

Licensing Authority Data Privacy Notice

Who are we and what do we do?

The Licensing Authority for the purposes of the Borough of Reading is Reading Borough Council. The Licensing team of Reading Borough Council has a wide range of functions and statutory duties which include the administration and enforcement of statutory licensing legislation and wider obligation to safeguard the public as a whole. As part of the Licensing administration we collect financial information relating to the payment of the licence.

What else do we do?

The Licensing Authority undertakes inspections of licensed premises. These can include premises that are licensed to sell alcohol, provide entertainment, and provide facilities for gambling or even licensed private hire operator bases within Reading. We also carry out safety checks on licensed vehicles as well as ensuring that any licensed private hire or hackney carriage driver is adhering to their obligations under the law whilst holding a licence.

We also investigate complaints from members of the public in relation to any of the licensing legislation we enforce - for example, complaints that may arise about a licensed private hire driver or a licensed premise. We also investigate complaints that may relate to unlicensed activity and which may undermine the Council's wider public protection remit.

Your rights under the new GDPR legislation

As was the case under the Data Protection Act 1998, you as someone who gives us personal data, have certain rights. They are as follows:

- You have the right to access the personal data that we hold about you. This can be done by a 'Subject Access Request'. You can do this at www.reading.gov.uk/dataprotection
- You have the right to correct and update the personal data we hold about you if it is out of date, incomplete or incorrect.
- You have the right to have your personal data erased if you feel we should no longer be using your personal data. If you request us to delete some or all of your personal data we will confirm to you when the data has been deleted, or, if it cannot be deleted, the reasons why.
- You have the right to object to us processing your personal data. If you request us to do this then we will correspond with you to let you know whether we are able to comply with the request or whether we have a legal obligation to carry on processing it.

- You have the right to request that we transfer your data to another organisation who is a data controller. This is called 'portability'. We will comply with a request to transfer your data within one month if it is feasible to do so.
- You have the right to withdraw your consent to us processing the data you have supplied or consented to us to process at any time. To do this you must write to: The Data Controller
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU
Email: ricky.gill@reading.gov.uk

How will we store the data you provide to us?

All information that is provided to the Licensing Authority in relation to the administration and enforcement of the various laws as stated on page 1 of this notice is kept securely on a restricted database. Access to this database is restricted to users who have a responsibility to use and process the data you give to us in accordance with the reasons we outlined to you when you gave your consent for us to process it.

This includes all applications submitted to the Licensing Authority and all records of enforcement visits. This database is password protected and requires regular password changes from all users. Enforced timeouts occur after a period of inactivity. This database, other password protected team drives and the maintenance of them is managed by Northgate Public Services (UK). They also have the responsibility to ensure all data remains protected and accessible only to users who need to process that information.

What data do we collect and why?

In most cases, the Licensing Authority collects data that is required under the various legislation we administer and enforce. On the following pages, we have broken down what data we collect and why into the various pieces of legislation. The Council as a whole has a duty to safeguard members of the public. The Licensing Authority will always need to assess, for example, whether an applicant for a private hire driver licence, is fit and proper to hold that licence. To be able to make that assessment we would need to fully establish the identity of that person, their medical history and any relevant criminal convictions or fines they may have. If we are not able to obtain that information or the applicant does not give consent for us to process that information then we would not be able to issue that person a licence. The information requested in this example, has a lawful basis under the GDPR legislation, we have a legal obligation under the legislation to make that determination and it is necessary for the performance of a task carried out in the public interest.

The data we collect during enforcement activities will be related to the compliance or otherwise of a licence holder. That information will be required should further action need to be taken therefore it has a lawful basis for being processed.

Hackney Carriage and Private Hire Licensing Privacy Statement

This section tells you what information we collect in reference to Hackney Carriage and Private Hire licensing, why we collect it and who we share it with in order to fulfil our statutory obligations.

Why we collect information about you

We collect information to assess your suitability and fitness to be issued with a taxi or private hire licence and to assist us in managing your licence. We may also use your contact details in the event that we need to contact you in relation to your licence(s).

This is a task given to the Council by Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

What information do we collect about you?

