

Data Protection Impact Assessment (DPIA)



TRAFFORD
COUNCIL

This assessment should be completed as part of the business case for all new information systems and processes which involve the use of personal and sensitive data, or which will significantly change the way in which personal data is handled.

Once the assessment has been completed, please forward to the Information Governance Team for review – data.protection@trafford.gov.uk

GENERAL OVERVIEW

1.	Name of the new system or process	National Register of Taxi Licence Revocations and Refusals (NR3)
2.	Responsible Lead name and Service	Joanne Boyle – Licensing Team Leader Regulatory Services
3.	What are the main aims?	<p>In a letter from the Government in January 2021 Local Authorities were encouraged to become members of NAFN (National Anti- Fraud Network) in order to use NR3 the Register of Taxi Driver Revocations and Refusals. By becoming a member of NAFN individual local authorities can utilise the register to:</p> <ol style="list-style-type: none"> 1. record details of persons whose taxi licence applications have been refused or whose taxi driver licences have been revoked. 2. Access the register to determine whether applicants for taxi drivers' licences have previously been refused a licence in another local authority area, or have had a taxi drivers licence revoked. <p>Where licences have been revoked or refused the enquiring authority can contact the relevant local authority to ascertain the reasons for the refusals/ revocation. Such requests will be undertaken in accordance with DP requirements.</p> <p>A DPIA is required because the data recorded on the register is personal data and will be accessible to all member authorities.</p> <p>The aim of the register is to enhance decision making within taxi licensing. Local authorities are required to only licence persons who are “fit and proper” to hold a licence. Where a licence has been revoked due to conduct issues (as opposed to criminal convictions) it is not recorded on DBS criminality checks and therefore without a national database of licensing revocations information in relation to</p>
4.	List the main activities of the project	
5.	What are the intended outcomes/benefits?	

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general conduct, such as overcharging customers, inappropriate comments to customers, prolonging journeys, and other matters would not be ascertainable. Examples such as these are relevant when determining the “fit and proper” status of an individual. The register identifies individuals subject to refusal/ revocation and then allows enquiring authorities to contact the relevant authority for reasons for the refusal/ revocation. The release of such information would be subject to DP requirements

The relationship between Trafford Council and the individual is one of licence applicant/ holder and the licensing authority. Trafford Council would be the data controller and NAFN would be the data processor.

Information would not be held in respect of children, it is possible that personal data may be held on vulnerable people, if it subsequently transpired that the licence revocation was as a result of a medical issue such as alcohol / drug addiction or mental health issues which impaired the licence holder’s decision making/ communication with customers etc.

The individuals would be advised via the application process that any decision to refuse to grant or revoke an existing licence would be recorded on the register. They would also be advised of their right to complain to the ICO. Existing licensees would be notified of the register in accordance with the LGA/NAFN guidance.

The use of the register will commence following approval by the relevant sub-committee in accordance with the Councils constitution.

The benefits to the Council/ Community are the potential for more improved/ informed decision making across the country in respect of applications for taxi drivers’ licences. Local authorities would have access to additional information regarding a person’s history. This information may not be available from any other source (criminal convictions are recorded on an enhanced DBS but general conduct of a taxi driver may not be, unless such conduct has resulted in a criminal conviction).

