licences
- Scrap Metal Dealer licences
- Sex establishments and sexual entertainment venue licences
- Stage hypnotism registrations
- Street trading consents
- Tattooing, Cosmetic Piercing, Acupuncture, Electrolysis registrations

- Animal Licensing
- Approval of venues for Marriage and Civil Partnerships
- Pleasure Boats

### **What information do we collect about you?**

When you apply for a licence, registration or permit we require a range of details including name, contact details, such as your address, email address and telephone number. In some cases we also require national insurance number, birth details, bank account details (scrap metal dealers), address history, current employer and employment history. If you choose not to supply the required information we will not be able to progress the application.

If you make a representation on a licensing application, review or other licensing matter, the Council will collect information about you including your name, contact details, such as your address email address and telephone number. We will also collect personal data which you choose to include within your representation.

### **Right to work in the UK**

Personal and premises licence holder applicants and taxi driver applicants are required to submit documents to prove that they have the Right to Work in the UK. These documents will include nationality and residence information.

### **Taxi and scrap metal dealer licensing**

To ensure that applicants can be considered to be fit and proper, background checks are required and the Disclosure and Barring Service will be issued with a request for the criminal conviction history of each applicant.

### **Taxi licensing**

A medical assessment is also required from the driver applicant's GP and this may contain personal information regarding medical conditions.

We will gather this information because it is in the public interest to provide information for safeguarding the public. If you choose not to supply the requested information, we will not be able to progress an application or renew a licence.

### **How will we use the information about you?**

We will use this information to process applications, remind licensees of renewals and investigate complaints.

If you have made a representation on a licensing application, review or other licensing matter, we will use your personal data in the administration of that matter.

Your personal data may be included within public Committee documentation where this is required in accordance with the law and/or the Council's procedures.

To ensure the right to a fair hearing, the Council must also release details of representations to the applicant. However, the Council will adopt the Home Office guidance in relation to disclosure of personal details of persons making representations and in exceptional circumstances, and on written request, some or all of the personal details may be withheld from release or publication.

Please ensure that no defamatory comments or views are included within any representations or objections.

Do not include personal information about another person (including family members) unless the individual concerned has consented and you can provide evidence of this consent.

We will not use your information for any marketing purposes.

The Council also participates in national and local fraud prevention and detection initiatives. The Council is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing, administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

### **How do we store your information, and for how long?**

The information we collect is carefully stored electronically.

We will hold completed application forms and supporting documents during the lifetime of the licence. Once the licence has lapsed, been surrendered or revoked it is retained in accordance with the Council's retention policy.

<https://www.valeofglamorgan.gov.uk/Documents/Our%20Council/Privacy-and-Data-Protection/Retention-Schedule-March-2017.pdf>

Representations made on a licensing application, review or other licensing matter, will be retained for the lifetime of the licence.

Where a public hearing is held in relation to an application or representation you have made, your personal data will be included within the relevant Committee documentation and retained in perpetuity.

### **When and why we share your information**

We do not share your information with anyone else unless we are required to do so by law or it is necessary to provide our services to you.

In order to comply with its statutory obligations, the Council must make public certain details relating to applications and licences in the form of a public register which may also be available on the internet. This includes publication of a register of names and vehicle registration numbers of wheelchair accessible vehicles. There is a statutory process for appealing inclusion in this register. We will also release vehicle registration numbers when these form part of freedom of information requests.

Below is a list who we may share your information with:

<p><b>Shared with service areas*</b></p> <p><b>Some functions are carried out on behalf of the Vale of Glamorgan Council by Shared Regulatory Services (SRS)</b></p>	<p><b>What and why</b></p>
<p>Health and safety</p>	<p>As a Responsible Authority under the Licensing Act 2003 applications and information will be shared to ensure that the legislative obligations are met under the Act.</p>
<p>Planning</p>	<p>We may need to pass on information, for example in relation to a new business, where there may be planning implications. As a Responsible Authority under the Licensing Act 2003 and Gambling Act</p>

	<p>2005, applications and information will be shared to ensure that the legislative obligations are met under the Acts.</p>
Safeguarding	<p>As a Responsible Authority under the Licensing Act 2003 and Gambling Act 2005, applications and information will be shared to ensure that the legislative obligations are met under the Acts.</p> <p>We may also share information on in relation to other licensing areas where there is a legitimate safeguarding concern.</p>
Environmental Health	<p>As a Responsible Authority under the Licensing Act 2003 and Gambling Act 2005, applications and information will be shared to ensure that the legislative obligations are met under the Acts.</p>
Trading Standards	<p>As a Responsible Authority under the Licensing Act 2003 applications and information will be shared to ensure that the legislative obligations are met under the Act.</p>
Legal Services	<p>We may share information with legal services to obtain advice if we are considering taking legal action.</p>
Food safety team	<p>We may share information on licensed premises to assist the team with an investigation.</p>
<b>External</b>	
Fire and Rescue	<p>As a Responsible Authority under the Licensing Act 2003 and Gambling Act 2005, applications and</p>