We collect information about:

- you (name, address, contact details, NI number, date and place of birth, DVLA driving licence details, photograph and vehicle insurance details)
- your medical fitness, history and circumstances
- any recorded criminal history that relates to you (including details of current and/or previous criminal convictions, formal cautions, endorsements and previous and/or current criminal investigations)
- any licensing history that may be relevant to you (such as details of licences previously held with other licensing authorities, the outcome of those applications, any formal or informal enforcement action taken and/or the outcome of any such action)
- your eligibility to remain and/or work in the UK

Some of the information we collect is classified as special category personal data (i.e. sensitive personal information) such as medical certificates. This is processed for reason of substantial public interest in accordance with the Town and Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976 (as applicable).

Who do we share the information with?

- Thames Valley Police - From time to time we get requests from the police for information that will assist them in investigating and preventing crime. We can share your information with the police if the law allows us too.

- Councillors who sit on the council’s licensing committee - Where we refer your application or licence (in the case of a review) to the council’s licensing committee for determination.

- Publically available - when your application goes to the licencing committee the details of your application are made publically available so that the decisions the council makes are open and transparent. Some personal information such as criminal conviction is not made publically available but the licencing committee councillors will have that information to enable them to make a decision on your licence application

- Internal council departments who requires access to your information for the purpose of administration, regulation and law enforcement. From time to time we may share your information with other council departments if the law allows us to do so.

- Cabinet Office (as part of the National Fraud Initiative). The council has a legal duty to submit information to the government as part of the National Fraud Initiative (NFI). You can read about the type of information we have to disclose to the NFI on their website.

- HM Revenue & Customs - The council will share information for the prevention of crime and prevent fraud where it is required by law.

- The Council has a duty to share vehicle information with the Department of Environment, Food and Rural Affairs (DEFRA) to form part of a national database for clean air zones.

The Licensing Authority may also share your information with the Home Office through their checking service if there is a query over your right to live and work in the UK.

Is any information transferred to or stored on servers based outside the European Economic Area?

No

How long do we keep your information?

We keep information about you for a maximum period of 6 years from the date that the licence expires unless there is ongoing legal activity.

We keep copies of your criminal disclosure certificate for a period of up to six months from the date of issue as specified on the criminal disclosure certificate in case it is needed for any legal proceedings.

Who do we collect information from?

- you

- The Disclosure and Barring Service - to check if you are eligible to hold a licence

- Thames Valley Police and the Home Office - to check criminal history and right to work

- Other licensing authorities whom you may have held a licence with
- Medical professionals and practitioners responsible for certifying your fitness to hold a licence
- DVLA in relation to potential offences on your driving licence and an approved MOT testing station in relation to the suitability of your vehicle to be licensed.

Where is this data stored?

This data is secured on the databases and drives as mentioned on page 4 of this notice under the heading 'How will we store the data you provide to us'. This data is only accessed by staff that has need to process this information.

Some limited information such as licensee names/vehicle registrations and associated badge or licence numbers, together with the status and expiry dates of those licences may be made publicly available, in accordance with the Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as applicable. We will never publish your home address online, or in a publicly available register which is held at our offices for inspection.

What are the consequences if we do not collect the data?

The council will be unable to fulfil its statutory obligations to assess your fitness and suitability to hold a licence and unable to enforce policy and legal requirements. The Council will also be putting members of the public at severe risk by either allowing unsuitable drivers to be licensed and or unsafe vehicles to be driven. If applicants for a licence do not provide us the information that we need to process an application or do not give consent for the information to be processed according to the reasons set out in this statement, then the Council will not be able issue the correct licences for that individual to work in their chosen trade.

Are any decisions about you made by automatic means?

No

Alcohol/entertainment /late night refreshment Licensing Privacy statement

This section tells you what information we collect in reference to the Licensing Act 2003, why we collect it and who we share it with in order to fulfil our statutory obligations.

Why we collect information about you?

We collect information to assess your suitability and eligibility to be issued with a licence, certificate or to serve a notice on the council.

We may also use your contact details in the event that we need to contact you in relation to your authorisation.

What information do we collect about you?

