

**Duncan Private Hire General Data Protection Regulation (GDPR) Information Storage, Processing and Sharing Policy**

**Document Review/Change Log**

Issue	Date	Comment	Author	Sign
001	19 Oct 2021	Master Document Produced	Clark Ferguson	<i>C Ferguson</i>
002	20 Feb 2023	Reviewed	Clark Ferguson	<i>C Ferguson</i>

**What is the General Data Protection Regulation?**

The **General Data Protection Regulation (GDPR)** (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union. It addresses the export of personal data outside the EU. The GDPR will be brought in, in May 2018 and replaces the current Data Protection Act 1998 (DPA).

It provides a legal basis for the privacy and protection of individuals whose personal information is managed (or processed) by organisations. It places certain obligations on organisations regarding how they process such information and gives individuals certain rights regarding the information held about them. Furthermore, organisations are only permitted to hold and use a specific selection of information for limited purposes of which they must annually inform the government appointed independent watchdog, the Information Commissioner. The Act is very complex and although very clear in some areas is open to interpretation in a great deal of others.

**The eight principles of good practice**

Duncan Private Hire will comply with the eight enforceable principles of good information handling practice, these say that data must be:

- Fairly and lawfully processed:

- In order to comply Duncan Private Hire will provide individuals or customers/staff with the name of our business and details of the purpose for which both staff/customer information will be used. Duncan Private Hire also make it clear that the individual can access and correct any information that we hold about them.
- Processed for limited purposes:
  - Customer/Staff information will only be used for the purpose of completing Private Hire bookings at Duncan Private Hire (Wilts) Ltd.
- Adequate, relevant and not excessive:
  - Duncan Private Hire will only collect the minimum amount of information that is necessary to fulfil their customer booking or staff licencing process (in line with Wiltshire Council requirements).
- Accurate and up to date:
  - The information used will be, as supplied by the customer/staff at the time of booking/hire. In addition to Staff information we will also use information that is held @ gov.uk view-my-driving-licence in order to confirm any driver driving penalties/endorsements imposed by a court of law.
- Not kept longer than necessary:
  - Any electronic data that is recorded in relation to a customer/staff bookings/personal details, will be held for a period not exceeding 3 full calendar months at which point the information held, will be electronically deleted. Any hard copy documentation that is created because of their booking will also be held for a period not exceeding 3 full calendar months and at which point will be shredded/destroyed and in accordance with the rules governing GDRP.
- Processed in accordance with the individual's rights:
  - Data processed will always be processed within the legal rights of the Individual supplying such information.
- Secured:
  - Any customer/staff information that is held electronically can and will, only be used/accessed by those persons authorised to view such information. Access to such information can only be done through password protection. Any hard copy information that is held as a result of, a booking/employment (WCC Licence, Driving Licence, DBS ROD etc) will always be secured in a lockable/secure receptacle that is deemed suitable and secure for holding such information.
- Not transferred outside the European Economic Area (i.e. The EU and states Iceland, Liechtenstein and Norway) unless country has adequate protection for personal data.

**To be “fairly processed”, at least one of the following conditions will be met:**

- The individual has consented to the processing.
- Processing is necessary for the performance of a contract with the individual.
- Processing is required under a legal obligation (other than one imposed by the contract).
- Processing is necessary to protect the vital interests of the individual.

- Processing is necessary to carry out public functions, e.g. administration of Justice.
- Processing is necessary to pursue the legitimate interests of the data controller or third parties (unless it could unjustifiably prejudice the interests of the individual).

Specific provision is made under the Act for processing sensitive personal information. These are information about:

- Racial or ethnic origin; political opinions
- Religious or other beliefs
- Trade union membership
- Physical or mental health condition
- Sexual life; and criminal proceedings or convictions (real or alleged)

For sensitive personal information to be considered 'fairly processed', at least one of these additional conditions will be met:

- Having the explicit consent of the individual.
- Being required by law to process the information for employment purposes.
- Needing to process the information in order to protect the vital interests of the individual or another person; and dealing with the administration of justice or legal proceedings.

