

Draft response to [REDACTED]

Dear [REDACTED]

Thank you for your email of 31 August about the release of information to the private parking company Excel Parking.

I can assure you that all data sharing undertaken by the DVLA is carried out in accordance with the principles of the Data Protection Act (DPA). The most recent audit by the Information Commissioner's Office judged the DVLA's procedures to offer high assurance that processes to mitigate the risks of non-compliance with the DPA are in place.

The names and addresses of registered keepers of vehicles can be lawfully released to those who can demonstrate reasonable cause to receive it. The release of information to private car parking management companies is considered to be a reasonable cause. Landowners would have great difficulty in enforcing their rights if motorists were able to park with impunity on private property.

The DVLA cannot determine liability when dealing with requests for information. Under the regulation, 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.

It is not within DVLA's remit to regulate the private parking sector. However, to help ensure motorists are treated fairly when any parking charge is pursued, the DVLA discloses vehicle keeper information only to companies that are members of an appropriate Accredited Trade Association (ATA). The requirement for ATA membership helps to ensure that those requesting data are legitimate companies operating within a code of practice that includes access to an independent appeals process. The ATA carry out strict checks on companies before allowing them to become members.

While the DVLA has clear interest in companies compliance with the ATA's code of practice, the responsibility for monitoring and ensuring compliance lies with the ATA, together with the responsibility for ensuring the code of practice remains up to date and effective.

If a motorist feels that any of the practices employed by Excel Parking, particularly the illumination of signage, do not comply with the IPC's code of practice they should contact the IPC with their concerns. Issues in relation to how a car park is managed can also be raised with the relevant landowner who would ultimately be responsible for the management of their land.

In terms of any wider issues relating to private parking, responsibility for Government Policy sits with the Department for Communities and Local Government (DCLG). A discussion paper was launched by DCLG to canvass public opinion on private parking practices and how they could be improved. The Government is currently considering its response.

I hope this explains the Agency position on this matter.

