

Merthyr Tydfil County Borough Council Privacy Notice LICENCING AND TRANSPORT

This notice has been written in accordance with the General Data Protection Regulations and relevant legislation.

Information Governance Team

Lisa Richards - Data Protection Officer

Sam Bishop - Data Disclosure and Records Officer

Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

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Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

Date Created:	25 May 2018
Responsible Department:	Licencing and Transport
Responsible Manager:	Mr Paul Lewis
Address:	MTCBC, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

Merthyr Tydfil County Borough Council is responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice does not form part of any contract to provide services. We may update this notice at any time if we do we will ensure that an updated copy of this notice is made available to you as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

IDENTITY AND CONTACT DETAILS OF THE DATA CONTROLLER

Merthyr Tydfil County Borough Council is the Data Controller and is committed to protecting the rights of individuals in line with the Data Protection Legislation including the GDPR.

Contact details of the Data Protection Officer

Merthyr Tydfil County Borough Council has appointed a Data Protection Officer who can be contacted using the following details:

Mrs. Lisa Richards (Data Protection Officer)

Address:	Information Governance Team	Email: data.protection@merthyr.gov.uk
	Merthyr Tydfil County Borough Council	Tel: 01685 725000
	Civic Centre	Fax: 01685 725060
	Castle Street	
	Merthyr Tydfil	
	CF47 8AN	

WHAT INFORMATION DO WE HOLD ABOUT YOU

Personal data, or personal information, includes any information about an individual from which that person can be identified. There are special categories of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation.

We will collect, store, and use the following categories of personal information about you:

- Personal Descriptors including:
 - Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
 - Date of birth.
 - Gender.
 - Marital status and dependants.
 - CCTV footage.
 - Photographs.
- Identification Numbers:
 - Unique Reference Number.
 - Vehicle Registration Number.
- Financial Details:
 - Bank account details.
 - Payment Details
- Employment Records:
 - Location of employment or workplace.
 - Job titles, work history.
- Education:
 - Education history.
 - Training.

We may also collect, store and use the following special categories of personal information:

- Information about your race or ethnicity,
- Information about your religious beliefs
- Information about criminal convictions and offences.
- Family or individual health history, health records, current and past medications and prescriptions.
- Information about your health, including any medical condition, whether physical or mental.

HOW IS YOUR PERSONAL INFORMATION COLLECTED

We collect personal information about you through the application process, either directly from you or third parties. The third parties will include:

- The Fire & Rescue Service
- The Police
- Disclosure & Barring Services
- NHS local health boards
- Immigration services

- Foreign Embassies if you are a foreign national or have lived abroad
- National Fraud Initiative
- Department for Work & Pensions
- HM Revenue & Customs
- DVLA
- Other local authorities

We will input your personal information into our Council systems and internal department will provide additional information, specifically:

- Environmental Health
- Trading Standards
- Town Planning
- Children's Social Services
- Human Resources & Organisational Development
- Highways & Engineering
- Community Safety
- Central Service and Executive Support

We also receive personal data from the Disclosure & Barring Services and Police regarding criminal convictions and offences as well as other relevant information such as reported incidents.

NHS local health boards are also consulted on drivers' licences and may provide us with information about your health.

We will collect additional personal information in the course of our Council business functions and the services we provide to you throughout your contact with us.

HOW WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to. We will use your personal information in the following circumstances:

1. Where we have received your consent to provide you with a service.
2. Where we need to comply with a legal obligation.
3. Where it is needed in the public interest or for official purposes.

Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to comply with our statutory functions and to comply with our legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below:

- Process and decide on licence/permit/school transport applications
- Process notices
- Provide public register information
- Investigate complaints
- Conduct regulatory enforcement activity, including with partner agencies

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to determine your licence or permit application, process your notice, or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with the:
 - Licensing Act 2003
 - Gambling Act 2005
 - Local Government (Miscellaneous Provisions) Act 1976
 - Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1982
 - House to House Collections Act 1939
 - Police, Factories etc. (Miscellaneous Provisions) Act 1916
 - Hypnotism Act 1952
 - Transport Act

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

DATA SHARING

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law.

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the services we are providing to you or where we have another legitimate interest in doing so.

When might you share my personal information with other data controllers?

We will share your personal information with other data controllers as part of our regular reporting activities on service engagement, in the context of service users, for additional support and delivery of our core activities as a Local Authority,

We will share personal data relating to your participation in the listed services for the purposes of providing you with those services. We share your information with the following recipients depending on your circumstances:

- The Fire & Rescue Service
- The Police
- Disclosure & Barring Services
- NHS local health boards
- Immigration services
- Foreign Embassies if you are a foreign national or have lived abroad
- National Fraud Initiative
- Department for Work & Pensions
- HM Revenue & Customs
- DVLA
- Other local authorities

Where an application or issue has to be considered by the Council's Licensing Committee or sub-committee information about you will be heard in public.

We may share anonymised personal data on an annual basis regarding your participation in the services provided by the Council with Welsh Government for research and statistical analysis purposes.

How secure is my information with third-party service providers and other data controllers?

All our third-party service providers and other data controllers are required to take appropriate security measures to protect your personal information in line with the Data Protection Legislation. Other data controllers will provide you with information on how they use your personal information.

What about other third parties?

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include the Public Services Ombudsman for Wales, the Information Commissioners Office or other Government Department and appointed Regulatory Commissioner's.

Transferring information outside the EU

We will not transfer your data to any countries outside of the EU. If we do we will inform you as soon as possible. If we do, you can expect a similar degree of protection in respect of your personal information.

DATA RETENTION

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. For the purposes of providing you with a licence we will retain this information for as long as the licence exists, or up to 6 years after registration or entitlement lapses.

Details of retention periods for different aspects of your personal information are available in our Records Management policy which is available on our website (www.merthyr.gov.uk) or from the Information Governance Team who can be contacted on the details provided at the top of this notice. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer receiving services from the Council we will retain and securely destroy your personal information in accordance with our Records Management Policy including any applicable laws and regulations.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request the transfer** of your personal information to another party.

- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the responsible manager detailed at the top of this notice in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the responsible manager detailed at the top of this notice. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

DATA SECURITY

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

MAKING A COMPLAINT

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer using the contact details provided at the top of this privacy notice. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues:

Information Commissioner's Office (Wales)
2nd Floor
Churchill House
Churchill Way
Cardiff
CF10 2HH

Tel: 029 2067 8400

Fax: 029 2067 8399

Email: casework@ico.org.uk

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will ensure that the new privacy notice is made available to you when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.