### **There are eight rights under the GDPR:**

- The right to be informed:

Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR.

- Duncan Private Hire will provide individuals with information including: our purposes for processing their personal data, our retention periods for that personal data, and who it will be shared with. We call this 'privacy information'.
- Duncan Private Hire will provide privacy information to individuals at the time we collect their personal data from them.
- If Duncan Private Hire obtain personal data from other sources, we will provide individuals with privacy information within a reasonable period of obtaining the data and no later than one month.
- There are a few circumstances when we do not need to provide people with privacy information, such as if an individual already has the information or if it would involve a disproportionate effort to provide it to them.
- The information Duncan Private Hire provide to people will be concise, transparent, intelligible, easily accessible, and it will use clear and plain language.

- Duncan Private Hire will regularly review, and where necessary, update our privacy information. We will bring any new uses of an individual's personal data to their attention before we start the processing.
- The right of access
  - Individuals have the right to access their personal data and supplementary information.
  - The right of access allows individuals to be aware of and verify the lawfulness of the processing.
- The right to rectification
  - Individuals have the right to have inaccurate personal data rectified or completed if it is incomplete.
  - An individual can make a request for rectification verbally or in writing.
  - Duncan Private Hire have one calendar month to respond to a request. In certain circumstances we can refuse a request for rectification. This right is closely linked to the controller's obligations under the accuracy principle of the GDPR (Article (5)(1)(d)).
- The right to erasure
  - Individuals have the right to have personal data erased.
  - The right to erasure is also known as 'the right to be forgotten'.
  - Individuals can make a request for erasure verbally or in writing.
  - Duncan Private Hire have one month to respond to a request.
  - The right is not absolute and only applies in certain circumstances.
  - The right to erasure does not apply if processing is necessary for one of the following reasons:
    - to exercise the right of freedom of expression and information.
    - to comply with a legal obligation.
    - for the performance of a task carried out in the public interest or in the exercise of official authority.
    - for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
    - for the establishment, exercise or defence of legal claims.
- The right to restrict processing
  - Customers/staff have the right to request the restriction or suppression of their personal data.
  - This is not an absolute right and only applies in certain circumstances.
  - When processing is restricted, Duncan Private Hire are permitted to store the personal data, but not use it.
  - An individual can make a request for restriction verbally or in writing.
  - Duncan Private Hire have one calendar month to respond to a request.
  - This right has close links to the right to rectification (Article 16) and the right to object (Article 21).
- The right to data portability
  - The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.
  - It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

- Some organisations in the UK already offer data portability through the midata and similar initiatives which allow individuals to view, access and use their personal consumption and transaction data in a way that is portable and safe.
- It enables consumers to take advantage of applications and services which can use this data to find them a better deal or help them understand their spending habits.
- The right to object
  - processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling).
- Direct marketing (including profiling); and
  - Processing for purposes of scientific/historical research and statistics.
  - Rights in relation to automated decision making and profiling.

The most significant of the above rights is that of subject access. Data Subjects are permitted to be provided with a copy of the information held on them in electronic systems and some paper systems along with the reasons why that information is held. This is known as a Subject Access Request or SAR.

To make an SAR data subjects must make a request in writing to Duncan Private Hire (**see Appendix 1**) along with proof of their identity. There will be no charge unless the request is manifestly unfounded or excessive. In such cases a £10 fee will be charged.

Duncan Private Hire will normally fulfil the SAR within 40 days as prescribed by law unless third parties must be contacted for permission to release information about them if some personal information relates to them as well as the applicant (e.g. in the case of job references).

### **Close Circuit Television (CCTV)**

Closed circuit television (CCTV) is installed at Duncan Private Hire for the purposes of staff, customer and premises security. Cameras are located at various places on the premises, and images from the cameras are recorded.

The use of CCTV falls within the scope of the General Data Protection Regulation (GDPR).

