



## **New Forest District Council**

### **National Register of Refusals, Revocations and Suspensions Policy**

#### **1.0 Introduction**

1.1 The Local Government Association has commissioned the development of a national register of hackney carriage and private hire vehicle driver licence refusals and revocations, the 'National Register of Refusals, Revocations and Suspensions' or NR3S. The NR3S contains information relating to any refusal to grant or revocation or suspension of, a taxi or private hire 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. New Forest District Council has signed up to use NR3S. This means that when an application for a taxi driver licence is refused, or when an existing taxi or private hire driver's licence is revoked or suspended that information will be placed upon the register.

#### **2.0 Scope**

2.1 This policy covers how New Forest District Council will use NR3S and how the Council will comply with data protection requirements.

2.2 In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals, Revocations and Suspensions; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

#### **3.0 Overarching Principles**

3.1 When an application for a new driver licence, or renewal of an existing driver licence is received, New Forest District Council will search the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S 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 for further details.

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

Any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

3.3 Where an appeal to the magistrates' court is made the data 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 data will be

retained for a period of no more than 35 days from the date of the decision of the magistrates' court.

3.4 The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible

If an appeal is made to the Crown Court, the data 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.

3.5 Accordingly, the data 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 data 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.

3.6 The data will be held securely in accordance with New Forest District Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with New Forest District Council's Data Protection policy.

#### **4.0 Adding details of a refusal, revocation or suspension**

4.1 NR3S is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – New Forest District Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire vehicle driver licence.

4.2 Where an application for a licence is refused, or an existing licence is revoked or suspended, New Forest District Council will record this decision on NR3S. The information recorded on NR3S will be limited to an individual's:

- name
- date of birth
- address and contact details
- national insurance details
- driving licence number
- decision taken
- date of decision
- date decision effective

4.3 Data is held on the NR3S register for a period of 11 years, in line with the national NR3S guidance.

#### **5.0 Checking the NR3S register as part of the application and renewal process**

5.1 When an application is made to New Forest District Council for the grant of a new, or renewal of, a taxi driver's licence, New Forest District Council will carry out a search on the NR3S register.

5.2 New Forest District Council will then retain a clear written record of every search that is made of the register against the driver or applicant's file. 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

The NR3S database will also record searches, so that authorities can see if another authority has searched for a record with the same details.

5.4 If New Forest District Council discovers any match (i.e. 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 New Forest District Council's Privacy Notice in relation to the use of any data that is obtained as a result of this process.

5.5 This request will be made in writing in accordance with the form at Appendix 1 of this policy. It will be emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

## **6.0 Responding to a request made for further information regarding an entry on NR3S**

6.1 When New Forest District 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 (i.e. combined with a register of licences granted) and will be retained for the agreed retention period.

6.2 New Forest District Council will then determine how to respond to the request which 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 subject's rights and the position and responsibilities of a taxi driver.

6.3 New Forest District Council will disclose information relating to a revocation, refusal to grant or the suspension of a driver's licence in accordance with the timescales contained within New Forest District Council's Data Protection policy. 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.

6.4 Any information about convictions will be shared in accordance with this policy under schedule 1, part 2, paragraphs 11 and 12 of the Data Protection Act (DPA) 2018; that is:

### **Protecting the public against dishonesty etc.**

1. This condition is met if the processing—

- is necessary for the exercise of a protective function,
- must be carried out without the consent of the data subject so as not to prejudice the exercise of that function, and
- is necessary for reasons of substantial public interest.

2. In this paragraph, "protective function" means a function which is intended to protect members of the public against—

- dishonesty, malpractice or other seriously improper conduct,
- unfitness or incompetence,

- mismanagement in the administration of a body or association, or
- failures in services provided by a body or association.

### **Regulatory requirements relating to unlawful acts and dishonesty etc.**

1. This condition is met if—

- the processing is necessary for the purposes of complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has—
- committed an unlawful act, or
- been involved in dishonesty, malpractice or other seriously improper conduct,
- in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing, and
- the processing is necessary for reasons of substantial public interest.

2. In this paragraph “act” includes a failure to act; “regulatory requirement” means—

- a requirement imposed by legislation or by a person in exercise of a function conferred by legislation, or
- a requirement forming part of generally accepted principles of good practice relating to a type of body or an activity.

6.5 The NFDC officer will record the action taken and reasons for the decision and 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
- 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)
- 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 in accordance with the agreed retention period.

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

7.1 When New Forest District 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 taxi drivers’ licence. This will be in accordance with the usual process for determining applications.

7.2 New Forest District 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 New Forest District Council will make in relation to the application.

## Appendix 1



### Information disclosure form (NR3S database)

This form is submitted following a search of the National Register of Refusals and Revocations (NR3S).

***(For completion by the requesting authority)***

Name of licensing authority requesting information	<b>New Forest District Council</b>
Requestor authority reference number	

**Details requested**

1	Name of licensing authority from which information is sought	
2	Name of individual in respect of whom the request is made	
3	Decision in respect of which the request is made: Refusal/revocation/suspension	
4	Other details for this record	
5	Address	
6	Driving licence	
7	NI number	
8	Reference number	

**Declaration completed by requesting authority:**

The authority hereby confirms that it has conducted a data protection impact assessment.

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi/ private hire driver licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV driver licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / private hire driver licence, the above-named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed		Name	
Position		Date	

**(For completion by the providing authority)**

Further information to support the decision recorded on NR3S in respect of the above-named individual

--

**Declaration completed by providing authority**

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals, Revocations and Suspensions was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above-named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / private hire driver licence, the above-named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed			
Name			
Position		Date	