

Anita Schott

Email us at: foi@dvla.gsi.gov.uk
Website: www.gov.uk/browse/driving

Your Ref:
Our Ref: FOIR5591

Date: 7 October 2016

Dear Ms Schott

Freedom of Information Request

Thank you for your e-mail dated 20 September requesting information under the terms of the Freedom of Information Act 2000 (FOIA).

You asked:

1. Please provide a full step-by-step process that a external private parking company must progress through to become registered to obtain keeper information from the DVLA.

DVLA does not hold recorded information on a step by step process that an external private parking company must progress through to become registered to obtain keeper information.

What DVLA can provide is an explanation of the procedures that car parking management companies must go through prior to being able to make electronic requests for keeper details from DVLA.

In the first instance car parking management companies must apply for keeper details on the form V888/3 manually. DVLA ensures that the forms provide full details of the incident and have the necessary evidence to support their request.

The link <https://www.gov.uk/government/publications/giving-people-information-from-our-vehicle-record> provides the DVLA document 'Giving people information from our vehicle record' (MIS546). Page 25 of the document outlines what information and evidence needs to be provided by the car parking management company in order for DVLA to consider their request for information under the provisions of the Road Vehicles (Registration and Licensing) Regulations 2002.

Those car parking management companies wishing to submit requests electronically via the Keeper At Date Of Event (KADOE) service must serve a mandatory six month probation period making manual requests only. During this time their behaviour in the use of DVLA data is monitored. Strict contract terms set out the exact conditions under which companies may apply for keeper information and how

it can be used. Private parking companies receive the information on the condition that it will only be used to help follow up the alleged parking contravention. It cannot be further processed for any other purpose. However, unlike the manual requests the evidence does not need to be supplied at the time of making a KADOE request, it has to be made available to DVLA auditors when requested.

2. What inquiries are made by the DVLA to ensure that a private parking company requesting vehicle keeper information are compliant with Data Protection legislation and what on-going checks are made by the DVLA and at what interval?

Information about registered keepers of vehicles can be released by the DVLA under Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002. This legislation allows vehicle keeper details to be disclosed to third parties who can demonstrate that they have a reasonable cause to receive it. Reasonable cause is not defined in legislation but the Government's policy is that it should relate to the vehicle or its use, following incidents where there may be liability on the part of the driver. Guidance on what constitutes reasonable cause is published online at www.gov.uk/request-information-from-dvla

The release of information to private car parking 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. This does not infringe the Data Protection Act and the Information Commissioner (ICO) is aware that personal data held on the vehicle register can be used in this way.

Private parking companies receive the information on the condition that it will only be used to help follow up the alleged parking contravention. It cannot be further processed for any other purpose. The Government Internal Audit Agency (GIAA) visit external parking companies who make enquiries using the V888/3 enquiry form and the electronic KADOE service.

DVLA also carry out desk based audits (i.e. via e-mail) on electronic KADOE customers to ensure that information is only requested and used in accordance with the contract terms. The contract terms set out the exact conditions under which parking companies may apply for keeper information and how it can be used when using the electronic KADOE service.

DVLA also checks that the company is registered with the Information Commissioners Office.

3. What are the exact pieces of information that a private parking company can request from the DVLA? I know this includes the registered keepers name and the registered keepers address, but what other information can be requested?

DVLA does not hold a list of exact pieces of information that a private parking management company can request from DVLA. Private parking management companies as a rule only require the vehicle keeper name and address. If they require any other information from the record, these requests will be considered on a case by case basis to determine whether the information can be provided.

4. What information must be supplied by the private parking company in order to obtain the registered keepers details from the DVLA? I.E. do DVLA require proof from the private parking company in order to release the keepers details?

While DVLA holds this information, section 21 of the FOIA exempts DVLA from providing information which is reasonably accessible to you by other means. This information is published by DVLA on the following link:-

<https://www.gov.uk/government/publications/giving-people-information-from-our-vehicle-record> Page 25 of the DVLA document 'Giving people information from our vehicle record' (MIS546) outlines what information and evidence needs to be provided by the car parking management company.

This information and evidence is also valid when companies make electronic requests via the Keeper At Date Of Event (KADOE) service. However, while the evidence does not need to be supplied at the time of making a KADOE request it has to be made available to DVLA auditors when requested.

5. What is the fee that the private parking company must pay the DVLA for the information and what is the cost to the DVLA to supply this information to the private parking companies?

The Private parking company is charged a fee of £2.50 for each enquiry that requests the Keeper at Date of Event information.

DVLA is permitted to charge a fee for the release of information under Regulation 27 of the Road Vehicles (Registration & Licensing) Regulations 2002. The fees are set to recover the related administrative costs so that these are borne by the requester and not passed on to the taxpayer generally.

DVLA sets fees to cover the costs of carrying out a transaction. The cost will be both the direct cost of the transaction plus an apportioned contribution to general DVLA overheads. The cost to DVLA to supply this information was £2.62 in 2013-14 and £2.43 in 2014-15.

As can be seen above, costs fluctuate for services over time. Individual services and fees shift from a slight deficit position, where the cost is higher than the fee charged to a slight surplus position where the cost is lower than the fee charged. The aim is to balance the position over time.

DVLA periodically reviews fees but does not frequently vary fees because it is not practical for the Agency or its customers.

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

A handwritten signature in purple ink, appearing to read 'R. Toft', enclosed within a rectangular box.

Robert Toft
Head of Data Sharing 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.gsi.gov.uk or DVLA Freedom of Information Team, DSPG/FOI, D16, 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 can complain to the Information Commissioner's Office. Further information can be found via: <https://ico.org.uk/concerns/getting/> Alternatively you may wish to write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.