

PRIVACY NOTICE FOR LICENCES ISSUED UNDER THE LICENSING ACT 2003

IDENTITY OF DATA CONTROLLER	SUNDERLAND CITY COUNCIL
DATA PROTECTION OFFICER	DATA PROTECTION OFFICER SUNDERLAND CITY COUNCIL PO BOX 100 SR2 7DN EMAIL: Data.Protection@sunderland.gov.uk TELEPHONE: 0191 561 1023
PURPOSES AND LEGAL BASIS FOR PROCESSING	<p>We have a statutory duty to regulate the sale of alcohol, late night refreshment and the provision of entertainment under the Licensing Act 2003</p> <p>We will process personal information relating to:</p> <ul style="list-style-type: none"> • appeals against refusal of a licence; • applications for and issue of premises licences; • applications for and issue of provisional statements; • applications for and issue of personal licences; • applications for and issue of club premises certificates; • applications for variations/minor variations of premises licences; • applications for transfer of premises licences; • applications for variations of designated premises supervisors; • applications for variations/minor variations of club premises certificates; • submission of Temporary Event Notices and Late Temporary Event Notices; • submission of Interim Authority Notices • applications for the mandatory alcohol condition requiring a designated premises supervisor in respect of a premises licence to be disapplied; • requests to cease being the designated premises supervisor in respect of a premises;

- applications for review of premises licences or club premises certificates;
- notifications of interest in a premises;
- general correspondence between you and us on matters related to the licensing service.

We will collect information about:

- You (name, address, contact details, NI number, date and place of birth, company/corporate information including details of director and registration details and photograph)
- Any recorded criminal history that relates to you (including details of current and/or previous criminal convictions, formal cautions, endorsements and previous and/or current criminal investigations)
- Any licensing history that may be relevant to you (such as details of licences previously held with other licensing authorities, the outcome of these applications, any formal or informal enforcement action taken and/or the outcome of any such action)
- Any relevant professional qualifications you hold
- Your eligibility to remain and/or work in the UK
- your credit/debit card details if you have paid for a service by card.

Some of the information we collect is classified as special category personal data (i.e. sensitive personal information) such as basic criminal record checks. This is processed for reason of substantial public interest in accordance with the Licensing Act 2003.

Our lawful basis for processing criminal convictions data (i.e. criminal allegations, proceedings or convictions) is 'where it is necessary for the performance of a task in the public interest or in the exercise of official authority vested in the Data Controller. Additionally, we may use and

	<p>share personal information relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed. This will usually be where such processing is necessary:</p> <ol style="list-style-type: none"> 1. to carry out our legal obligation(s); 2. in relation to legal claims; 3. to protect your interests (or someone else's interests); or 4. where you have already made the information public. <p>We will hold information about criminal convictions data for example through the instigation of legal proceedings and where appropriate, we will collect information about criminal convictions as part of the licensing function or we may be notified of such information directly by you, in the course of your application for a licence.</p>
LEGITIMATE INTERESTS (IF APPLICABLE)	<p>We may share your information with a number of other organisations as part of the licensing process for example:</p> <ul style="list-style-type: none"> • You • Responsible Authorities under the Licensing Act 2003 – to check if you are eligible to hold a licence and to check if the premises specified in the application are suitable to be licensed. • Internal Council Departments to check if the premises specified in the application are suitable to be licensed. • Other Council's – with whom you may have held a licence. • Home Office - Your right to work in the UK will be checked as part of your licence application and this could include the Council checking your immigration status with the Home Office. We may otherwise share information with the Home Office.
RECIPIENTS OF DATA	<ul style="list-style-type: none"> • Northumbria Police – From time to time we get requests from the police for information that will assist them in investigating and preventing crime.

- **Tyne and Wear Fire Service** – From time to time we get requests from the fire services for information that will assist them with regard to fire safety and in investigating and preventing fire related crime.
- **Councillors who sit on the Council's Licensing Committee** – If we refer your application to Council's Licensing Committee for determination.
- **Officers who service the Council's Licensing Committee** – Internal Council Officers (legal officer, democratic services officer and licensing officer(s)) who are required to attend the Council's Licensing Committee If we refer your application to Council's Licensing Committee for determination.
- **Internal Council Departments** – Who require access to your information for the purposes of administration, regulation and law enforcement. From time to time we may share your information with other council departments if the law allows us to do so.
- **Cabinet Office** – The Council has a legal duty to submit information to the government as part of the **National Fraud Initiative (NFI)**. You can read about the types of information we have to disclose to the NFI on their website.
- **HMRC** – The Council has a statutory duty under schedule 23 of the Finance Act 2011 to submit returns to the HRMC.
- **Home Office** – From time to time we get requests from the Home Office for information that will assist them in investigating and preventing crime.
- **Members of the Public** – Some limited information will be made publicly available, in accordance with the Licensing Act 2003.

INTERNATIONAL TRANSFERS INCLUDING SAFEGUARDS	No information will be stored or transferred to Servers based outside the European Economic Area.
RETENTION PERIOD OR CRITERIA	<p>We will keep your personal information for a period of two years after the file closure. It will then be securely disposed of.</p> <p>We will keep copies of your criminal disclosure certificate until such time as your application has been granted or until such time as all legal appeals against a decision to refuse your licence have been exhausted. It will then be securely disposed of.</p> <p>We will keep any personal information contained in minutes arising from attendance before a committee indefinitely as part of the public record and this data could be accessed as part of any further consideration of the Licensing process.</p> <p>Some limited information will kept indefinitely, in the form of a public register, in accordance with the Licensing Act 2003.</p>
RIGHT TO REQUEST RECTIFICATION/OBJECTION	<p>Your Information Rights are set out in data protection law. you have the right to ask to:</p> <ul style="list-style-type: none"> • have inaccuracies corrected; • have your personal data erased; • place a restriction on our processing of your data; • object to processing; and • request your data to be ported (data portability). <p>Subject to some legal exceptions, we will comply with your request.</p> <p>To exercise any of these rights please contact the relevant service in the first instance.</p> <p>You also have the right to request a copy of the personal information we hold about you.</p>
RIGHT TO WITHDRAW CONSENT	Where we process data based on your consent you have the right to withdraw that

	<p>consent at any time. You can do this by contacting the service direct or through the Data Protection Office.</p>
<p>RIGHT TO COMPLAIN TO ICO</p>	<p>If you have concerns about how we have dealt with your personal information, please contact the Data Protection Officer at Data.Protection@sunderland.gov.uk, or by calling 0191 561 1023</p> <p>You can also contact the Information Commissioner's Office Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Telephone: 0303 123 1113 (local rate) or 01625 545 745 Fax: 01625 524 510</p>
<p>CONSEQUENCE OF FAILURE TO SUPPLY DATA</p>	<p>The Council will be unable to fulfil its statutory obligations to assess your fitness and suitability to hold a licence and will be unable to enforce policy and legal requirements and will be unable to issue the relevant licence.</p>
<p>EXISTENCE OF PROFILING OR AUTOMATED DECISION-MAKING</p>	<p>None.</p>