INFORMATION ASSET REGISTER – Trafford Council staff only

6.	Who is the Information Asset Owner – IAO (Name and Title)	Adrian Fisher – Director of Growth & Regulatory Services
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7.	Who is the Information Asset Administrator - IAA (Name and Title)	Joanne Boyle – Licensing Team Leader (SPoC)
DATA		
8.	Who are the Data Subjects? (the people whose data will be held in this new system or process)	Persons whose taxi licence applications have been refused or whose taxi driver licences have been revoked.
9.	List the data fields that will be held on this system	<ul style="list-style-type: none"> • Licensing authority identifier • Telephone number • Name • Email address • Date of birth • Licence type • National insurance number • Action (Revocation or Refusal ONLY) • Address • Date of decision • Driving licence number
10.	Will this system/process include data which was not previously collected?	No
11.	Have you assessed the likelihood of data causing any unwarranted distress or damage to the individuals concerned?	No high risk has been identified in the sharing of this personal data. The reasons for refusal/ revocation will not be detailed on the register. It will be for the enquiring authority to contact the local authority that provided the information to request the reasons for the refusal/ revocation in accordance with DP requirements. The individual has a right of appeal to the Magistrates' Court who would decide if the decision of the LA was wrong or flawed. An individual would not be entered on to the register until after the end of the appeal period.
12.	Are you relying on individuals to provide consent for the processing of this data? If yes, how are you obtaining consent	No
13.	Do you have a privacy notice? if so please attach or provide a web link	Yes http://www.trafford.gov.uk/about-your-council/data-protection/privacy-notices/Service-Level-Privacy-Notices/Licensing-Service-Privacy-Notice.aspx
14.	Is there a legal basis for holding and processing this data? (if under an enactment, please name)	Processing is necessary for the performance of tasks carried out by a public authority acting in the public interest - The Council has a legal responsibility to ensure only persons who are fit and proper are licensed / remain licensed as taxi drivers Town Police Clauses Act 1847 (section 46 – applies to hackney carriage drivers

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		Local Government (Miscellaneous Provisions) Act 1976 S51 applies to Private Hire Drivers
15.	Are any decisions made by automated decision making processes with this system/project? If yes, how do you notify individual?	No
16.	Does the system/process include new or amended identity authentication requirements that may be intrusive?	No
17.	What checks have been made regarding the adequacy, relevance and necessity of data used?	The data is limited but should be sufficient to identify a specific person. It will always be relevant for an authority to consider a previous refusal or revocation and the reasons for that decision, as in many cases it may warrant significant weight. We will give proper respect for the decision of a previous authority having regard to the fact that a driver had a right of appeal to the Magistrates' Court against a decision which was wrong or flawed. Without this approach the objectives of safeguarding and consistency could be undermined.
18.	Can the data subjects opt-out of their data being added to the system or used by the process, and if so is this publicised?	No
DATA SECURITY		
19.	Who will access/use the system/process?	The personal data would be disclosed to Licensing Authorities who are members of NAFN and are seeking to establish whether an applicant for a taxi drivers' licence has ever been refused a licence in another authority or had a licence revoked.
20.	Have the users of the new system completed all the Council data protection e-learning modules?	Yes
21.	Will the data be shared with any other partners (internal or external)? If yes, list partners.	Police, other Local Authorities, Central government bodies such as Her Majesty's Revenue and Custom (HMRC) and DEFRA, Solicitors, Court, other departments within the council, National Anti-Fraud Network (NAFN), Gambling Commission; Disclosure & Barring Service (DBS)
22.	Where will data be held?	TAMESIDE METROPOLITAN BOROUGH COUNCIL, Host Authority for NAFN Data and Intelligence Services whose

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		principal office is at Council Offices, Dukinfield Town Hall, King Street, Dukinfield, Tameside SK16 4LA (NAFN).
23.	What format will data be stored in?	Sequel Server Databases
24.	How will staff access and amend data?	<p>Access to the register is restricted to a Single Point of Contact (SPOC) within the member authority and selected officers who need to search the register when considering a licence application. Only NAFN administrators can amend/delete incorrect records.</p> <p>The Data Processing Agreement with NAFN members will regulate the processing of information that is held on the register. Additionally, a Data Sharing Agreement is in place to govern the exchange of data between NAFN members accessing the register.</p> <p>Both the data processing and data sharing agreements will incorporate instruction and guidance on the business process that must be followed to ensure full legal compliance reflecting both Counsel Opinion and comments received from the Information Commissioner's Office.</p> <p>The SPOC officer is required to accept the data processing and sharing agreements electronically. Once the agreements have been accepted, access to the Register will be granted.</p> <p>Before a record can be added to the Register the member licensing authority must confirm that they have notified the applicant of the existence of the NR3 Register and that it will be consulted in connection with all applications (including subsequent applications to renew licences) as per the national guidance for adopting NR3.</p> <p>The following information will be entered by the officer:</p> <ul style="list-style-type: none"> • Licensing authority identifier • Telephone number • Name • Email address • Date of birth • Licence type • National insurance number • Action (Revocation or Refusal ONLY) • Address • Date of decision • Driving licence number <p>The licensing authority officer is required to accept the following declaration before the record is added to the Register :</p> <p><i>I can confirm that details entered are correct to the best of my knowledge, that the subject has been notified of the</i></p>

