



Release of information from DVLA's registers

DVLA manages a vast amount of data to help keep Britain's motorists moving safely and legally. In addition to providing information to the police and local authorities, the properly controlled release of DVLA data to third parties offers a host of practical motoring benefits. In all matters regarding data release the DVLA acts responsibly and in accordance with legislation.

To carry out its functions, DVLA has two separate databases. The driver register holds each driver's name, address, date of birth, photograph, entitlement, endorsements, convictions and relevant medical information that may affect a person's ability to drive.

DVLA's vehicle register is maintained primarily to identify vehicles used on public roads, to assist law enforcement and the collection of taxes and to facilitate improved road safety. It holds information about each motor vehicle (e.g. registration mark, Vehicle Identification Number, make/model, emissions, etc) and the vehicle's tax status. It also includes the name and address of the registered keeper, dates of acquisition and disposal.

While the law requires the Agency to protect the privacy of individual motorists whose details we hold on both registers, there are a number of lawful circumstances in which data can be released from the registers.

Data Protection Act

All data sharing undertaken by the DVLA is carried out in accordance with the principles of the Data Protection Act 1998. The Data Protection Act does not operate to prevent the disclosure of data where this is done consistently within the data protection principles. The right to process the data is either contained in statute, in common law or other prerogative powers of the Crown. DVLA will only release information when it is lawful and fair to do so.

Data Sharing Across the EU

The European Car and Driver Licence Information System (EUCARIS) is an electronic system that facilitates the exchange of driver and vehicle information between participating Member States. This enables EU registration authorities to check that a vehicle presented for registration has not been scrapped or stolen in another Member State. It is also used to check the validity and authenticity of a driver licence presented for exchange.

Release of information from DVLA's driver register

Driver data may be shared with other government departments or public sector bodies who can demonstrate a legal power to permit sharing and meet the Data Protection Act requirements. The purpose for which the information can be requested and how it may be used i.e. driver testing, road traffic enforcement and sentencing must be clear. The release of driver data is more limited than vehicle information, due to the nature of the information held.

Driver information may be shared, with the consent of the driver, with other organisations such as car hire companies or employers wishing to confirm employees' entitlement to drive. The organisations must show a demonstrable and relevant need to obtain that information.

Data subject access requests (driver information)

The Data Protection Act gives you the right to obtain information held about yourself from the DVLA records. Requests for data must be made in writing providing your full name and address details, driver licence number or your date of birth if your driver number is not known. DVLA does not charge for this service. The request should be sent to DVRE 5, D9, DVLA, Swansea, SA6 7JL.

Release of information from DVLA's vehicle register

Regulation 27 of the Road Vehicles (Registration and Licensing) Regulation 2002 provides for the release of information from DVLA's vehicle register to the police and local authorities. The regulation allows us to release data to private or public sector organisations providing they can demonstrate reasonable cause to have it. The release of information about vehicles and their keepers for such purposes is long established and pre-dates the existence of the DVLA.

Registered Keeper

The DVLA's vehicle database records details of the registered keeper of a vehicle, although it is acknowledge that the registered keeper may not be the driver of the vehicle at any particular point in time. Vehicle keeper details may be disclosed to law enforcement authorities or private litigants as a first point of contact to establish where liability for an incident or event may lie. Refusal to disclose these details would mean that motorists could drive or park a vehicle without fear of being held responsible for their actions. 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.

Reasonable cause for data release

As a general rule, reasonable cause for the release of data from the DVLA vehicle register relates to motoring incidents with driver or keeper liability. These can include matters of road safety, events occurring as a consequence of vehicle use, the enforcement of road traffic legislation and the collection of taxes. In all matters regarding data release, we act responsibly and in accordance with legislation.

Where reasonable cause has been demonstrated, information is disclosed on the condition that it will only be used for the requested purpose and that the recipient will protect its confidentiality. It is an offence under Section 55 of the Data Protection Act to obtain information under false pretence or to use it for a purpose other than that originally stated.

The Regulations also allow for a fee to be charged to cover the cost of processing requests under the reasonable cause provisions, so the cost is borne by the requestor and not passed on to the taxpayer.

Wide-ranging benefits of data release

All data sharing undertaken by the DVLA is carried out in accordance with the principles of the DPA. The most recent audit by the ICO judged the DVLA's procedures to offer high assurance that processes to mitigate the risks of non-compliance with the DPA are in place.

