

Daniel Morris

Email us at: [foi@dvla.gov.uk](mailto:foi@dvla.gov.uk)  
Website: [www.gov.uk/browse/driving](http://www.gov.uk/browse/driving)Your Ref:  
Our Ref: FOIR7845

Date: 10 November 2020

Dear Mr Morris

**Freedom of Information Request**

I am contacting you further to the request for information you made to the DVLA on 5 November 2019 (REF: FOIR7845).

I understand you have been in correspondence with the Information Commissioner's Office (ICO) concerning three questions within your request. I therefore believe it would be helpful to provide you with further information and advice in connection with those questions. I am copying this reply separately to the relevant ICO contact.

Your request for information asked:

**I write in looking for information relating to KADOE requests fulfilled in favour of Smart Parking Limited (also known as Town and Country Parking) for the land adjacent to 18 Wind Street, Ammanford, Carmarthenshire, SA18 3DN (commonly referred to as Shoppers World car park).**

**1) Per section B11.1.c.1. of KADOE contract, please provide a copy Smart Parking Ltd's site survey questionnaire.**

Having reviewed the information that we hold, the DVLA maintains that releasing the site survey questionnaire would be likely to prejudice the prevention or detection of crime. We therefore rely on Section 31(1)(a) of the FOIA in withholding this information.

In addition to the explanations provided to you in the Public Interest Test, which was sent with our original reply of 5 November 2019, I would further explain that the site survey questionnaire contains technical data that could in its own right, or when combined with additional information from other sources, provide criminals with a better opportunity to undermine the security of a third party company and/or the DVLA. It is worth noting that, in its capacity as an intermediary link provider between

the DVLA and a number of private parking companies, the third party company handles large volumes of personal data.

The site survey questionnaire does not relate to the private car park specified in your question, nor any other physical car parking site.

**5) Please confirm the number of points on Smart Parking Ltd's ATA membership license as well as notification events that the DVLA has recorded.**

In our reply of 5 November, we advised that we do not hold this information and we maintain that this is the case. I can advise that a thorough search has been conducted and I can confirm that the DVLA does not hold e-mail exchanges with the ATAs, nor “notification events” concerning sanction points awarded to Smart Parking Ltd.

In order for a private parking operator to be permitted to request vehicle keeper information from the DVLA, they must be a member of an ATA. The ATAs are responsible for ensuring parking operators act in accordance with the relevant code of practice. For example, the British Parking Association (BPA) enforces non-compliance with their code of practice through a sanctions scheme. Sanction points are awarded according to the severity of the contravention. Details of the BPA scheme can be found at the following link:

<https://www.britishparking.co.uk/AOS-Sanctions>

The DVLA operates a range of safeguards to help ensure that those requesting vehicle keeper data are authorised to receive it. We conduct audits of parking operators to obtain assurance that sufficient evidence of a parking contravention exists to justify the lawful release of the information provided, and that the information is used only for the purpose it was provided for. This activity concentrates on the fair use of information received from DVLA records rather than on the level of compliance with the code of practice of the relevant ATA, which, as already explained, is within the remit of the ATAs.

**6) Please provide a signed copy of the latest KADOE contract enacted by Smart Parking Ltd, including the complete Annex A Declaration.**

We advised that releasing the actual contract between the DVLA and Smart Parking Ltd would be likely to prejudice Section 43(2) of the FOIA.

Having reviewed our response, I now consider that the actual contract between the DVLA and Smart Parking Ltd, does not engage Section 43(2) of the FOIA. The information we hold is as follows and can be found in the attached annexes:

Annex A - Smart Parking Limited – Signature Page (Part L)

Annex B - Smart Parking Limited - KADOE Fee Paying Contract (Parking)

The names and signatures of individuals have been redacted from Annex A under Section 40(2) of the FOIA because it is considered to be personal information. We cannot release information that could lead to the identification of an individual. DVLA has to consider whether releasing the information would breach any of the data

protection principles. In this instance, it would not be fair to release information that could lead to the identification of an individual especially where removing that information has no impact or effect on the information being released.

I hope this further information proves helpful.

The information given below concerns the procedures for making any complaint you might have about the reply. Please quote the reference number of this letter in any future communications about it.

Yours sincerely

A handwritten signature in purple ink, appearing to be 'R. Toft', written over a faint rectangular stamp.

Robert Toft  
Head of Data Protection Policy & Freedom of Information Team

## **Your right to complain to DVLA and the Information Commissioner**

If you are not happy with the reply to your request, you can ask DVLA to re-consider the response you received by writing (within two calendar months of receiving this response) to either [foi@dvla.gov.uk](mailto:foi@dvla.gov.uk) or DVLA Freedom of Information Team, DPP/FOI, C2W, DVLA, Swansea SA6 7JL.

DVLA will acknowledge and consider your request, re-visiting the response provided. This is known as an Internal Review and will be considered by a staff member not involved with the original reply.

If you disagree with the outcome of the Internal Review, you have the option to complain to the Information Commissioner's Office (ICO). The ICO's offices are currently all closed, but you can contact them on this link - <http://ow.ly/oWiW50yU9Xb>