

Draft for reply to [REDACTED]

Dear [REDACTED]

Thank you for your email of 16 July about the release of information from the Driver and Vehicle Licensing Agency vehicle records to the private parking Vehicle Control Systems Ltd (VCS).

Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 provides a legal gateway for the release of information to those who can demonstrate a reasonable cause for receiving it.

Motorists use the private parking facilities subject to the terms and conditions set out on signage displayed in the car park. The need to contact individuals who may not have complied with these conditions is, in most circumstances, considered to be a reasonable cause. The DVLA provides vehicle keeper details as a first point of contact to help investigate and establish where liability may lie and resolve disputes. The legal basis for the release of DVLA information for this purpose has been in place for many years.

While seeking to ensure that vehicle keeper data is released only in appropriate circumstances, it would not be the appropriate body to offer a view on whether or not a breach of the terms and condition for parking on private land has occurred or whether any liability might be attached to such a breach. That would be a matter between the driver and the landowner or their agents which ultimately might need to be decided by the courts. The DVLA releases information on the basis that reasonable cause is demonstrated.

The ATA's code of practice covers many aspects of a car parking operators business, and while compliance with the code of practice is a key consideration for DVLA when releasing vehicle keeper data, not all requirements of the code affect reasonable cause. The terms and conditions contained on a sign on private land would be considered valid for incorporation into a contract even if the sign itself had not been approved via local authority planning processes. Therefore, there would be reasonable cause for DVLA to disclose data for the investigation of alleged transgressions in such circumstances.

As you will appreciate, planning permission compliance falls outside of the DVLA's remit and would be a matter for the Local Authority to consider.