We collect information about:

- you (name, previous names, address, contact details, company/corporate information including details of directors and registration details, NI number, date and place of birth)
- any recorded criminal history that relates to you (including details of current and/or previous criminal convictions, formal cautions, endorsements, immigration penalties and previous and/or current criminal investigations)
- any licensing history that may be relevant to you (such as details of licences previously held with other licensing authorities, the outcome of those applications, any formal or informal enforcement action taken and/or the outcome of any such action)
- any relevant professional qualifications you hold
- your eligibility to remain and/or work in the UK (where applicable)

Who do we share this information with?

- Thames Valley Police: From time to time we get requests from the police for information that will assist them in investigating and preventing crime. We can share your information with the police if the law allows us too.
- Councillors who sit in the council's Licensing Committee -Where we refer your application or licence (in the case of a review) to the council's Licensing Committee for determination.
- Publically available - when your application goes to Licencing committee the details of your application are made publically available so that the decisions the council makes are open and transparent. Some personal information such as criminal conviction is not made publically available but the licencing committee councillors will have that information to enable them to make a decision on your licence application.
- The Council is also subject to requirements under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to provide some information that we may hold about you. We may be obligated to release this information if the law allows us to do so.
- The Council is required to keep and maintain a licensing register which has to be publicly available either electronically or in hardcopy. The Licensing Act 2003 stipulates what should be held in the licensing register. This includes all licences issued - including with the details of the premises licence holder and name of the DPS - as well as all applications and notices served upon the Licensing Authority. All personal data will be removed from these documents before being entered onto any licensing register or viewed by members of the public.

- Internal Council departments who requires access to your information for the purpose of administration, regulation and law enforcement. From time to time we may share your information with other council departments if the law allows us to do so.

- Cabinet Office (as part of the National Fraud Initiative)The Council has a legal duty to submit information to the government as part of the National Fraud Initiative (NFI).You can read about the type of information we have to disclose to the NFI on their website.

- Consultees - We are obligated to consult with statutory responsible authorities and other persons when determining your application. Please refer to our website for a list of statutory consultees who we share information with. Information we share may include your name, contact details and details of your application.

- Home Office - We are required by the Immigration Act 2016 to share information with the Home Office's Interventions and Sanctions Directorate to verify your eligibility to work and remain in the UK.

HM Revenue & Customs - The Council will share information for the prevention of crime and prevent fraud where it is required by law.

Is there any information transferred to or stored on servers based outside the EEA?

No.

How long do we keep your information?

We keep information about you for a maximum period of 6 years from the date that the licence expires unless there is ongoing legal activity.

Who do we collect information from?

- You
- The Disclosure and Barring Service - to check if you are eligible to hold a licence
- Thames Valley Police - to check criminal history
- Other licensing authorities whom you may have held a licence with
- Home Office - to check your eligibility to work and remain in the UK

Where is this data stored?

This data is secured on the databases and drives as mentioned on page 4 of this notice under the heading 'How will we store the data you provide to us'. This data is only accessed by staff who have need to process this information.

The Licensing Act 2003 states that we must keep a licensing register and it also states what should be entered onto that register. The register shall generally contain all

applications made to the Authority as well as issued licences - be that a premises licence, club premises certificate, temporary event notice or a personal licence. We will never publish your home address online, or in a publicly available register which is held at our offices for inspection.

What are the consequences if we do not collect the data?

The council will be unable to fulfil its statutory obligations to assess your suitability and eligibility to hold a licence. We will also be unable to grant any licences if the appropriate consultations and checks are not able to be carried out.

Are any decisions about you made by automatic means?

No

Gambling - Licensing Privacy Statement

This section tells you what information we collect in reference to the Gambling Act 2005, why we collect it and who we share it with in order to fulfil our statutory obligations. This Act also includes Small society raffles/lotteries.

Why we collect information about you?

We collect information to assess your suitability and eligibility to be issued with a licence, certificate or to be registered with the council.

We may also use your contact details in the event that we need to contact you in relation to your authorisation.

What information do we collect about you?

We collect information about:

- you (name, previous names, address, contact details, company/corporate information including details of directors and registration details, NI number, date and place of birth)
- any licensing history that may be relevant to you (such as details of licences previously or currently held with other licensing authorities, the outcome of those applications, any formal or informal enforcement action taken and/or the outcome of any such action)
- Any financial proceeds and/or gain that you have had as a result of gambling and gaming activities as part of statutory returns you have to submit to us.

