

Policy on the use of the National Register of Taxi Licence Revocation & Refusals (NR3)

Blackpool Council



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1. Introduction

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 and Revocations' or NR3. The NR3 contains information relating to any refusal to grant, or revocation 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. Blackpool Council has signed up to use NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi or private hire driver's licence is revoked, that information will be placed upon the register.

2. Scope

2.1 This policy covers how Blackpool Council will use NR3 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 and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

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3. Overarching Principles

3.1 When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Blackpool Council will search the NR3. The search will only be made by an officer who has been trained in the use of the 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.

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 such data that is received (referred to below as "relevant data") will only be kept for as long as is necessary in relation to the final 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 any appeal processes. Subject to paragraph 3.3 below, relevant 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 In the event of an appeal in respect of the determination of an application being made to the Courts within the requisite period, the relevant data will be retained for 35 days following the final disposal of all appeal proceedings

3.4 The data will be held securely in accordance with Blackpool 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 Blackpool Council's Data Protection policy at: [https://](https://www.blackpool.gov.uk/Your-Council/Transparency-and-open-data/Documents/Blackpool-Council-Data-Protection-Act-Policy.pdf)

4 www.blackpool.gov.uk/Your-Council/Transparency-and-open-data/Documents/Blackpool-Council-Data-Protection-Act-Policy.pdf

Adding Details of a refusal or revocation

4.1 NR3 is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle driver's 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 – Blackpool Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire vehicle driver's licence.

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4.2 Where an application for a licence is refused, or an existing licence is revoked, Blackpool Council will record this decision on NR3. The information recorded on NR3 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; and
- date decision effective.

4.3 Data is held on the NR3 register for a period of 25 years, in line with the national NR3 guidance.

5.0 Checking the NR3 register as part of the application and renewal process

5.1 When an application is made to Blackpool Council for the grant of a new, or renewal of, a taxi driver's licence, Blackpool Council will carry out a search on the NR3 register.

5.2 Blackpool Council will then retain a clear written record of every search that is made of the register. 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; and
- the use made of the results of the search (this information will be entered to the register at a later date).

5.3 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.

5.4 If Blackpool 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 Blackpool Council's data protection policy 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 posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

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6.0 Responding to a request made for further information regarding an entry on NR3

6.1 When Blackpool 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.

6.2 Blackpool Council will then determine how to respond to the request. The Council will not simply provide information as an automatic response to every request.

6.3 Blackpool Council will conduct a Data Protection Impact Assessment. 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.

6.4 If Blackpool Council is satisfied that the other authority's (the 2nd 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 subject's rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Blackpool Council will not disclose information relating to every entry. Each application will be considered on its own merits.

6.5 Blackpool Council will disclose information relating to a revocation or refusal to grant a driver's licence in accordance with the timescales contained within Blackpool Council's Data Protection policy. Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in the council's Suitability and Convictions Policy, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in the Suitability and Convictions Policy, the information will not usually 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.

6.6 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:

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“Protecting the public against dishonesty etc.

11 (1) This condition is met if the processing—

- (a) is necessary for the exercise of a protective function,**
- (b) must be carried out without the consent of the data subject so as not to prejudice the exercise of that function, and**
- (c) 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—

- (a) dishonesty, malpractice or other seriously improper conduct,**
- (b) unfitness or incompetence,**
- (c) mismanagement in the administration of a body or association, or**
- (d) failures in services provided by a body or association.**

Regulatory requirements relating to unlawful acts and dishonesty etc.

12 (1) This condition is met if—

- (a) 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—**
 - (i) committed an unlawful act, or**
 - (ii) been involved in dishonesty, malpractice or other seriously improper conduct,**
- (b) in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing, and**
- (c) the processing is necessary for reasons of substantial public interest.**

(2) In this paragraph—

“act” includes a failure to act;

“regulatory requirement” means—

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

6.7 The officer will record what action was taken and why Blackpool 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:

- the date the request was received;**
- how the data protection impact assessment was conducted and its conclusions;**
- 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);**

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- 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 and will be retained for the retention period of 25 years

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

7.1 When Blackpool 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 Blackpool 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 Blackpool Council will make in relation to the application

Appendix 1 - Information Disclosure Form

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

This information is requested under schedule 1, part 2, paragraphs 11&12 of the Data Protection Act (DPA) 2018.

(For completion by requestor 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 request is made	
Decision in respect of which the request is made	

Other Details for this record	
Address	
Driving licence number	
NI Number	
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.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document.

Signed	
Print Name	
Position	
Date	

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 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 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 / PHV 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

Name	
Print Name	
Position	
Date	