By enabling the police and other law enforcement agencies to access DVLA data quickly and easily we help keep the roads safer through the identification of unlicensed drivers and vehicles without valid road tax, insurance or MOT certification.

Motorists have a responsibility to tax, insure and MOT their vehicles, abide by road traffic regulations and park according to the conditions set by the parking provider. Properly managed data release and our support for law enforcement helps control the costs of motoring, reduces vehicle related crimes and benefits the motorists and the environment. Information can be released to;

- Local authorities for on-road parking enforcement, and dealing with abandoned and nuisance vehicles.
- Vehicle and Operator Services Agency (VOSA) to improve the roadworthiness standards of vehicles through MOT certification and ensure the compliance of vehicle operators and drivers.
- Motor manufacturers to issue vehicle safety recall notices and remove potentially dangerous vehicles from use.
- Transport for London for the enforcement of congestion charging, which aims to reduce vehicle numbers and emissions in the city centre.
- Insurance companies to pursue claims following accidents, to investigate fraud and to trace uninsured motorists.
- Landowners or their agents who offer car parking facilities under specific terms and conditions to contact drivers who may have parked their vehicle in contravention of the parking conditions.

The practical applications

We receive requests for information from private organisations as diverse as car parking management companies, solicitors, finance houses and property managers. All manual applications are looked at individually to ensure that they meet reasonable cause.

Organisations and companies that request data via a secure electronic link must first serve a 6 month probationary period making manual requests only. Strict contractual terms detail when information may be requested and how it can be used. When we do release data it is always for a specified purpose.

Landowners and Private car parking management companies

Private car parking facilities provide a vital service in towns and cities throughout the land. Many shops, hotels, pubs and doctors' surgeries are affected when motorists park their vehicle in breach of the conditions applying. Properly controlled data release from the DVLA vehicle register helps those facilities operate more effectively for the benefit of tens of thousands of motorists every day.

A motorist who parks a vehicle on private land does so subject to the terms and conditions set out on signage displayed in the car park. It is considered reasonable for businesses and landowners to seek redress if vehicles have been parked in breach of the conditions applying. This could include overstaying the permitted time period allowed or failure to pay the relevant charges for parking on private land.

Vehicles could have been inconsiderately parked, for example without entitlement in a space reserved for disabled motorists or obstruct access for emergency vehicles.

Data is provided by the DVLA to enable landowners or their agents to pursue their legal rights and to resolve disputes.

In order to help ensure motorists are treated fairly when any parking charge is pursued, DVLA will only provide vehicle keeper details where the car parking management-company is a member of an Accredited Trade Association (ATA)

The ATA's enforce a code of practice which covers many aspects of a car parking operators business, and while compliance with the code of practice is a key consideration for DVLA when releasing Vehicle Keeper Data, not all requirements of the code affect reasonable cause.

DVLA will not disclose data to parking companies who are not members of an ATA and looks primarily to the ATA's to monitor adherence to the code of practice and explore and address non-compliance when it arises.

Fraud

DVLA vehicle data can be used to trace keepers that have driven off without paying for goods or services or used fraudulent means of payment for petrol or vehicle repairs. Information may be release to insurance companies to verify whether a road traffic accident has been staged or if a theft claim is fraudulent. Keeper information can also be released to enable tracing previous owners as part of an investigation into suspected vehicle 'clocking' offences under the Trade Descriptions Act.

Finance

There are many instances where DVLA vehicle data release can have significant financial implications. It can be used to reduce crime by enabling finance companies to trace vehicle keepers who have fraudulently obtained a leasing or loan agreement on a vehicle. A court appointed receiver or liquidator may require information to determine vehicle assets during insolvency proceedings or enable vehicle seizure by a debt collection agent acting under a court order.

Accidents/ Incidents

Data release from the DVLA vehicle register can help an insurance company, acting for a policy holder, trace other parties involved in a road traffic accident or incident. This could include personal injury or damage to a vehicle or property. It enables a solicitor acting for a client to trace the keeper of a vehicle involved in an incident or where the vehicle is involved in legal proceedings.