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		<p><i>decision and that their details will be entered onto the National Register of Taxi Licence Refusals and Revocations (NR3).</i></p> <p>This information is stored electronically in the register. Officers can list and view records for their own organisation only.</p> <p>Officers have the ability to search the register. In order to perform a search, they must select a declaration confirming the reason for the search:</p> <p>Matching records are displayed. When selecting the relevant record, the officer is provided with details from the matching record including:</p> <ul style="list-style-type: none"> • Local authority name • Officer name, contact details that entered the matched record • Name, date of birth and national insurance number of the matched record <p>This permits the officer to make enquiries with the relevant person at the matching authority thus facilitating data sharing between the members in respect of revocations and refusals.</p> <p>A full audit trail on all searches will be maintained.</p>	
25.	How will data be shared?	<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Via Secure Mail (Egress) <input checked="" type="checkbox"/> Website <input type="checkbox"/> Via Courier	<input type="checkbox"/> By Hand <input type="checkbox"/> Via post <input type="checkbox"/> Via telephone <input type="checkbox"/> Other – please state
26.	Are you transferring any personal and / or sensitive data to a country outside the European Economic Area (EEA)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p><i>If yes, please outline the data types, country, transfer methods and any measures in place to ensure adequate levels of security when transferred to this country.</i></p>	
27.	What security measures have been taken to protect the data?	<p>Safeguards are in place restricting Licensing Authorities to inputting onto the Register data relevant to the Agreed Purpose. Searches of the register are restricted to Licensing Authority users for the Agreed Purpose.</p> <p>All users are verified and provided with access to the secure NAFN website. Each user must have the four elements in order to access the system:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unique User Name (provided by User) <input type="checkbox"/> Unique password minimum combination of upper, lower case and numerical characters (provided by User) <input type="checkbox"/> Unique Pin Code (automatic, randomly generated by the system) <input type="checkbox"/> 	

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		<p>Unique Grid Card (automatic, randomly generated by the system)</p> <p>All records submitted via the Register are stored on an internal case management system. Access is restricted to NAFN staff.</p>
<p>28.</p>	<p>Is there a useable audit trail in place for the data asset to identify who has accessed a record? (electronic or hard copy)</p>	<p>To access NR3 users must be working for or on behalf of a Licensing Authority</p> <p>Access to NR3 is strictly controlled by NAFN Personnel and the Managers and/or nominated Single Point of Contact (SPOC) of individual user's. In order for access to be authorised for an individual user, the Licensing Authority's Designated Person user must confirm that:</p> <p>I authorise this user to access The Register in order to facilitate the exercise of any function my Authority has under or by virtue of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Sections 51, 59 and 61 Local Government (Miscellaneous Provisions) Act 1976 <input type="checkbox"/> Sections 13, 16 and 17 Private Hire Vehicles (London) Act 1998 <input type="checkbox"/> Section 3 Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003 <input type="checkbox"/> Sections 25 and 30 London Cab Order 1934 <input type="checkbox"/> Sections 9 and 19 of the Plymouth City Council Act 1975 <input type="checkbox"/> Section 46 of the Town Police Clauses Act 1847 <p>The system maintains a full audit trail of all creation(s) and amendment(s) conducted by users. All searches must be conducted for a permitted purpose: <input type="checkbox"/> Pre-Licensing enquiry <input type="checkbox"/> Post-Licensing enquiry</p> <p>Users are required to confirm : Data Protection Act 2018 - Schedule 1, Part 2 (11)</p> <p>I am making enquiries that are concerned with the exercise of a protective function intended to protect members of the public against:</p> <p>(a) dishonesty, malpractice or other serious improper conduct (b) unfitness or incompetence</p>

