



Driver & Vehicle  
Licensing  
Agency

**Driver and Vehicle Licensing Agency**

Data Sharing Team  
Longview Road  
Morriston  
Swansea  
SA6 7JL

**Stephen Metcalfe MP**

Email- [Stephen.metcalfe.mp@parliament.uk](mailto:Stephen.metcalfe.mp@parliament.uk)

Email: [KADOEservice.support@dvla.gsi.gov.uk](mailto:KADOEservice.support@dvla.gsi.gov.uk)

Website: [www.gov.uk/browse/driving](http://www.gov.uk/browse/driving)

Your Ref: **SF01342930**

Our Ref:

Date: 20/03/19

Dear Mr Stephen Metcalfe MP

**Re. Westgate Car Park, Basildon - Smart Parking**

Thank you for your letter dated 12<sup>th</sup> March 2019.

As stated in my previous correspondence, DVLA looks primarily to the Accredited Trade Association's (ATA) to monitor adherence to their operational code of practice and explore and address non-compliance when it arises. If a company fails to comply with the relevant code of practice and it breaches the constraints of the DVLA Keeper at Date of Event (KADOE) contract, DVLA can suspend or expel the company.

DVLA has investigated this issue in some detail and 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 and where the provisions of Data Protection Law are met. DVLA have identified no breach in the constraints of the KADOE contract. The ATA for Smart Parking, the British Parking Association (BPA) are satisfied there has been no breach of their code of practice by Smart Parking.

DVLA contacted the BPA in November 2018 regarding this car park. BPA have completed their investigations and have worked with Smart Parking to deal with the concerns raised and will work closer with Smart Parking to ensure that they remain in-compliance with their code of practice. In November 2018 the DVLA were satisfied with the actions taken by the BPA and Smart Parking and the concerns raised were dealt with quickly.

DVLA recently contacted the BPA regarding the planning permission at the Westgate Car Park Basildon. BPA have advised not having consent is not an offence in itself and it only becomes one if an operator refuses / fails to follow any Enforcement Notice issued by the Local Authority.

BPA have advised that Smart Parking remained in dialogue with the planning department and they have not received a notice to cease operating due to consents being rejected. However, events have now moved on, with the landowner terminating the contract for Smart Parking to

manage the location. In line with their contractual undertaking, Smart Parking will remove all equipment from the site.

DVLA are satisfied with the action taken and that reasonable cause had been met for the enquiries being made. DVLA understand that the status of signs in relation to any planning permission requirements would not invalidate the terms and conditions displayed on them.

Recipients of DVLA information via the KADOE service are bound by contract and subject to audit by their relevant ATA, the DVLA and the Government Internal Audit Agency (GIAA).

Smart Parking has two electronic links with DVLA to request vehicle keeper data from the KADOE service. A GIAA audit was conducted on one link in April 2018 and a DVLA audit was conducted on one link in June 2018. Both audits were awarded a green assurance rating, demonstrating a high level of compliance.

Both links will be audited again in April and June 2019 to ensure compliance has been met.

DVLA are satisfied with the actions taken by both BPA and Smart Parking.

I trust this explains the Agency's position, please let me know if I can help you further.

Yours sincerely,

*Sent via email*

  
Senior Data Sharing Compliance Manager  
Data Sharing Strategy & Compliance Team