Other uses

There are a great many miscellaneous situations where reasonable cause can be shown. These include sourcing contact details for a vehicle safety recall by a manufacturer or distributor. The current registered keeper of a vehicle may need to trace the full history of the vehicle. This could be for personal interest, insurance purposes or to resolve a motor trade dispute.

For further information about requesting vehicle keeper information read information leaflet MIS546 - 'Giving people information from our vehicle record'. This is available on the website

www.gov.uk/government/publications/giving-people-information-from-our-vehicle-record

The required fee

Under the reasonable cause provisions the fee for vehicle keeper information at a specific date of event is £2.50. If further information is required e.g. a copy of a document or additional keeper information, a fee of £5.00 is required per vehicle. The fee is payable to cover the costs of providing the information.

Safeguards to prevent misuse of data

Following a review of the procedures for data release the Department for Transport (DfT) introduced stringent safeguards. These included provisions to protect vehicle keepers from misuse of personal information, clear and robust complaint procedures where misuse has been alleged, and assurances that those who demonstrate reasonable cause can access data where there is a breach of criminal, civil or contract law.

When reasonable cause has been demonstrated, information is disclosed on the condition that it will only be used for the requested purpose and the recipient will protect its confidentiality. It is an offence under Section 55 of the Data Protection Act to obtain information under false pretences or to use it for any purpose other than that originally stated.

DVLA would investigate and take appropriate action in instances where companies were alleged to be using DVLA data inappropriately. DVLA reserves the right to withhold data where the criteria for disclosure are not met, regardless of whether the operator complies with the ATA's code of practice.

DVLA Accredited Trade Associations (ATAs)

At DVLA we have tough safeguards in place to protect the privacy of information held within the vehicle register. One of those safeguards is that all unregulated organisations requesting information from us via a secure electronic link must be a member of a DVLA Accredited Trade Association (ATA).

All ATAs must have an enforceable code of practice governing the conduct and operations of their members. The code of practice has to be published on the ATA's website along with contact details for enquiries and complaints.

We require that ATAs:

- Maintain records of all complaints and their resolutions;
- Monitor members to ensure compliance with the code of practice;
- When appropriate, undertake to expel or suspend any member that fails to comply with the code of practice and notify us within 24 hours of the expulsion or suspension;
- Investigate at our request any complaints about an alleged breach of the code of practice or misuse of DVLA information and report the outcome back to us.

Those ATAs that fail to enforce their code of practice could lose their DVLA accreditation which, in turn, would mean their members will no longer be able to request DVLA information.

Existing ATAs

We have approved the following ATAs:

- The British Parking Association (BPA) Information about the BPA's Approved Operators Scheme can be found on their website at www.britishparking.co.uk
- Independent Parking Committee (IPC) www.theipc.info
- The Association of British Investigators (ABI) www.theabi.org.uk
- The Finance and Leasing Association (FLA) www.fla.org.uk
- British Oil Security Syndicate (BOSS) www.bossuk.org
- Consumer Credit Trade Association (CCTA) www.ccta.co.uk
- Credit Services Association (CSA) www.csa-uk.com

Promoting self regulation

Our policy of requiring companies requesting DVLA information to be members of an ATA is a positive and measured move. We believe it will promote greater self regulation and further reinforce protection of motorists' privacy.

Additional measures for car parking companies

Membership of an ATA has been a pre-requisite for all unregulated organisations who have an electronic link since October 2007. In response a consultation the requirement for ATA membership was extended, in November 2009, to include car parking management companies who request information via the paper base route. It ensures that all car parking management operate to same recognised standards.

Membership of an ATA ensures that those who get access to data are legitimate companies that operate within a code of practice. The code of practice promotes fair treatment of the motorist and ensures that there is a clear set of standards for operators covering, among other things, signage, appeals processes, and methods of contacting drivers.

DVLA has procedures in place to enable those dealing with requests to check whether a company is a member of an ATA. There are two ATA's for the parking industry, the British Parking Association (BPA) and the Independent Parking Committee (IPC). Information on their codes of practice can be found on their websites.

The ATAs in the private parking sector have both established independent appeal services. They cover all tickets issued on private land in England and Wales by the ATA members and are entirely funded by the parking sector. The BPA service is known as Parking on Private Land Appeals (POPLA) and the IPC service is known as the Independent Appeals Service (IAS). The company that issued the parking charge must supply details of how to refer an appeal to the relevant appeal service.

