

# Privacy Notice (How we use your information)

## Transport Services – DriverCheck

One of our jobs in Transport Services is to ensure employees, who drive as part of their duties for Kirklees Council, hold the appropriate licence for the vehicle they are driving. We do this via an electronic driver licence checking service. All licence checks are submitted through the completion of DVLA (Driver and Vehicle Licensing Agency) form D906 - Driving Licence Information Fair Processing Declaration Form. The completed form is then submitted to DriverCheck. They cannot carry out the checks without the completed form.

### The categories of information that we collect, process, hold and share include:

- Personal information
  - Name
  - DOB
  - Postal address
  - Email address
  - Drivers Licence Number
  - Any current driving endorsements you may have

### 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.

### The lawful basis on which we use this information

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

#### **6(1)(c) We have a legal obligation**

These legal bases are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities. This includes, but may not be limited to:

1. **Senior Traffic Commissioners Statuary Document No.3 (Drivers Administration)**  
Page 16. This guidance is issued under the following legislation:

“The Senior Traffic Commissioner for Great Britain issues the following Guidance under section 4C (1) of the Public Passenger Vehicles Act 1981 (“1981 Act”) and by reference to section 1(2) of the Goods Vehicles (Licensing of Operators) Act 1995 (“1995 Act”) to provide information as to the way in which the Senior Traffic Commissioner believes that traffic commissioners should interpret the law in relation to the requirements for and on transport managers.”

2. **Corporate Manslaughter Act 2007** - Organisations that require employees to drive as part of their work must monitor their employees’ entitlement to drive and verify driving licences.
3. **Road Traffic Act 1988 UK Public General Acts Part, III Requirement to hold licence section 87(1)** - It is an offence for a person to drive on a road a motor vehicle of any class if he is not the holder of a licence authorising him to drive a motor vehicle of that class.
4. **Road Traffic Act 1988 Section 87 (2)** - Makes it an offence for a person to cause or permit another person to drive a motor vehicle of any class on a road if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class.

## How we store your personal information

Where we have been provided with the DVLA D906 form, it will be scanned by us to DriverCheck and stored on secure Kirklees Council servers. The original paper copy will be stored in a locked cabinet until the driver shows as live on the DriverCheck 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.

DriverCheck retain the results from driving licence checks for 5 years after the duration of the contract with them or for 5 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.

## Who we may share your information with

We may sometimes share the information we have collected about you where it is necessary, lawful and fair to do so. In each case, we will only share the minimum amount of information only when required, for the following reasons:

- To ensure legal compliance.
- To ensure drivers hold the correct licence category.
- To ensure people can legally drive Kirklees Council vehicles.

We may share this information with:

- DriverCheck who are the external company who run the licence checks.
- The DVLA.
- Other services within Kirklees Council such as HR.

We do not share personal information about you with anyone else without consent unless the law and our policies allow us to do so.

## Your data protection rights

Under data protection law, you have a number of rights, including the right to have your records rectified and the right to ask for access to all the information the Council holds about you. These rights are listed in more detail on [Kirklees Council's data protection rights page](#).

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [Data.protection@kirklees.gov.uk](mailto:Data.protection@kirklees.gov.uk) if you wish to make a request.

## Further information

If you would like further information about how we manage your data, please see the [Kirklees Council privacy notice](#).

If you would like further information about this privacy notice, please contact: [Transportservicescompliance@kirklees.gov.uk](mailto:Transportservicescompliance@kirklees.gov.uk)

If you have any worries or questions about how your personal data is handled, please contact the Data Protection Officer at [DPO@kirklees.gov.uk](mailto:DPO@kirklees.gov.uk) or by ringing 01484 221000.

You can also complain to the ICO if you are unhappy with how we have used your data. You can contact the ICO via the ['Contact us' page on their website](#), or by ringing 0303 123 1113.