Who do we share this information with?

- Thames Valley Police: From time to time we get requests from the police to share information that will assist them in investigating and preventing crime. We can share your information with the police if the law allows us too.

- Councilors who sit in the council's Licensing Committee -Where we refer your application or licence (in the case of a review) to the council's Licensing Committee for determination.
- Publicly available - when your application goes to Licensing committee the details of your application are made publically available so that the decisions the council makes are open and transparent. Some personal information such as criminal conviction is not made publically available but the licensing committee councilors will have that information to enable them to make a decision on your licence application.
- The council is also subject to requirements under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to provide some information that we may hold about you. We may be obligated to release this information if the law allows us to do so.
- The council is also required to keep a public register of all premises licences issued as well as details of the relevant permits it has granted. No personal information is contained on the register.
- Internal council departments who require access to your information for the purpose of administration, regulation and law enforcement. From time to time we may share your information with other council departments if the law allows us to do so.
- Gambling Commission - We are obligated to consult with the Gambling Commission and to submit statutory returns to it.
- Consultees - We are obligated to consult with statutory responsible authorities and other persons when determining your application. Please refer to our website for a list of statutory consultees who we share information with. Information we share may include your name, contact details and details of your application.

Is there any information transferred to or stored on servers based outside the EEA?

No.

How long do we keep your information?

We keep information about you for a maximum period of 6 years from the date that the licence expires unless there is ongoing legal activity.

Who do we collect information from?

- You
- Other licensing authorities whom you may have held a license with and Thames Valley Police for criminal history.

Where is this data stored?

This data is secured on the databases and drives as mentioned on page 4 of this notice under the heading 'How will we store the data you provide to us'. This data is only accessed by staff that has need to process this information.

The Gambling Act 2005 states that the Authority must keep a licensing register either electronically or in hardcopy so that members of the public may inspect it. The register contains details of issued premises licenses and permits. No personal information is placed on the register and any personal data is removed should a member of the public wish to view it.

What are the consequences if we do not collect the data?

The council will be unable to fulfil its statutory obligations to assess your suitability and eligibility to hold a license.

Are any decisions about you made by automatic means?

No

Other Licences - Licensing Privacy Statement

This section tells you what information we collect in reference to the legislation below, why we collect it and who we share it with in order to fulfil our statutory obligations.

- Scrap Metal Dealers Act 2013
- Mobile Homes Act 2013 and Caravan Sites & Control of Development Act 1960
- Local Government Miscellaneous Provisions Act 1982 (Street Trading/Sex Est)
- Section 115 of the Highways Act 1980 (Tables and Chairs on the highway)
- Hypnotism Act 1982
- Reading Borough Council Act 2013

Why we collect information about you?

We collect information to assess your suitability to be issued with a consent or a licence for any one of the activities specified above.

We may also use your contact details in the event that we need to contact you in relation to your licence or consent.

What information do we collect about you?

We collect information about:

- you (name, previous names, address, contact details, company/corporate information including details of directors and registration details, NI number, date and place of birth)

- any licensing history that may be relevant to you (such as details of licences previously held with other licensing authorities, the outcome of those applications, any formal or informal enforcement action taken and/or the outcome of any such action)
- your eligibility to remain and/or work in the UK (where applicable)
- financial information including bank account information in order your application fee.
- any recorded criminal history that relates to you (including details of current and/or previous criminal convictions, formal cautions, endorsements and previous and/or current criminal investigations)

Who do we share this information with?