The Protection of Freedoms Act 2012 (PoFA)

The Protection of Freedoms Act (PoFA) which came into force on 1 October 2012 makes a number of changes to the law related to parking on private land. It bans vehicle immobilisation (wheelclamping) without lawful authority, and provides private landholders with additional powers to pursue the registered keeper of a vehicle for unpaid parking charges providing certain conditions, in Schedule 4 of the Act, are met. This is known as "Keeper Liability".

The provisions in Schedule 4 are intended to apply to only private land in England and Wales. Public highways and parking places on public land which is provided or controlled by a local authority are excluded. Any land which already has statutory controls in relation to the parking of vehicles (such as byelaws applying to airports, ports and some railway station car parks) is also excluded.

Before PoFA a landholder would make a request to DVLA for details of the registered keeper but there was no requirement for the registered keeper either to say who was driving the vehicle or to accept liability. Schedule 4 of the PoFA addresses this situation. It does not provide a route to claim parking charges which were not lawfully due in the first place.

One of the conditions for Keeper Liability is that the parking company must issue the parking charge/ notice to keeper within 14 days of the alleged contravention. If that timescale is not met, the keeper liability powers do not apply; however, the company is still able to pursue payment of the charge through the means open to them prior to the introduction of PoFA.

The government made it a condition of bringing Schedule 4 into force that an independent appeal service be established. All tickets issued by an ATA member in England and Wales are covered by the relevant ATA's independent appeal service.

Electronic links

Some companies have a secure electronic link for requesting and receiving data. These links are operated in the context of clear terms of agreement detailing when information may be requested, how it can be used and how it should be stored. Transactions are subject to audit and review.

All companies must first serve a six-month probationary period using manual enquiry forms. Any complaints are logged and closely monitored. On completion of a satisfactory probationary period an electronic link may be established. All companies or organisations that do not have a statutory regulator must be members of a DVLA Accredited Trade Association (ATA) relevant to their industry. Where car parking management companies are concerned, ATA Membership applies irrespective if they apply manually or have an electronic link.

Data subject access requests (vehicle records)

The Data Protection Act gives you the right to obtain information held about yourself from the DVLA records. Requests for information must be made in writing providing your full name and address, details of the vehicle registration mark(s) of your vehicle(s) and full details of your request. DVLA does not charge for this service. The request should be sent to DVRE, D9, DVLA, Swansea, SA99 1AJ.

What to do if you suspect your details have been requested unlawfully

Whilst DVLA is keen to ensure that information is released only in appropriate circumstances, it has no authority to arbitrate in disputes between parties. Disputes over circumstances leading to incidents must be decided between the relevant parties.

If you think that your details have been obtained fraudulently or misused, you should write to Data Sharing Team, DVLA, Swansea, SA99 1DY. You should give your vehicle's registration mark, and explain how the information has been misused. DVLA will investigate all allegations where information has been requested unlawfully.

More details about our complaints procedures are published on the website at

www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency/about/complaints-procedure

Non-personal vehicle data

The DVLA provides data from the vehicle record to commercial customers under contract. The data released is anonymous and does not contain any personal details. Companies who apply for this data must be able to meet reasonable cause provision.

Anonymised data

This data includes make, model and a partial postcode (no personal information) and is used primarily for marketing purposes, i.e. distribution of vehicles in the UK by make and model to inform locations of manufacturer and dealer distribution outlets.

Bulk anonymised data

This data consists of vehicle identifying information which includes the vehicle registration number, vehicle identification number (VIN), make and model but does not include keeper name and address details. This data allows organisations to offer a checking service to those looking to buy a second hand vehicle and for private motorists and garages to be sure that the correct parts and consumables are obtained and fitted to vehicles. It is also provided to insurance companies to pre-populate technical vehicle details when providing insurance quotes.

Without this information purchasers of vehicles would be exposed to greater risk when buying second-hand vehicles or servicing their own vehicles. Motorists would have an increased chance of purchasing a vehicle that may have been cloned, stolen or written off by an insurance company. Motorists would also have difficulty in checking if the mileage is genuine or what the correct value of the vehicle should be.

Frequently asked questions about data release

If I'm the registered keeper, does the DVLA have to ask my permission before passing my details to other people?

