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Low  
Date: 30 August 2011

Dear Sharon

## **VEHICLE DATA USER - PARKING AND MOVING TRAFFIC ENFORCEMENT**

I refer to my visit to your offices on Wednesday 24 August 2011 for the purpose of reviewing the procedures and methods adopted by the London Borough of Harrow in the use of data supplied by DVLA in connection with parking contraventions and moving traffic violations.

My visit was to verify there was cause to request such information and that once received it is used, stored and destroyed in ways that conform to best practice and the Data Protection Act.

## **PROCESS**

Civil Enforcement Officers (CEO) issue Parking Charge Notices (PCNs) through electronic hand held devices to vehicles that have contravened parking restrictions in on/off street car parks. Once a penalty notice is issued the information is downloaded onto your database and a case is generated with a unique case reference number. Photographic evidence of vehicles is taken to allow cases to be reviewed in the event of a dispute.

The PCN allows twenty-eight days to pay with fourteen days at a discounted rate. Requests for keeper information are sent to DVLA through the Electronic Data Interchange (EDI) link provided by Civica after twenty-eight days with keeper information returned to update cases and to allow the creation of a Notice to Owner (NTO).

We also discussed the procedures used in the detection of bus lane and moving traffic offences detected by camera technology. In these cases CCTV operatives log the details of any potential contravention with the case reviewed by another operative. In cases where a contravention is confirmed a case is created manually on the database and keeper information requested to allow a Penalty Charge Notice to be served through the postal system. I was advised that a management checking process is in place to verify the quality of the images



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Department for  
**Transport***

captured and to gain an assurance that cases created on the system are supported by evidence of an actual offence.

We discussed the secure transmission of personal data obtained from DVLA. Assurance has been received that personal data is transferred using a secure (SFTP) file transfer protocol.

Carlie explained occasionally the Authority make a manual request for keeper information via the VQ4 process. This will be done where you have multiple offences for a vehicle and where up to three previous electronic requests have failed to provide keeper information for the date of event. I advised you that if this information had not been provided at this stage it is unlikely that DVLA would receive the required notification to enable the vehicle record to be updated.

It was explained that if the debt were unpaid the Authority would pursue legal action in order to recover the debt with cases being passed to a debt recovery company once the debt has been registered.

## **SECURITY**

Access to secure areas of the building is restricted to authorised staff and controlled by an electronic access card swipe system. Visitors can only gain access by first reporting to reception and are subsequently accompanied by a member of staff.

We discussed access to the enforcement database, which contains vehicle keeper information obtained from DVLA. Carlie advised me that this is restricted to members of staff within the Parking Services team. Access is ID and password protected with a mandatory change of password prompted every three months.

Carlie confirmed that the CEOs do not have access to vehicle keeper information obtained following the issue of a PCN. We discussed the risks associated with personnel having the ability to create cases on the system and to keeper information supplied by DVLA. Carlie maintained that as the system administrator she controls access rights and that current access levels are appropriate to the job roles being carried out. She felt that sufficient controls are therefore in place to protect the Authority and DVLA from the risk of any potential misuse of personal data supplied by the Agency.

It was noted that the database maintains an auditable trail of actions associated with the creation and or amendments to a case and that these actions are attributable to an identified individual.

We discussed the security afforded to keeper information obtained from DVLA in paper form. As this information is the property of DVLA and sensitive in nature it should be kept securely. Carlie advised me that in the event of a hard copy VQ5 response being received it is held securely until processed and then scanned onto the database with the original securely destroyed.

## **DATA PROTECTION**

London Borough of Harrow is registered with the Information Commissioner under registration number Z597312X expiring on 18 August 2012.

## **ENQUIRIES**

I brought with me a list of recent enquiries submitted by the London Borough of Harrow and I checked a random sample of thirty-one against your database. Records for each PCN were located on your database and I was satisfied all met the reasonable cause criteria for the release of information, subject to the following point.

Enquiries had been made for GEZ5459 and L55 FGE on 1 and 2 August respectively and although a case existed on the database for both Vehicle Registration Marks (VRM) the associated photographs showed a different VRM in each case (GEZ2459 and LT55 FGE).

Care should be taken to ensure that the correct VRM is captured to ensure that any subsequent request for keeper information relates to the offending vehicle, as failure to do so may result in the Authority receiving personal data to which it has no entitlement. Such an enquiry will breach the Data Protection Act and in the case of an individual not associated with the contravention infringe their right to privacy.

We discussed what happens to vehicle keeper information obtained in the pursuit of a case which is later found not to be relevant for whatever reason (e.g. incorrect registration quoted). It was noted that the Authority currently retains this on its database. This contravenes principle 5 of the Data Protection Act, which prescribes that data should not be held for longer than necessary. Although a record of the enquiry should be retained for audit purposes the keeper information should be deleted from any electronic records and any hard copies destroyed by secure means.

## **OTHER MATTERS**

Carlie advised that the signage at entrances to council car parks did not state that information might be requested from DVLA. In the interests of transparency, it would be helpful if the council displayed a note on the signage to indicate that the Authority may request information from DVLA.

Similarly, I noted that the penalty notice does not state information might be requested from DVLA. Again in the interests of transparency, it is recommended that the council include a note to indicate that the Authority may request information from DVLA.

We discussed how the Authority publicises its appeals process and the procedures it employs in dealing with any appeals. It was explained that the appeals process is printed on the PCN and available on the Authority's website with any appeals dealt with in-house and considered on their individual merits.

We also discussed the Authority's policy for the retention of vehicle keeper information obtained from DVLA as I was concerned that if this information was retained indefinitely it could potentially breach the Data Protection Act. Carlie stated that cases are archived after six years but was unable to confirm whether personal data is removed and she agreed to confirm the situation in this regard.

## SUMMARY OF ISSUES

1. Please confirm that vehicle keeper information obtained in error will be deleted from any electronic records and any hard copies destroyed by way of secure shredding, although a record of the enquiry should be retained. **{Data Protection}**
2. The Authority to consider amending Penalty Notices and signage in council car parks to read 'Registered keeper details may be requested from DVLA'. **{Further Information}**
3. Please confirm what the Authority's policy is with regards to the retention period of vehicle keeper information obtained from DVLA and that once reached this data is deleted from any electronic records and any hard copies destroyed by way of secure shredding. **{Data Protection}**

I should be grateful if by 27 September 2011 you would e-mail confirmation to Jackie Clement, DVLA Internal Audit Services, Swansea that the issues noted above have been addressed. Her e-mail address is [jackie.clemexx@xxxx.xxx.xxx.xx](mailto:jackie.clemexx@xxxx.xxx.xxx.xx)

Finally, I would like to take this opportunity to thank you and Carlie for your time, help and hospitality during my visit.

Yours sincerely

Roger Port  
Corporate Assurance Services  
Theale Local Office