

Lorraine

Email us at: foi@dvla.gov.uk
Website: www.gov.uk/browse/drivingYour Ref:
Our Ref: FOIR8377

Date: 5 May2020

Dear Lorraine

Freedom of Information Request

Thank you for your e-mail of 3rd April requesting information under the terms of the Freedom of Information Act 2000 (FOIA). Some of the questions you have raised are not requests for recorded information and the advice given is provided outside of the FOIA.

You asked:

With reference to the fact that The DVLA is selling personal driver details on to third parties, I would like to know the following:

- 1. Under what authority is the DVLA allowed to pass on or sell personal details to third parties, without first seeking permission from the people whose data it wishes to sell?**

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 and where the provisions of the Data Protection Act (DPA) are met.

Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 allows vehicle keeper details to be disclosed to third parties who can demonstrate that they have a reasonable cause to receive it. This Regulation provides a legal gateway for the release of information and is not based on the consent of the data subject. Details on the release of information from the DVLA records can be found on the following link:- <https://www.gov.uk/government/publications/release-of-information-from-dvlas-registers>

- 2. Why does this practice not contravene the data protection act?**

As previously explained, Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 provides a legal gateway for the release of information. Disclosure in these circumstances does not breach the Data Protection Act and the Information Commissioner's Office is fully aware that data held on the DVLA's records is released in this way.

The DVLA makes vehicle keepers aware that their personal information may be released in a number of lawful circumstances. A note is included on the Vehicle Registration Certificate (V5C); under the heading 'Data Protection'. This provides a link to the DVLA's online privacy policy www.gov.uk/dvla/privacy-policy which provides further information on who we share your vehicle information with at <https://www.gov.uk/government/publications/release-of-information-from-dvlas-registers>

3. The private parking business is unregulated and riddled with poor practice and inappropriate enforcement, the business does not exist to regulate parking, it is merely a means to issue 'fines' to motorists. The fact that the DVLA facilitates this practice makes it complicit in this disgraceful and dishonest behaviour. So what is the justification for the DVLA in allowing these companies access to personal data?

The DVLA cannot regulate directly the manner in which a parking management company is operated. However, the Parking (Code of Practice) Act, passed by Parliament recently, will bring greater regulation of the private parking industry. There will be a single code of practice which will ensure parking management is consistent, transparent and easier to understand. Private parking companies who do not adhere to the code of practice could be barred from requesting vehicle keeper details from the DVLA to enforce parking charge notices. A new independent appeals service will also give drivers greater support to challenge parking charge notices.

Private parking management companies receive information on the condition that it will only be used to help follow up an alleged parking contravention. It cannot be further processed for any other purpose. The DVLA's audit teams conduct remote audits and the Government Internal Audit Agency (GIAA) visits external data users to ensure that information is only requested and used in accordance with the contract terms. Where any compliance issues are identified, the DVLA will undertake the appropriate action to ensure the matter is rectified.

The law recognises that motorists have a responsibility to others when using a vehicle and allows for the release of information to both private and public sector bodies. Unauthorised or inconsiderate parking on private land is a widespread problem for many businesses, private landowners and other motorists. If information were not released, motorists would be able to park with disregard for the conditions applying, with no prospect of being held to account for their actions.

4. It is well known (and proven) that in some cases, the information is being accessed by disreputable companies or those with criminal

connections, so why are there no safeguards in place to ensure this does not happen?

To help ensure motorists are treated fairly when any private parking charge is pursued, the DVLA discloses vehicle keeper information only to companies that are members of an appropriate Accredited Trade Association (ATA). The purpose of requiring a company to be a member of an ATA is to ensure that those who request DVLA information are legitimate companies that operate within a code of practice that promotes fair treatment of the motorist and ensures that there is a clear set of standards for operators.

The ATA carries out stringent checks on companies before allowing them to join and monitors the compliance of their code of practice. If a company fails to comply with the relevant code of practice it can be suspended or expelled, during which time no data will be provided to it by the DVLA. There are two ATA's for the parking industry and they are the British Parking Association (BPA) and the International Parking Community Ltd (IPC). The BPA's code of practice is published on its website at <http://www.britishparking.co.uk> under the heading "Approved Operators Scheme". The IPC's code of practice is published on its website at www.theipc.info under the heading "Accredited Operators Scheme".

5. I have never given my permission to the DVLA to allow my personal details to be passed on or sold to third parties and I strongly object to this practice. How do I stop the DVLA from passing on my personal details without my request to anyone that is not a police officer or emergency services?

The Agency would not be able to justify withholding personal information from third parties able to demonstrate reasonable cause to receive it. Regulation 27 of the Road Vehicles (Licensing and Registration) Regulations 2002 provides a legal gateway for the release of information from the DVLA vehicle records and is not based on the consent of the data subject. No vehicles are exempt from disclosure under the provisions of these Regulations.

The information which follows 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



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 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>