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		<p>I confirm that information in respect of the above personal data is required for that/these purposes.</p> <p>I understand that enquiries will be monitored. Inappropriate use will be reported for misuse and may result in my account being suspended and/or access removed.</p>
<p>29.</p>	<p>How often will the system or process be audited?</p>	<p>NAFN will keep at its normal place of business detailed, accurate and up-to-date records relating to the processing of the Relevant Data by NAFN including the permissioning and control of the Relevant Data, and books of account (Records).</p> <p>NAFN will permit the Licensing Authority and its third-party representatives, on reasonable notice during Normal Business Hours to:</p> <p>(a) gain access to, and take copies of, the Licensing Authority Data and the Processed Data held at NAFN's premises; and</p> <p>(b) inspect The Register and facilities and equipment, for the purpose of auditing NAFN's compliance with its obligations under this Agreement. Such audit rights may be exercised only once in any calendar year during the Term of the agreement between the Authority and NAFN.</p>
<p>30.</p>	<p>Who supplies the system or process?</p>	<p>TAMESIDE METROPOLITAN BOROUGH COUNCIL, Host Authority for NAFN Data and Intelligence Services whose principal office is at Council Offices, Dukinfield Town Hall, King Street, Dukinfield, Tameside SK16 4LA (NAFN).</p>
<p>31.</p>	<p>Is the supplier of the system or recipient of the data compliant with GDPR and UK Data Protection Legislation?</p>	<p>Yes</p>
<p>32.</p>	<p>Does the supplier have a named DPO? If so, please state name and email address</p>	<p>For the purposes of the Privacy and Data Protection Requirements NAFN's Data Protection Officer is Sandra Stewart (Borough Solicitor)</p>
<p>33.</p>	<p>Does the supplier contract include necessary IG clauses? (Name the clause number in the contract)</p>	<p>See section 5 of the attached NR3 Data Sharing Agreement. Also attached NR3 Data Processing Agreement.</p>
<p>34.</p>	<p>What business continuity plans are in place in the case of data loss/damage as a result of human error/computer virus/network failure/theft/fire/flood/other disaster?</p>	<p>Having considered the Privacy and Data Protection Requirements, the parties have in place their own guidance that must be followed in the event of a Data Security Breach.</p> <p>The parties will notify the ICO within 72 hours of any notifiable breach and will notify any potential or actual</p>

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		<p>losses of the Shared Personal Data to each and every SPoC as soon as possible and, in any event, within 24 hours of identification of any potential or actual loss to enable the Parties to consider what action is required in order to resolve the issue in accordance with the applicable national data protection laws and guidance.</p> <p>The parties agree to provide reasonable assistance as is necessary to each other to facilitate the handling of any Data Security Breach in an expeditious and compliant manner.</p> <p>In terms of business continuity, the Authority will still be able to process driver applications without reference to the Register but may not grant a licence without this additional check. If the Register were not to be available for some time a policy decision would have to be made to consider granting licences, as we do now, without this additional check. Any application decisions made could be reviewed once the Register was once more available.</p> <p>The System is backed up daily off premise (Cloud base).</p>
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DATA QUALITY