	<p>information will be shared to ensure that the legislative obligations are met under the Acts.</p>
Public Health	<p>As a Responsible Authority under the Licensing Act 2003 applications and information will be shared to ensure that the legislative obligations are met under the Act.</p>
Police	<p>As a Responsible Authority under the Licensing Act 2003 and Gambling Act 2005, applications and information will be shared to ensure that the legislative obligations are met under the Acts.</p> <p>We may also share licensee's information to assist with the protection of the public.</p>
Home Office	<p>As a Responsible Authority under the Licensing Act 2003 applications and information will be shared to ensure that the legislative obligations are met under the Act.</p> <p>To ensure that applicants have the Right to work in the UK.</p>
Maritime and Coastguard Agency	<p>As a Responsible Authority under the Licensing Act 2003 applications and information will be shared to ensure that the legislative obligations are met under the Act.</p>
HMRC	<p>As a Responsible Authority under the Gambling Act 2005 applications and information will be shared to ensure that the legislative obligations are met under the Act.</p> <p>Personal data will also be provided when required under the Finance Act 2011.</p>

Gambling Commission	As a Responsible Authority under the Gambling Act 2005 applications and information will be shared to ensure that the legislative obligations are met under the Act.
DEFRA	Copies of zoo applications are provided and arrangements made for inspections.
Natural Resources Wales/Environment Agency	Details of Scrap Metal Dealers are provided for the register. We may also share information on licensed dealers to assist with any investigations.
Nominated vet	Copies of animal welfare applications are provided and arrangements made for inspections.
Other Local Authorities and public bodies	We may share personal information with other local authorities or public bodies such as the Department for Work and Pensions
Disclosure and Barring Service	Personal details submitted on criminal conviction DBS applications forms-Driver, scrap metal dealer and personal licence holder applicants.
Other persons	Where a public hearing is held in relation to an application or representation you have made, your personal data will be included within the Committee documentation and served on all other parties to any hearing in accordance with the law. The Committee documents will be published on the Council's website. Personal telephone numbers, email addresses and signatures will usually be redacted.

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### **What are our legal grounds for processing your information?**

- With your consent; Where it is in the public interest to do so;
- To comply with a legal requirement - for example processing licence/registration or permit applications;
- Where it is in the legitimate interest of the Vale of Glamorgan Council to do so; for example where there may be a risk to the public;
- With your explicit consent or where there is substantial public interest. For example when dealing with sensitive issues, such as medical or safeguarding issues.

When we rely on your consent or explicit consent and you wish to withdraw this consent, you can do so by contacting us at the address above or on [licensing@valeofglamorgan.gov.uk](mailto:licensing@valeofglamorgan.gov.uk)

### **Your rights and how to contact us**

The Council's Information Rights Policy at [https://www.valeofglamorgan.gov.uk/en/working/adult\\_and\\_community\\_learning/Vale-Courses/Website-privacy-notice.aspx](https://www.valeofglamorgan.gov.uk/en/working/adult_and_community_learning/Vale-Courses/Website-privacy-notice.aspx)

sets out your rights in relation to your personal data, including your rights to see information we hold on you and the other rights you have in respect of how we process your information.

- The right to be informed – Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR
- The right of access – you are entitled to request access to and a copy of, information we hold about you
- The right to rectification – you have the right to ask to have your information corrected
- The right to restrict processing may apply – you may request that we stop processing your personal data however, this may delay or prevent us delivering a service to you. We will seek to comply with your request but may be required to hold or process information to comply with our legal duties

- The right to erasure - this is not an absolute right
- The right to data portability - this is not an absolute right
- The right to not be subject to automated decision-making and profiling - which produces legal effects or similarly significant affects for the data subject

We work hard to ensure that we only gather information that we need to, to deliver the services that you entitled to in the best way possible. However, if you have any concerns you can contact us by email [licensing@valeofglamorgan.gov.uk](mailto:licensing@valeofglamorgan.gov.uk) , or write to Licensing, Civic Offices, Holton Road., Barry. Alternatively, you can contact the [FOIUnit@valeofglamorgan.gov.uk](mailto:FOIUnit@valeofglamorgan.gov.uk) or telephone 01446 700111.

If you are concerned or unhappy with our use of your personal information you have a right to complain to the Information Commissioner's Office (ICO) at [\\*https://ico.org.uk](https://ico.org.uk), email: [casework@ico.org.uk](mailto:casework@ico.org.uk) or by telephone: 0303 123 1113.

This privacy notice does not provide exhaustive detail of all aspects of our collection and use of personal information. However, we will be happy to provide any additional information or explanation needed.

A copy of this notice is available in Welsh