

## Nottingham City Council Information Compliance

### Fleet and Depot Operations (Fleet Services)

### Resident Services

### Communities, Environment & Resident Services

PN-366

02/2024

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#### **What personal information will the Council process?**

The information that we collect about you will be collected by a driving licence check and vehicle information check (for Grey Fleet), this check is via the DLVA and will collect the following information:

- Name
- Date of birth (DOB)
- Address
- Driving licence number
- Endorsements
- Prosecutions related to driving (Criminal data)
- Medical restrictions related to driving (Special data)
- Email address

#### **Why we collect and hold this information?**

We use this personal data in order to:

- Enable us to carry out specific functions for which we are responsible;
- Ensure that drivers hold the appropriate licence for the vehicle they are driving (including non-GB vocational drivers from EU member states who are required to register their driving licences with DVLA within 12 months of being resident).
- Ensure that regular checks are carried out on the drivers' licences;
- Ensure that vocational drivers hold a valid driver CPC qualification (DQC);
- Comply with the guidance set out in the Senior Traffic Commissioners Statutory Document No.3 Page 16;
- Comply with guidance from the HSE- Driving and Riding Safely for Work;
- Ensure legal compliance.

#### **Lawful basis for processing**

Under Article 6 of the UK General Data Protection Regulation (UK GDPR), the lawful basis we rely on for processing this information are:

- Necessary for the performance of a contract (your employment contract);

- Necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council; and
- Necessary for compliance with a legal obligation to which the Council is subject.

These legal obligations or public tasks are contained in (but not limited to) the following legislation:

- Health and Safety at Work Act 1974;
- Road Traffic Act 1988 and 1991;
- Driving Licence and Drivers Hours Regulations covered by Road Traffic Act 1991;
- Goods Vehicles (Licensing of Operators) Act 1995;
- The Road Vehicles (Construction and Use) (Amendment) (No.4) Regulations 2003;
- The Motor Vehicles (Driving Licences) (Amendment) (No.3) Regulations 2004;
- Corporate Manslaughter Act 2007;
- The Community Drivers Hours and Recording Equipment Regulations 2007;
- The Management of Health and Safety at Work Regulations 1999; and
- Localism Act 2011

The information provided by you may also include special data such as medical information. The condition that we process this information is that such use is necessary for reasons of substantial public interest. It may also be necessary to process personal data relating to criminal offences. The condition under which this information is processed is for the defence of legal claims, and for reasons of substantial public interest. This includes for the purposes of insurance and preventing and detecting unlawful acts.

Information from the driving licence checking system could be used in cases where the Council are required to identify a driver under the Road Traffic Act 1988, or when it is necessary for any other lawful purpose.

### **Will my information be shared with other organisations or used for other purposes?**

The Council will only share your personal information with other departments within the Council, and with other organisations when it is necessary, and when we have a lawful reason to do so. The Council may also share your information when we are obliged to by law.

The Council will share your personal information with:

- The Council's motor insurance company, or any other organisation or individual when it is necessary and lawful to share personal information with to defend or litigate legal claims;
- The supplier of the driving licence checking system, who act as a data processor for the Council;
- The Driver Vehicle Licensing Agency (DVLA), and
- The Police or another law enforcement agency when it is necessary and for lawful purposes.

The information provided by you may also be used for the purpose of any other function carried out by the Council. This may include sharing your information across the Council, or with external organisations. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/>.

The information will only be used for another purpose where it is lawful to do so.

### **Do I have to provide the information?**

You **may be** obliged by statute or contractual obligations to provide some of the information that is specified here. The collection of driving licence data may be a condition of you using a vehicle that you may drive, which may be necessary for you fulfilling the conditions of your employment contract.

### **How long will the Council retain the data for?**

Where we have been provided with the paper copy DVLA D906 form and not e-consent, it will be scanned by us to Licence Check and stored on secure Nottingham City Council servers. The original paper copy will be stored in a locked cabinet until the driver shows as live on the Licence Check system and then both the electronic and paper copy will be destroyed.

The DVLA D906 form is valid for 3 years from the date it is signed.

Licence Check retain the results from driving licence checks for 7 years after the duration of the contract with them or for 7 years after a driver is removed from their system (e.g., after notified that the driver no longer drives for the Council). This retention period is in accordance with the requirements laid down by the DVLA.

The Council publish an Information Asset Register (IAR), this will outline the retention periods for the personal data we process. You can find this IAR on our website <https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

### **Information Rights**

The UK General Data Protection Regulation provides for the following rights as prescribed by the legislation:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision making including profiling

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

### **Data Protection Officer**

The Data Protection Officer is Naomi Matthews. You can contact the data protection officer at:

Loxley House,  
Station Street,  
Nottingham,  
NG2 3NG

or at [data.protectionofficer@nottinghamcity.gov.uk](mailto:data.protectionofficer@nottinghamcity.gov.uk).

### **Information Commissioner's Office**

The Information Commissioner's Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at [www.ico.org.uk](http://www.ico.org.uk). You also have the right to complain to

the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House,  
Water Lane  
Wilmslow,  
Cheshire  
SK95AF

[www.ico.org.uk](http://www.ico.org.uk)

### **Further Information**

For more information about these rights please refer to our detailed privacy statement at

<https://www.nottinghamcity.gov.uk/privacy-statement>.