In order to comply with the requirements of the GDPR, data must be:

- Fairly and lawfully processed
- Processed for limited purposes and not in any manner incompatible with those purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in accordance with individuals' rights
- Secure

## **Personal data breach**

- Duncan Private Hire has a duty to report certain types of personal data breach to the relevant supervisory authority. Duncan Private Hire will do this within 72 hours of becoming aware of the breach, where feasible.
- If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, Duncan Private Hire will inform those individuals concerned without undue delay.
- Duncan Private Hire have robust breach detection, investigation and internal reporting procedures in place. This will facilitate our decision-making about whether we need to notify the relevant supervisory authority and the affected individuals.
- Duncan Private Hire will keep a record of any personal data breaches.

## **Document review date**

Duncan Private Hire will carry out a review of our General Data Protection Regulation (GDPR) Information Storage, Processing and Sharing Policy annually and in line with General Data Protection Regulations go live date of 25<sup>th</sup> May 2018.

*Peter Simpson*

[ Electronically Signed]

Peter Simpson  
Director  
Duncan Private Hire

## APPENDIX 1

### Duncan Private Hire Subject Access Request Form

You should complete this form if you want us to supply you with a copy of any personal data, we hold about you. You are currently entitled to receive this information under the Data Protection Act 1998 (DPA) and will continue to be under the EU General Data Protection Regulation (GDPR), which comes into effect on 25 May 2018. We will also provide you with information about any processing of your personal data that is being carried out, the retention periods which apply to your personal data, and any rights to rectification, erasure, or restriction of processing that may exist.

We will endeavour to respond promptly and in any event within one month of the latest of the following:

Our receipt of your written request; or

Our receipt of any further information we may ask you to provide to enable us to comply with your request.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request. You are not obliged to complete this form to make a request, but doing so will make it easier for us to process your request quickly

#### Section 1: Details of the person requesting information

<b>Full Name:</b>	
<b>Address:</b>	
<b>Contact telephone number:</b>	
<b>Email address:</b>	

#### Section 2: Are you the data subject?

Please circle the appropriate answer and read the instructions which follow i

**YES:** I am the data subject. I enclose proof of my identity (see below).

**(please go to section 4)**

**NO:** I am acting on behalf of the data subject. I have enclosed the data subject's written authority and proof of the data subject's identity and my own identity (see below).

**(please go to section 3)**

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

- Proof of Identity Passport, photo driving licence, national identity card, birth certificate.
- Proof of Address Utility bill, bank statement, credit card statement (no more than 3 months old); current driving licence; current TV licence; local authority tax bill, HMRC tax document (no more than 1 year old).
- If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

