

**Driver and Vehicle Licensing Agency**

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Your Ref:

Our Ref:

Date:

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Dear [REDACTED]

Thank you for your letter of 26 April to Andrew Jones about the release of vehicle keeper information to private parking companies. It has been passed to the Driver and Vehicle Licensing Agency (DVLA) and I have been asked to reply to the issues you have raised, however, some are outside of DVLA's remit.

I do understand your concerns, and wish to emphasize that the DVLA is keenly aware of public concern about the practices adopted by some companies managing private car parks. We are working closely with the parking sector to improve procedures and to encourage compliance with relevant codes of practice.

I can assure you that the DVLA takes the protection and security of its data very seriously and has procedures in place to ensure data is disclosed only where it is lawful and fair to do so. The most recent audit by the Information Commissioner's Office judged the DVLA's procedures to offer high assurance that processes to mitigate the risk of non compliance with the Data Protection Act are in place.

The DVLA cannot determine liability when dealing with requests for information. Under Regulations, DVLA discloses vehicle keeper information as a first point of contact to help investigate and establish where liability for an incident or event may lie. The DVLA would not be the appropriate body to determine whether or not a breach of the terms and conditions for parking on private land has occurred. The Agency's role is confined to assessing whether there is reasonable cause for the data to be disclosed.

Turning to the information you have provided about the absence of planning permission in relation to signage, I wish to explain that DVLA has looked into this issue in some detail. The conclusion was that 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. I do not think it reasonable for the DVLA, who cannot be expected to be an expert in these matters to provide answers on the legality of signage. As you will appreciate, planning

permission compliance falls outside of DVLA's remit and is a matter for the Local Authority to consider.

It should be noted that the Department of Health is responsible for issues concerning the control of parking on NHS Trust land and they have issued guidance to help ensure patients and their families are not treated unfairly. The NHS guidelines can be found online at [www.gov.uk/government/publications/nhs-patient-visitor-and-staff-car-parking-principles](http://www.gov.uk/government/publications/nhs-patient-visitor-and-staff-car-parking-principles) If a motorist is disputing a parking charge issued by a NHS Trust they should contact that NHS Trust's appeals service. They should include a full explanation of the incident so that their appeal can be fully considered.

DVLA has also looked into Private Parking Management Companies operating on land where there are bylaws in place. Investigations have provided DVLA with the assurance that the reasonable cause requirements in law are satisfied.

Neither the DVLA nor the Department for Transport are able to regulate private business practices. DVLA requires private car parking operators to be members of a relevant ATA before providing vehicle keeper information. ATA membership helps to ensure parking companies operate within a code of practice and it is clearly in everyone's interest for the ATAs to make sure that its members comply with the code. But we know that operators do make errors, some of which represent shortfalls in compliance with their code of practice. DVLA takes such matters seriously and looks primarily to the ATAs to monitor adherence to the code of practice and explore and address non-compliance when it arises.

Finally, I wish to advise you that the responsibility for off road parking has been transferred from the Department for Transport to the Department for Communities and Local Government (DCLG). If you feel that more formal regulations may be necessary, any representations should be made to DCLG whose remit includes such matters.

I hope this helps to explain the DVLA's position.

Yours sincerely

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Data Protection Policy