

Information Storage Protocol

In accordance with Section 5.4.6 of the DCMS Code of Practice for Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos issued on 26 February 2008 (“the Code of Practice”) the council is required to have in place a protocol governing the storage of confidential information during Stage 2 of the casino premises licence process.

The council complies fully with the Data Protection Act 1998 including the council’s own policy on the correct handling, use, storage, retention and disposal of all casino licensing applicants’ associated documentation or information. It also complies fully with its obligations under all other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of data and document submission.

A major consideration will be to ensure that the process for this application process is transparent, fair, confidential and clearly understood.

Stage 1 Process

All Stage 1 applications shall be made in the form and manner prescribed by the Gambling Act 2005 (Premises Licences and Provisional Statements)(England and Wales) Regulations 2007. No other information other than the information required by these regulations that govern the making of applications shall be included in or submitted with an application under the Stage 1 process.

Where any such additional information is submitted the council will return all documentation, electronic or otherwise, to the applicant with the explanation that the information does not fall within the above prescribed regulations. It is recognised that interested parties may make representations at Stage 1 and where this is so the council will need to proceed to a hearing, unless all parties agree that this is unnecessary. Where there is to be a hearing, all relevant documents will be submitted to the Licensing Committee in accordance with the council’s normal procedures. In addition, all hearings will be conducted in accordance with normal procedures and a copy of the Hearings Procedure is available upon request. All determination notices will be made public on the Council’s web site.

Where an appeal is lodged, the council will not proceed to Stage 2 until the appeals are determined.

Stage 2 Process

In accordance with Section 5.4.6 of the Code of Practice the council will follow this protocol governing the storage of confidential information submitted by applicants during Stage 2.

Storage, access and removal

All applicants' supporting information, associated documents and data (including electronic data) will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties. A signed record of authorised officers shall be kept with this data.

Any authorised person seeking to remove any information from the secure environment shall complete a log book specifying the following information:

- date it has been removed
- officer removing the information
- description of the document removed
- reason for removal
- date and time returned

Handling

In accordance with the Data Protection Act 1998 and the council's procedures all information is only passed to those who are authorised to receive it in the course of their duties. All applicants' supporting information, associated documents and data (including electronic data) will be handled as strictly confidential matters at all times.

All applicants' supporting information, associated documents and data (including electronic data) will be subject to a formal acceptance procedure and a record will be maintained of all those to whom any information has been revealed and the council acknowledge that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

These formal procedures will include any information provided at the second stage, whereby the council may engage in discussions or negotiations with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise benefits to the Authority's area that would result from it (were it granted). This may include financial or other contributions subject to negotiation.

The council will not discuss or divulge the details of a person's application with any other applicant without the person's prior permission.

Usage

All applicants' supporting information, associated documents and data (including electronic data) information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

After the closing date (as defined in the invitation regulations) but before considering an application, a register of interests shall be prepared by the council. The register will detail any pre-existing contracts, arrangements or

other relationships between the applicant and the council and shall ensure that this is made available to the public upon application. In addition, the register will record every telephone call, letter and enquiry received to ensure the process is fair, open, consistent and transparent.

A copy of the information contained in the register shall be provided by the council free of charge to each applicant and to any other person who requests it.

Retention

Once a relevant decision has been made, all unsuccessful applicants' supporting information, associated documents and data (including electronic data) other than the prescribed information submitted at Stage 1, will not be kept for any longer than is absolutely necessary. This is generally for a maximum period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep the above information for longer than six months, the council will give full consideration to data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, all unsuccessful applications, supporting information, associated documents and data (including electronic data) will be immediately destroyed by secure means, i.e. by shredding, pulping, deep burial or burning. Whilst awaiting destruction, the above information will be kept securely. Prior to destruction, the applicant may request the return of such information whereupon the council shall return all relevant documentation.

The Council will not keep any photocopy or other image of the unsuccessful application and supporting information, associated documents and data (including electronic data). However, notwithstanding the above, the Council will keep a record of the date of receipt of an application, the name of the applicant, the type of licence requested, the reason for which the application was submitted, a reference number identifying the application and the details of the final decision. This information will be retained throughout the application process and for 6 months thereafter.