- Thames Valley Police: From time to time we get requests from the police to for information that will assist them in investigating and preventing crime. We can share your information with the police if the law allows us too.
 - Councillors who sit in the council's Licensing Committee -Where we refer your application or licence (in the case of a review) to the council's Licensing Committee for determination.
 - Publically available - when your application goes to Licencing committee the details of your application are made publically available so that the decisions the council makes are open and transparent. Some personal information such as criminal conviction is not made publically available but the licencing committee councillors will have that information to enable them to make a decision on your licence application.
 - The council is also subject to requirements under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to provide some information that we may hold about you. We may be obligated to release this information if the law allows us to do so.
 - Internal council departments who require access to your information for the purpose of administration, regulation and law enforcement. From time to time we may share your information with other council departments if the law allows us to do so.
 - Cabinet Office (as part of the National Fraud Initiative)The council has a legal duty to submit information to the government as part of the National Fraud Initiative (NFI). You can read about the type of information we have to disclose to the NFI on their website. (STA only)
- HM Revenue & Customs - The council will share information for the prevention of crime and prevent fraud where it is required by law.
- Consultees - We are obligated to consult with key stake holders and responsible authorities when determining your application. Please refer to our website for a list of key stake holders and responsible authorities who we share information with. Information we share may include your name, contact details and details of your application if the law allows us to do so. (Scrap Metal/Sex Establishments)

Is there any information transferred to or stored on servers based outside the EEA?

No

How long do we keep your information?

We keep information about you for a maximum period of 6 years from the date the licence expires unless there is ongoing legal action.

Who do we collect information from?

- You
- Other licensing authorities whom you may have held a licence with
- The Disclosure and Barring Service - to check if you are eligible to hold a licence
- Thames Valley Police - to check criminal history

Where is this data stored?

This data is secured on the databases and drives as mentioned on page 4 of this notice under the heading 'How will we store the data you provide to us'. This data is only accessed by staff that has need to process this information.

What are the consequences if we do not collect the data?

The council will be unable to fulfil its statutory obligations to assess your suitability to hold a licence or consent and unable to enforce policy and legal requirements.

Are any decisions about you made by automatic means?

No

Licensing enforcement privacy statement

This section tells you what information we collect and how we use it when carrying out our statutory enforcement functions.

Why we collect information about you

The Council has a statutory duty to regulate and enforce a range of licensable activities. In order for the council to fulfil these duties, it may be necessary for it to investigate and act when alleged licensing offences are identified. For the purpose of investigations and enforcement action, we are required to collect information.

What information do we collect about you?

We may collect information about:

- you (name, address, date and place of birth, national insurance number, any previous addresses and names, DVLA driving licence details, photograph and vehicle insurance details)
- your medical fitness, history and circumstances
- any recorded criminal history that relates to you (including details of current and/or previous criminal convictions, formal cautions, endorsements and previous and/or current criminal investigations)
- any licensing history that may be relevant to you (such as details of licences previously held with other licensing authorities, the outcome of those applications, any formal or informal enforcement action taken and/or the outcome of any such action)
- your eligibility to remain and/or work in the UK

Who do we share this information with?

- Internal council departments or officers who we need to consult with in order to obtain any further relevant information, report relevant information back to them (if the law allows us to do so) and/or seek approval and advice to take formal enforcement action.
- HM Courts & Tribunals Service - where we have decided to bring a prosecution in relation to an offence.
- Councillors who sit in the council's licensing committee - Where we refer your application or licence (in the case of a review) to the council's licensing committee for determination.

Is there any information transferred to or stored on servers based outside the EEA?

No

How long do we keep your information?

Information relating to investigations and prosecutions will be destroyed after 6 years from last action unless there is ongoing legal action.

Who do we collect information from?

- You
- Internal council departments that may hold information relevant to an investigation
- Other statutory bodies and/or organisations that may hold information relevant to an investigation
- Witnesses and/or complainants who have submitted information or evidence to us

Where is this data stored?

This data is secured on the databases and drives as mentioned on page 4 of this notice under the heading 'How will we store the data you provide to us'. This data is only accessed by staff that has need to process this information.

What are the consequences if we do not collect the data?

The council will be unable to comply with its statutory enforcement duties.

Are any decisions about you made by automatic means?

No

Safety Advisory Group privacy statement

This section tells you what information we collect and how we use it when carrying out our statutory and advisory functions as part of the Safety Advisory Group.

Why we collect information about you

The council has a statutory duty to regulate and enforce a range of licensable activities and as part of a wider group safeguard those that attend and work in licenced and non-licenced organised events within the borough.

