

PRIVACY NOTICE
COUNCIL SERVICE – LEGAL SERVICES -LICENSING SECTION

This privacy notice covers how Halton Borough Council (as a Data Controller) will collect, use and share your personal data for the purposes of processing licences and/or other consents including determining licence applications, compliance monitoring and, where required, enforcement action.

Who is the Data Controller for the information I provide?

Halton Borough Council is the Data Controller for the personal information you provide.

Why we need your information (purpose of processing)

We collect and use your personal information to enable the Council to process licence applications, notifications and other consents, to provide and **maintain a public register**, to assess each applicant's suitability for a licence, to investigate complaints and to assist with the enforcement of the Council's licensing functions (to include with partner agencies).

The information that you provide will be processed according to the UK General Data Protection Regulations, the Data Protection Act 2018, and all legislation relevant to the Council's licensing functions including the, - Local Government Miscellaneous Provisions Act 1976, Licensing Act 2003, Gambling Act 2005, Taxis (Town & Police Clauses Act 1847), Local Government Miscellaneous Provisions Act 1976, House to House Collections Act 1939, House to House Collections Regulations 1947, Sex Establishments (Local Government Miscellaneous Provisions Act 1982), Hypnotism Act 1952, and Immigration Act 2016.

We will also make any disclosures required by law and we may also share this information with other bodies responsible for detecting/preventing fraud/crime or auditing/administering public funds to ensure money is targeted and spent the most appropriate and cost effective way. In order to achieve this, information will be shared with our Audit Services within Halton Borough Council.

We will not make any disclosures to third parties for marketing purposes.

Your data will be secured and confidential at all times and we will only collect the personal information that is required to provide you with our service.

What personal data is being collected?

The Licensing Section may collect some or all of the following information about as an applicant, depending on which licence, notification, permit or consent you are applying for or enquiring about:

The categories of personal data being collected are:

Name, contact details, date of birth, place of birth, national insurance number, gender, images and photographs, details of business and trading activities, eligibility to remain and/or work in the UK, criminal convictions or allegations (including spent convictions and police intelligence not resulting in a conviction), physical and mental health details (including registered GP/practice), details about why a licence was refused or revoked, bank/payment details, vehicle details (registration details), tax status (HMRC), photograph, driving licence details, driving convictions, and any relevant financial details.

The Licensing Section may collect some of the above information about as an 'interested party/other person', such as raising a complaint about an existing licensed premises or activity or making a representation in relation to a licence application.

What is the lawful basis for processing your personal data?

The UK General Data Protection Regulations (UK GDPR) requires specific conditions to be met to ensure that the processing of your personal data is lawful.

These relevant conditions are below:

Article 6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

Article 6(1)(e) the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis law.

Some types of personal data are more sensitive than others, and need more protection. This is classed as 'special category data' and for the purpose of processing certain licences this will include data concerning health.

We process this type of special category data as it is necessary for reasons of:

Article 9(2)(g) Substantial public interest as per the relevant legislation as listed above.

The relevant Data Protection Act 2018 condition is – Schedule 1 Part 2: Statutory and government purposes.

We also process personal data relating to criminal convictions and offences in accordance with the condition set out in paragraph 6 (Statutory and government purposes) and paragraph 12 (Regulatory requirement relating to unlawful acts and dishonesty) of Schedule 1 of the Data Protection Act 2018.

Who will we share the information with?

We may need to share your personal data with internal departments, other organisations and third parties, including:

Police, Disclosure & Barring Service; NHS Local Boards; Immigrations Services; Foreign Embassies – if you are a foreign national or have lived abroad; National Fraud Initiative; NR3 database; Department for Work & Pensions; HM Revenue & Customs; DVLA; Fire & Rescue Service; Marine & Coastguard Agency (if relating to vessel); other local authorities; Internal departments to include Legal, Finance, Planning and Public Health, responsible authorities (as defined by the Licensing Act 2003 and the Gambling Act 2005), other organisations where the disclosure is necessary for law and enforcement purposes, Regulatory Committee and its sub-committees, Solicitors and the Court.

Halton Borough Council has a duty to protect the public funds it manages. Therefore, the information that you provide to us may be used for the prevention and detection of fraud and for auditing purposes both internally and externally.

The personal information we have collected from you will be shared with fraud prevention agencies who will use to prevent fraud and money-laundering and to verify your identity. If fraud is detected, you could be refused certain services, finance, or employment. Further details of how your information will be used by us and these fraud prevention agencies, and your data protection right, can be found by visiting CIFAS <https://www.cifas.org.uk/fpn>

Do I have to provide this information and what will happen if I don't?

If you wish for licences/permits etc. to be processed then the information must be provided. For those already issued with licences/permits etc. the information must be provided to ensure they are renewed and to enable the licensing system to be enforced.

How long will you keep this information for and why?

Halton Borough Council will only keep your information for as long as it is necessary and, in any event, we will retain the information provided to us for 6 years after a licence lapses and 2 years for House to House and Street Collection Permits. DBS certificates are destroyed after 6 months following the grant/refusal/appeal of a licence. Information supplied to the NR3S database will be held for a period of 11 years and your information will be securely disposed of once it is no longer required.

Will this information be used to take automated decisions about me?

No

Will my data be transferred abroad and why?

No

How will my information be stored? – taken from our current notice

Information will be stored in a paper file in a limited access filing room and electronically on the Lalpac software system.

What rights do I have when it comes to my data?

Under the UK General Data Protection Regulation and Data Protection Act 2018, you have rights as an individual including:

Right to be informed – through this Privacy Notice

Right to rectification – you have the right to have personal data rectified if it is inaccurate or incomplete. Right to restrict processing – you have the right to block or suppress processing of your data, however this right does not apply in some circumstances. Right to object to processing (to certain types of processing only)

Rights related to automated decision making and profiling.

Right of Access - you have the right under the Data Protection Act (General Data Protection Regulation 2018) to request a copy of your information and to know what it is used for and how it has been shared. This is called the right of subject access. To request a copy of your data or ask questions about how it is used download a copy of our form from <https://www4.halton.gov.uk/Pages/councildemocracy/Data-Protection.aspx> and send it to Halton Borough Council, Information Governance Service, PO Box 317, Runcorn, WA7 9BZ, or email by email to informationgovernanceservice@halton.gov.uk

Who can I complain to if I am unhappy about how my data is used?

You can complain directly to the Legal Services Licensing Department by writing to: Licensing Manager, Halton Borough Council, Legal Services, Licensing Department, Municipal Buildings, Kingsway, Widnes WA8 7QF or by email to legalservices@halton.gov.uk

You also have the right to complain to the Information Commissioner's Office using the following details: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 0303 123 1113. Website: www.ico.org.uk