

### Appendix H - National Register for Revocations, Refusals and Suspensions (NR3S)

#### 1. Introduction

- 1.1 North Northamptonshire Council is under a duty<sup>1</sup> to record certain taxi and private hire driver licensing decisions where the decision is based wholly or in part on information relating to the driver concerning safeguarding or road safety. The types of decisions which must be recorded include:
- Refusing a taxi or private hire driver's licence application
  - Refusing to renew a taxi or private hire driver's licence application
  - Suspending a taxi or private hire driver's licence application
  - Revoking a taxi or private hire driver's licence.
- 1.2 The Council must before it decides whether to grant or renew a driver licence, search the register for any entry relating to the applicant. If there is a relevant entry, the Council must contact the recording authority to request the relevant information (as defined at Section 1 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022). The Council will have regard to the information provided when making its decision.

#### 2. Scope

- 2.1 This document covers how North Northamptonshire Council will use NR3S and how the Council will comply with data protection requirements.
- 2.2 In this document, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register for Revocations, Refusals and Suspensions the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

#### 3. General Principles

- 3.1 When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, the Council will make a search of the NR3S. 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.

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<sup>1</sup> [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/12/section/1)

3.3 The Council is under a duty to record the licensing decision on the register and to ensure (whether by amending, removing, or reinstating it) that the entry is kept up-to-date so as to reflect any subsequent change made to the decision:

- By the Council;
- On appeal against the Council's decision; or
- On any subsequent appeal,

during the period of 11 years beginning with the day on which the entry is first made and keep a record of the relevant information and the decision until the end of period referred to in the bullet list at 3.3.

3.4 The data will be held securely in accordance with the 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 the Council's data protection policy at: <https://www.northnorthants.gov.uk/your-council/information-governance-policies>

#### **4. Searching NR3S for new applicants or renewals**

4.1 When an application is made to North Northamptonshire Council for the grant of a new, or renewal of a Hackney Carriage and/or Private Hire Driver Licence, the Council will carry out a search on NR3S.

4.2 The 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).

4.3 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 11 years.

4.4 If the 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 North Northamptonshire Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

4.5 This request will be made in writing in accordance with the form at the end of this document. 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 NR3S**

- 5.1 When the 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 11 years.
- 5.2 The Council will then determine how to respond to the request and will not simply provide information as a blanket response to every request.
- 5.3 The 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.
- 5.4 If the 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 subjects' rights and the position and responsibilities of a hackney carriage and/or private hire driver. Data is held on the NR3S register for a period of 11 years, but North Northamptonshire Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.
- 5.5 The Council will disclose information relating to a refusal to grant a new or renewal application, and suspension and revocation of a drivers' licence in accordance with the timescales contained within North Northamptonshire Council's policy. Where the reason for refusal to grant a new or renewal application, or suspension, or revocation relates to a conviction which is within the timescales determined in this policy (Appendix A - Criminal Records and Suitability ), the information will be disclosed. Where the reason for refusal to grant a new or renewal application, or suspension or revocation relates to a conviction which is outside the timescales determined in these 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.
- 5.6 Any information about convictions will be shared in accordance with this policy under schedule 1, part 2, paragraph 12 of the Data Protection Act (DPA) 2018; that is:

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.

5.7 The officer will keep 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)
- 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 11 years.

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

- 6.1 When the 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 hackney carriage and/or private hire driver licence. This will be in accordance with the usual process for determining applications.
- 6.2 The 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 the Council will make in relation to the application.