In order for the council to fulfil these obligations/duties, it is necessary for the Licensing authority it to review the data pertaining to the events and intervene when safety maybe compromised and or potential licensing offences are identified. For the purpose of safeguarding investigations and enforcement action, we are required to collect information from the applicant or other internal departments or agencies

What information do we collect about the event?

We may collect information about:

- Organisational plans
- Fire and Safety plans
- Event Location maps (to scale)
- Event organiser details, staff details and agencies that will be onsite during the event - (names, addresses, contact numbers/email addresses and possible onsite vehicle registrations).

Who do we share this information with?

- Police, Fire Brigade and Ambulance service to determine action required for public safety - Where your application or event will be shared with Safety Authority Group for determination of the appropriate action and to review the organisational and safety plans.

- Councillors, Internal council departments and officers who we need to consult with in order to obtain any further relevant information and or report relevant information back to them (if the law allows us to do so) and/or seek approval and advice to take appropriate action

- HM Courts & Tribunals Service - where we have decided to bring a prosecution in relation to an offence.

Is there any information transferred to or stored on servers based outside the EEA?

No

How long do we keep your information?

Minutes and other collated information from the Safety Authority Group meetings will be destroyed after 6 years from last action.

Who do we collect information from?

- You, event organisers and staff
- Internal council departments that may hold information relevant to the safety authority group
- Other statutory bodies, Agencies and/or organisations that may hold information relevant information to the Safety Authority Group

Where is this data stored?

This data is shared on file sharing systems such as Glass cubes and Box net and the council internal drives as mentioned on page 4 of this notice under the heading 'How will we store the data you provide to us'. This data is restricted to staff who need to process this information ONLY.

What are the consequences if we do not collect the data?

The council will be unable to comply with its statutory enforcement duties and advisory duties.

Are any decisions about you made by automatic means?

No

Street collection and House to House collection Permits privacy statement

This section tells you what information we collect under the following legislation and how we use it when carrying out our statutory

S.5 POLICE, FACTORIES, ETC. (MISCELLANEOUS PROVISION) ACT 1916

House to House Collections Act 1939 - CHAPTER 44 2 and 3 Geo 6

Why we collect information about you

We collect information to assess your suitability to be issued with consent or a licence for any one of the activities specified above.

We may also use your contact details in the event that we need to contact you in relation to your licence or consent.

What information do we collect about the event?

We may collect information about:

You (name, address, telephone number and email address)

- Charity information, collection day, location, timings for the collection, number of collectors, any previous collections in Reading and the amount collected

Who do we share this information with?

- UKCIC a third party company that manages a number of locations in the town centre that are available for use by both commercial and non-profit organisations.
- Institute of fund raising for the finalised diary of fundraising activity in Reading
- Internal council departments or officers who we need to consult with or share relevant information with them (if the law allows us to do so) and/or seek approval and advice.
- The Police or organisations that may hold information relevant to an investigation
- Witnesses and/or complainants who have submitted information or evidence to us

Is there any information transferred to or stored on servers based outside the EEA?

No

How long do we keep your information?

We keep information about you for a maximum period of 6 years from the date that the licence expires unless there is ongoing legal action.

Who do we collect information from?

- You

- Internal council departments or officers who we need to consult with in order to obtain any further relevant information, report relevant information back to them (if the law allows us to do so) and/or seek approval and advice to take formal enforcement action.

- Other statutory bodies, Agencies and/or organisations that may hold information relevant information for the collection

Where is this data stored?

This data is secured on the databases and drives as mentioned on page 4 of this notice under the heading 'How will we store the data you provide to us'. This data is only accessed by staff that has need to process this information.

What are the consequences if we do not collect the data?

The council will be unable to comply with its statutory enforcement duties and advisory duties.

Are any decisions about you made by automatic means?

No

Contact Us

If you have any questions in relation to this Data Privacy Notice then please contact us:

Licensing Team

Reading Borough Council

Civic Offices

Bridge Street

Reading

RG1 2LU

Email: licensing@reading.gov.uk

Website: www.reading.gov.uk/licensing

For more information about how we use data across the Council please go to:

<http://www.reading.gov.uk/dataprotection>

The notice was last updated 24/5/2018.