**Section 3 Details of the data subject (if different from section 1)**

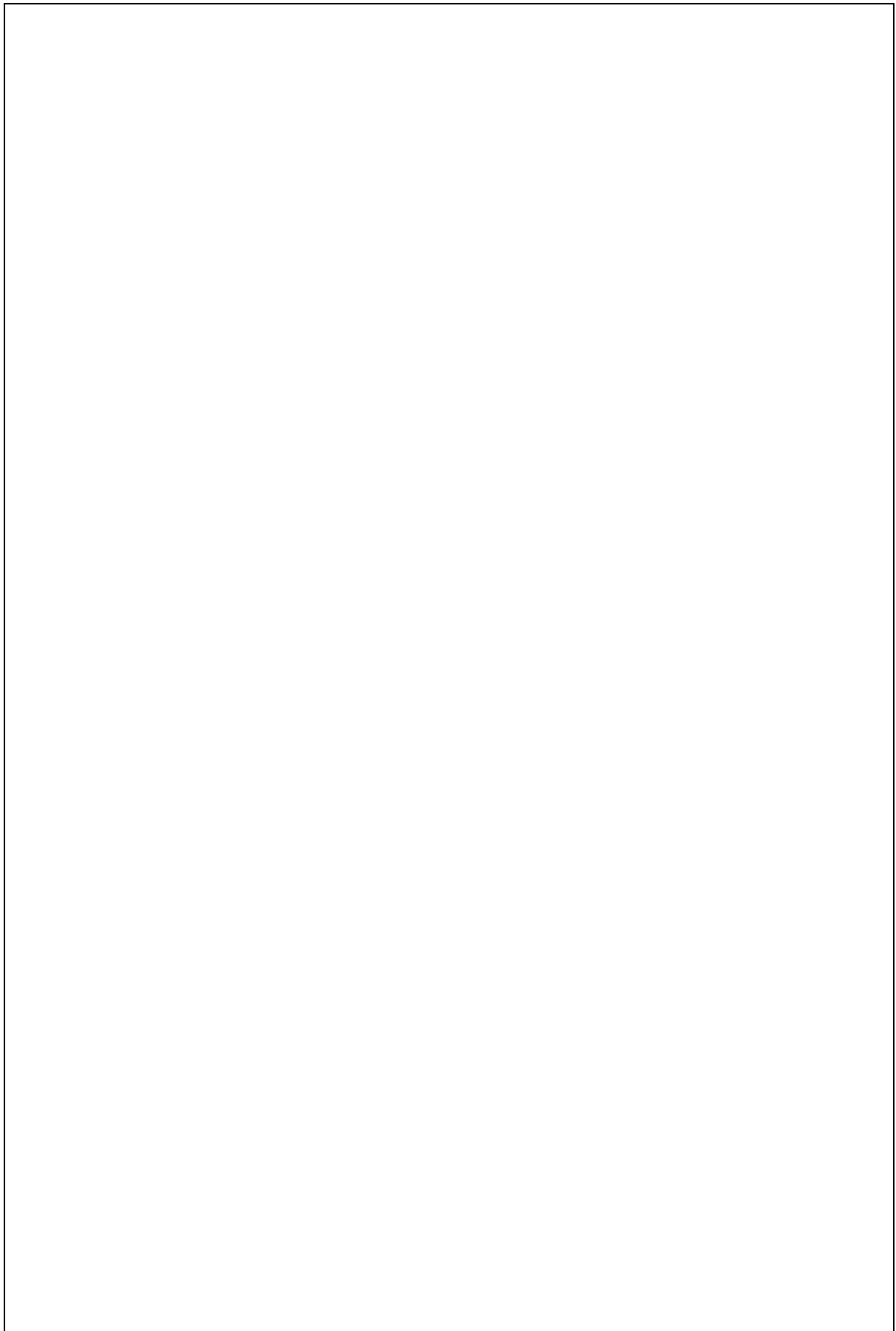
<b>Full Name:</b>	
<b>Address:</b>	
<b>Contact telephone number:</b>	
<b>Email address:</b>	

- **Section 4: What information are you seeking?**



Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require.

A large, empty rectangular box with a thin black border, intended for the user to provide details about the information they are seeking.



Please note that if the information you request reveals details directly or indirectly about another person, we will have to seek the consent of that person before we can let you see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, in accordance with section 8(2) of the DPA, not to provide you with copies of information requested if to do so would take “disproportionate effort”, or in accordance with Article 12 of the GDPR to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”, however we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

### **Section 5: Information about the collection and processing of data**

If you want information about any of the following, please circle the relevant answer:

- Why we are processing your personal data      **Yes/No**
- To whom your personal data are disclosed      **Yes/No**
- The source of your personal data      **Yes/No**

### **Section 6: Disclosure of CCTV images**

If the information you seek is in the form of video images captured by our CCTV security cameras, would you be satisfied with viewing these images? Please circle the relevant answer.

**Yes/No** If no, please complete (Appendix 1 Duncan Self Drive Hire Ltd CCTV Policy and Code of Practice)..

**Section 7: Declaration**

Please note that any attempt to mislead may result in prosecution. I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application is true. I understand that it is necessary for Duncan Private Hire to confirm my / the data subject's identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

**Signed**.....

**Dated**.....