35.	Who provides the information for the data asset?	Licensing Officers of the Local Authority verified by the Authorities SPoC
36.	Who inputs the data into the system?	Officers approved by the SPoC in each Licensing Authority.
37.	How will the information be kept up to date and checked for accuracy and completeness?	All information to be entered on to the Register will be checked and verified by the SPoC.
38.	Can a request for amendments or deletion of data from the system from a data subject (or a court) be complied with?	<p>Data Subjects have the right to obtain certain information about the processing of their Personal Data through a Subject Access Request. In circumstances where the processing of a Data Subject's personal data is not in compliance with applicable national data protection laws, Data Subjects may also request rectification, erasure or restriction of processing of their personal data.</p> <p>Officers approved by the SPoC in each Licensing Authority shall be responsible for creating an individual case. NAFN is responsible for the processing of the individual case in The Register and maintaining a record of all amendments and/or searches undertaken against each case.</p> <p>Should a Data Subject seek to enforce any right contained in Privacy and Data Protection Requirements or a Subject Access Request be received by NAFN it will be dealt with as per the Host Authority process.</p>

ONGOING USE OF DATA

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39.	Will the data be used to send direct marketing messages?	No
40.	If yes, are consent and opt-in procedures in place?	
41.	What is the data retention period for this data? <i>(please refer to the Council's retention schedule)</i>	<p>Details will be kept on the register for 25 years - The register has been developed to support public safety through the potential sharing of information that is relevant to consideration of whether an individual is a fit and proper person to hold a taxi licence. There will be instances where the basis for an individual's licence being revoked or refused is sufficiently serious as to remain relevant to a future taxi licence application however far in advance it is submitted; for example, where it concerns an issue of sexual misconduct in relation to a passenger. The data retention period for the register has therefore been set to reflect the potential gravity of some revocations and refusals, and the need for this information to be shared. However, any information to be shared between authorities outside of the register will be shared on a proportionate and time limited basis, in accordance with the authority's policy for doing so. If the authority did not take a case specific approach but chose to share all data over the full retention period, this would be likely to be disproportionate and therefore unlawful.</p> <p>We will need to ensure that our information governance policies are updated to make reference to the NR3 retention period, the associated retention period for supporting taxi licence data, and the rationale for it.</p>
42.	How will the data be destroyed when it is no longer required?	<p>All records are removed from the system once it is no longer necessary to hold them for the purpose, as agreed with licensing authorities.</p> <p>The data retention period for the register is 25 years and will begin at the point at which a licence was refused or revoked. NAFN will remove records from the system once the agreed data retention period has elapsed.</p> <p>The personal details of licensing authority officers will also be removed where necessary to ensure that data in the Register is accurate, relevant and up to date.</p> <p>Individual records can only be removed via the NAFN case management system and can only be conducted by the NAFN system administrator. All applications must be made in writing to general@nafn.gov.uk.</p>

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PIA SIGN OFF

43.	<i>Your PIA should be approved by your Information Asset Owner and sent to the Information Governance Team for review at: data.protection@trafford.gov.uk</i>		
Submitted by:	Joanne Boyle	Date:	20/04/21
Information Asset Owner:	Adrian Fisher	Approved date:	04/06/21
IG reviewed:	Andrew Roberts	Review date:	20/04/21
DPO approved:	Andrew Van Damms I am satisfied that privacy/Data Protection considerations have been given appropriate attention ahead of accessing and sharing personal data into NR3, the Register of Taxi Driver Revocations and Refusals. The lawful basis is clearly established, appropriate privacy information is on place i.e. privacy notice, data minimisation has been incorporated, individual rights can be facilitated, and there is a clearly defined retention period. In addition, there are robust measures and controls to ensure both personal data can be shared securely and the security and integrity of data stored within the system.	Review date:	21/05/21
SIRO approved:	Jane Le Fevre	Approved date:	04/06/21

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Referral made to ICO - High Residual Risk DPIA Process	<input type="checkbox"/> Yes <input type="checkbox"/> No	Outcome	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected <input type="checkbox"/> N/A	Date	
Date uploaded to Asset Register/ ROPA					