Data retention and sharing policy

Overview

The Licensing Authority of East Cambridgeshire District Council is under a legal obligation to administer and enforce numerous pieces of legislation issued by Central Government. In fulfilling this obligation, it is necessary to request and process an applicant's personal, and in certain cases sensitive personal data when they apply for a licence permission. Due to this the Licensing Authority is considered to be a data controller and processor, and is therefore governed by the General Data Protection Regulation (GDPR), which in turn is overseen by the Information Commissioner's Office (ICO).

The GPDR requires a data controller and/or processor to publish a privacy policy. The following is the Licensing Authority's privacy policy, and will apply to all interactions where personal and sensitive personal data is requested and held by the Licensing Authority.

Data handling

The table below lists all of the legislation we uphold, and the various permissions we issue in accordance with this legislation. It also shows the period of time that your data will be held on a secure facility, and who your information may be shared with. It is important to stress that the Licensing Authority will not share your information with any bodies, commercial or otherwise unless required to do so in order to comply with a legal duty placed upon it. To this end, only information necessary to fulfil this objective will ever be requested from you. All data held by the Licensing Authority will be held in a secure electronic format, and it will never be sold under any circumstances. Providing applicants are not acting unlawfully, there are no risks associated with providing any information to us due to the secure nature of how the data is processed and stored.

Consent

In order for us to determine applications and grant the various permissions listed in the table below, consent of the data subject is not required, as the processing of your data is necessary in order for the Licensing Authority to comply with a legal obligation that it is placed under, and it is also necessary for the performance of a task carried out in the public interest.

Certain types of permissions require the Licensing Authority to request and process an applicant's personal sensitive data, such as medical data and/or criminal history data. The Licensing Authority is not prohibited from requesting this information under Article 9, as the processing of this data is necessary for reasons of substantial public interest, and is proportionate to the aim being pursued.

Essentially, by applying for a licensing permission, you agree to allow the Licensing Authority to process and store your data according to this principles set out in this document.

Further information on how your information may be used

Your personal and sensitive personal data will be used by the Licensing Authority for the purposes of determining whether you can be considered eligible, suitable and/or fit and proper to hold a permission, and for the purposes of contacting you and enforcing the legislation we uphold. It will also be used to ensure that public funds are not being exploited, and public safety is promoted. Outside of these uses your data will only be released where there is a legal requirement to do so. In all such cases the Licensing Authority will observe the GDPR rules.

Access to your data

As a data subject, you may request information regarding the data that we hold on you. In order to submit a subject access request, you must provide evidence of your identity. Applications must be submitted in accordance with the information set out at: Data subject requests.

A working example…

You choose to apply for a taxi driver licence, in doing so you provide access to your medical record, criminal record, and previous licences held, refused or revoked by any authority. You also provide your photo, name, address history, date of birth, National Insurance number, and your place of birth, email and phone number(s). This information is then used to determine whether you are "fit and proper" to hold a licence. In order to determine this, your information may be shared with neighbouring authorities to see if they have undertook any enforcement against you, DH driver checks to ensure that you hold a valid DVLA licence, the Home Office to ensure that you have a right to work in the UK, your doctor in order to clarify a medical query, the NAFN revocation and refusal register to make sure you've not been refused or revoked by another licensing authority in the UK, and potentially Members of the Licensing Committee if they are asked to determine the application.

Whilst licensed your information will be stored in an electronic format, and will be used by the Licensing Authority to maintain your licence, and contact you about licensing issues when required. It may also be shared with Cambridgeshire County Council who may check with us that you are licensed in order for you to be able to fulfil their school contracts, the Police if you are suspected of committing an offence, revenue & benefits if they believe you are illegally claiming benefits, neighbouring local authorities if they believe you have been acting unlawfully in their district, and Members of the Licensing Committee if they are asked to determine your fitness to continue driving.

After your licence has expired, or has been revoked, your details will be retained to ensure that rehabilitation periods can be observed, and to speed up the process of re-applying should you choose to do so.

The example above is not an exhaustive list of how your data may be used before, during and after the issue of a permission, but it does provide a very good indication of why your information is required, and how it could be used.

Legislation	Activities covered	Permission type	Retention period	Information may be shared with:
Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847	Private hire and hackney carriage licensing	Driver licence	3 years beyond the expiry or surrender of a licence. 7 years beyond the revocation or refusal of a permission, or a case involving legal action.	1 = The Police 2 = ECDC departments 3 = Statutory consultees 4 = Revenue & Benefits 5 = Her Majesty's Revenue and Customs (HMRC) 6 = The Home Office 7 = Neighbouring local government authorities 8 = Cambridgeshire County Council 9 = County School Transport 10 = Those requesting information in accordance with a legislative power 11 = Disclosure and Barring Service 12 = DH dashboard DVLA licence
		Vehicle licence		
		Operator licence		
Local Government (Miscellaneous Provisions) Act 1982	Street trading and sex establishment licensing	Street trading consent	3 years beyond the expiry or surrender of a licence. 7 years beyond the revocation, refusal or withdrawal of a permission, or a case involving legal action.	
		Sexual Entertainment Venue		
		Sex Cinema		
		Sex Shop		
Licensing Act 2003	Alcohol, entertainment, and late night refreshment licensing	Premises licence	In perpetuity (without limit) due to public register rules contained in the legislation.	
		Club premises certificate		
		Personal licence		
		Temporary Event Notice		
Gambling Act 2005	Gambling, betting and lotteries	Premise licence	In perpetuity (without limit) due to public register rules contained in the legislation.	
		Lotteries		
		Betting, gaming and machine permits		

Animal Boarding Establishments Act 1963	Cat and dog boarding including home boarding and doggy day care	Animal boarding licence	3 years beyond the expiry or surrender of a licence. 7 years beyond the revocation or refusal of a licence, or a case involving legal action	checks 13 = Environment Agency 14 = Safety Advisory Group (SAG) 15 = Gambling Commission 16 = Public, via a public register where the authority is legally required to maintain one. 17 = National Anti-Fraud Network (NAFN) 18 = Enquiries via the national register of taxi licence refusals and revocations hosted by (NAFN) 19 = Any future authorised company/body replacing any of the above service providers 20 = Licensing Committee Members 21 = Any other agency, body, person where it is considered necessary in order to uphold the legal duty the Licensing Authority is placed under.
Breeding of Dogs Act 1973	Breeding and sale of dogs	Dog breeding licence		
Riding Establishments Act 1964	Letting of horses for riding, or instruction in riding	Riding establishment licence		
Dangerous Wild Animals Act 1976	Keeping of dangerous wild animals	Dangerous wild animal licence		
Pet Animals Act 1951	Selling animals as pets	Pet shop licence		
Zoo Licensing Act 1981	Keeping of wild animals for exhibition to the public	Zoo licence		
Police, Factories, & c. (Misc. Prov.) Act 1916	Charity street collections	Street collection permit		
House to House Collections Act 1939,	Charity house to house collections	House to house collection licence		
Hypnotism Act 1952	Stage hypnotism, inducing a trance, increasing susceptibility of controlling a mind	Hypnotism authorisation		
Scrap Metal Dealers Act 2003	Dealing in scrap metal and motor salvage	Collector licence	In perpetuity (without limit) due to public register rules contained in the legislation.	
		Site licence		