

ONLINE REGISTER PRIVACY POLICY

Hackney carriage and private hire



1. Introduction

- 1.1 The general assumption by the Council is that any Public Register that is required by statute and is the responsibility of the Council will be placed on the Council's web site, so that the Public Register can be accessed over the internet.
- 1.2 However the Council also has a duty to respect the privacy of individuals.
- 1.3 This policy sets out the requirement to provide the public with information about Taxi and Private Hire Trade licences and how exceptions to internet publishing will be handled.
- 1.4 All Public Registers that must be maintained by the Council are available for inspection by personal visitors. This policy cannot result in the removal of personal data from the Public Register that is available for inspection; this policy only applies to the web site publication of the Public Registers. Thus all details held in a Public Register will remain available to any person, irrespective of the circumstances of the Licence holder.

2. Legal Duty

2.1 Taxis (Hackney Carriages)

Town Police Clauses Act 1847 - S.42

"Every licence shall be made out by the clerk of the commissioners, and duly entered in a book to be provided by him for that purpose, and in such book shall be contained columns or places for entries to be made of every offence committed by any proprietor or driver or person attending such carriage; and any person may at any reasonable time inspect such book without fee or reward."

2.1.1 Private Hire Vehicles

The Plymouth City Council Act 1975 is the primary legislation governing the control of taxi and private hire vehicles however this Act only applies within the district of Plymouth. The Local Government (Miscellaneous Provisions) Act 1976 applies throughout the rest of the Country introduced a requirement a local authority to hold a public register of licensed private hire drivers. This has been accepted locally as standard practice by this Authority.

3. General Principles

- 3.1 There is a presumption that Taxi and Private Hire licence data will be displayed on the Council's web site, only in so far as it complies with the legal duty or standard practice.
- 3.2 Should the applicant/licence holder demonstrate good cause that web site publishing is not appropriate, then the Council will not place identifying details on the web site (apart from licence number) for as long as the Council accepts that it is inappropriate to display personal data on the web site.
- 3.3 The Council will consider requests to not display personal data on the Council's web site when requested by an applicant or existing licence holder.

- 3.4 Reconsideration of any decision to not display personal details on the Council's web site about licence holders will be undertaken at the re-issue stage, or at any other time whilst a licence is valid.
- 3.5 Each case to be considered on its own merits.
- 3.6 The Council will consider any supporting evidence from an official agency.
- 3.7 In all cases the Council must be satisfied that in all the circumstances it is still proportionate and relevant to remove personal data from a Public Register displayed on a web site.
- 3.8 Licensed drivers who have previously been removed from the Public Register displayed on the Council's web site, prior to the introduction of this policy, will be required to comply with this policy from the re-issue stage.

4. Factors that the Council will consider for not placing personal data on the web site

- 4.1 Confirmation from a public authority that relevant personal data has been removed from a web site which displays a Public Register and that the factors which led to the non display of personal data are still valid.
- 4.2 Any official requirement to protect the identity or whereabouts of an individual; sufficient evidence of the requirement must be made available to the Council.
- 4.3 The applicant or Licence holders' description of their particular circumstances, which show that their health or safety will be significantly affected by personal data being displayed on the Council's web site.

5. Application process for removal of personal data from the web site

- 5.1 Any request must be made in writing to the Licensing Manager.
- 5.2 All applicants or existing Licence holders should look at the Register published on the Council's web site and also at the Public Register available for inspection before submitting their request for removal of personal data from the web site.
- 5.3 The written request should state which items of personal data the applicant wishes to have removed from web site display and include any documents that would reasonably support the application, or that the Licensing Manager would reasonably expect to consider prior to any decision being taken.
- 5.4 Any documents supporting an application will be treated as RESTRICTED so as to maintain privacy and will only be considered by the Licensing Manager, or a Council officer nominated to act on their behalf.
- 5.5 The Council may request that the applicant or Licence holder clarifies the risks to them, through a personal conversation with a Council representative.
- 5.6 The Council will give a decision within 10 working days.
- 5.7 If the Council agrees with the request to not display personal data then the data will be removed from the web site (apart from the Licence identifier) within 5 working days.
- 5.8 If the Council accepts that personal data should not be displayed on the Council's web site then the register entry personal details will be replaced with a Name Withheld identifier to indicate that data has been removed and is only available through personal inspection.

6. Review of Council decision

6.1 There is a right of review as a Have Your Say Stage II complaint process.

7. Authorisation

Assistant Director for Environmental Services

Date