



# STOCKPORT

METROPOLITAN BOROUGH COUNCIL

## Hackney Carriage and Private Hire Driver Licensing

### Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3 database)

## **1. Introduction and scope**

This policy details how Stockport Council will utilise the “National register of Taxi Revocations and Refusals” in respect of applications for, and existing holders of Hackney Carriage and Private Hire drivers licences. Any use of the term “taxi” is a generic term used to describe both types of licences.

In terms of public safety, it is important that Licensing Authorities have a mechanism for identifying whether an applicant has had a licence refused or revoked in another local authority area. Similarly for the same public safety reasons it is important that Stockport Council provides preliminary information on the register of those applicants or licensed drivers who have had applications refused or existing licences revoked.

This policy only applies to hackney carriage and private hire drivers and applicants. It does not apply to vehicle licence holders or private hire operators. The NR3 database has been created to facilitate and control the legitimate sharing of refusal/revocation information between licensing authorities with a view to strengthening checks in respect of public safety.

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

## **2. Overarching principles**

This policy covers the use that Stockport Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers’ licence. This information is important in the context of a subsequent application to another authority for a driver licence by a person who has had their licence refused or revoked in the past.

Stockport Council has signed up to the NR3. This means that when an application for a taxi driver licence is refused, or when an existing taxi driver licence is revoked, an authorised officer will provide the relevant information to be placed upon the register.

When an application for a new driver licence, or renewal of an existing driver licence is received, an authorised officer of Stockport Council will conduct a search of the NR3 database. The search will only be made by an officer who has been trained in the use of NR3 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.

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 processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

The decision will be held securely in accordance with Stockport 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 this authority's general policy on the erasure and destruction of personal data which is 7 years following the cessation of the licence.

### **3. Adding details of a driver application refusal or a revocation of a driver licence**

Where an application for a taxi driver licence is refused or an existing taxi driver licence is revoked, Stockport Council will record the decision on the NR3 database. The information recorded on NR3 will be limited to the following:

- Name
- Date of birth
- Address and contact details
- National insurance number
- Driver licence number
- Decision taken ( i.e. revocation or refusal)
- Date of decision, and
- Date decision became effective ( in the case of a standard revocation)

The data will be held on the NR3 register for a period of 25 years in line with national NR3 guidance

### **4. Making a request for further information regarding an entry on NR3**

When an application is made to Stockport Council for the grant of a new, or renewal of, a taxi driver licence, Stockport Council will check the NR3 register for any relevant entries.

Stockport Council will make and then retain a clear written record of every search that is made of the register. This will detail:

- Date of the search
- Name(s) searched
- Reason for the search
- Results of the search
- Use made of the results of the search (this information will be entered to the register at a later date).

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 retention period of 25 years.

If following a search Stockport 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 Stockport Council's data protection policy in relation to the use of any data that is obtained as a result of this process. This request will be made in writing in accordance with the form at Appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

#### **5. Responding to a request made for further information regarding an entry on NR3**

When Stockport 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 retention period of 25 years.

Stockport Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request. Stockport Council will consider each request on a case-by-case basis. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If Stockport Council is satisfied that the other authority's (the 2<sup>nd</sup> authority) data protection procedures are satisfactory, consideration will then be given as to

what information will be disclosed. This 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 subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Stockport Council (the 1<sup>st</sup> authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Stockport Council will disclose information relating to a revocation or refusal to grant a taxi driver licence in accordance with the timescales contained within the Convictions Policy and current statutory DfT statutory guidance. Where the reason for the refusal to grant or revocation relates to a conviction (or similar as defined in the Convictions Policy) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the convictions guidelines) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, 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.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing 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.

The officer will record what action was taken and the reasons for it. Stockport Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- Date request was received
- The lawful basis for the request
- How the lawful basis was assessed
- Name(s) of data subject
- 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), 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 (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

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

When Stockport 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. Stockport 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 this authority Stockport Council will make in relation to the application.

#### **7. Requests outside the scope of this policy**

The licensing service will seek advice from the Information Governance team on a case-by-case basis before processing any request for NR3 data outside the scope of the initiative. A record of these requests and reasons for refusal will be held separately.

# Appendix 1

## Information Disclosure Form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

### For completion by requesting authority

Name of licensing authority requesting information	
Requestor authority reference number	
Name of licensing authority from which information is sought	
Name of individual in respect of whom the information is sought	
Decision in respect of which the request is made (Refusal or revocation)	
Other details for this record  Address  Driving licence number  National Insurance Number (NI)  Reference number	

### Declaration by requesting authority:

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 / PHV 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 licences, and will be retained in accordance with the Authority's retention policy relating to

the provision of such information.

Details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed [link to privacy notice, not included in sample]

Signed	
Name	
Position	
Date	

**For completion by the providing authority**

Further information to support the decision recorded on NR3 in respect of the above named individual:

Declaration by providing authority:

The authority hereby 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 and Revocations 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 drivers' licence the above named individual has been made aware to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.