No. Although the details on the register are not open to the public they can be released on request for a number of reasons. These can include release to the police or a local authority for the investigation of a criminal offence or a non-criminal parking offence.

Can DVLA release information to private companies or individuals?

Yes. The law allows us to release information to those who can prove they have reasonable cause to have it. The applicant has to abide by a set of strict conditions and pay an administration fee to receive the information.

In addition, all companies who apply for an electronic link, which allows companies to request and receive data via a secure electronic link, must first serve a six-month probationary period making manual requests before any link can be established. These links are operated in the context of clear terms of agreement, which details when information may be requested, how it can be used and how it should be stored.

What does 'reasonable cause' mean?

In DVLA's view, reasonable cause relates to incidents with liability. These can include matters of road safety, or events occurring as a direct consequence of the use of a vehicle.

Circumstances that have been judged to meet the reasonable cause criteria include safety recalls by manufacturers, minor hit and run incidents not warranting a full police investigation, housing associations dealing with abandoned vehicles, the enforcement of parking restrictions on private land and insurance companies dealing with accidents and investigating fraud.

Is the registered keeper liable for the parking charge if he/she was not responsible for incurring the charge?

Under the Protection of Freedoms Act 2012, a registered keeper can only be found liable for unpaid parking charges when certain requirements are met. Where a registered keeper refuses or is unable to identify the driver the landholder can pursue the registered keeper. The registered keeper cannot be liable for any unpaid parking charge if he or she identifies the driver of the vehicle at the time the parking was incurred.

The registered keeper cannot be pursued for unpaid parking charges that that been incurred when the vehicle has been stolen. However it is the responsibility of the registered keeper to produce evidence to satisfy the landholder that the vehicle was stolen.

If I received a parking charge notice from a private parking company is it possible to appeal to an independent appeals service?

Yes. A driver or registered keeper is required to make representation, about a disputed ticket, to the parking company in the first instance. The company can then decide whether or not to cancel the ticket or reduce the charges. If the driver or registered keeper is not satisfied with the decision of the company they may appeal to an Independents Appeals Service (IAS). If the IAS upholds a driver's or registered keeper's appeal, the company will be required to cancel the ticket as directed by the appeals service. The decision of the IAS is binding upon the operator but not on the motorist who is always free to continue to contest a disputed charge.

All tickets issued by members of an ATA must contain details of the arrangements for the resolution of disputes or complaints that are available.

What evidence is required from private parking companies to receive DVLA data?

Companies requesting information to enforce parking fees must provide details of their business activities along with evidence to show they are acting on behalf of the land owner, that a parking charge scheme actually exists and that motorists are made aware of the scheme in force. Companies have to be registered with the Information Commissioner's Office and be current members of an Accredited Trade Association (ATA).

What charge is made by DVLA and what does it cover?

The fee for vehicle keeper information at a specific date of event is £2.50. If further information is required e.g. a copy of a document or additional keeper information, a fee of £5.00 is required per vehicle. The fee is payable to cover the costs of providing the information.

How much profit does DVLA make from data release?

Although the regulations allow us to charge a fee to cover the processing costs of providing information, we are similarly prohibited from making a profit.

How do private car parking companies access DVLA data?

They can do so by means of either a secure electronic link or by making a manual request. We have strict safeguards in place for both routes.

All private car parking management companies requiring access to DVLA data are required to be a member of a DVLA Accredited Trade Association (ATA) and operate in compliance with that association's code of practice.

There are two ATAs for the private car parking industry: The British Parking Association (BPA) and the Independent Parking Committee (IPC) their codes of practice can be viewed on their websites -

www.britishparking.co.uk

www.theipc.info

What is the process for accessing data manually?

Companies that request information via manual channels have to provide detailed information about their operations, why they want the information and how it will be used. They also have to provide evidence to corroborate their request, and car parking companies have to confirm that a parking scheme is in operation, and prove they are working on the instruction of the land owner.

Information will then be disclosed on the condition that it will only be used for the purposes it was requested.

What is the process for accessing data via an electronic link?

Organisations requesting information via a secure electronic link do so under strict contractual terms which detail when information may be requested, how it can be used and how it must be stored.

Before an electronic service is offered to an organisation it must serve a six month probationary period making manual requests only, during which time its behaviour in the use of data is monitored. We conduct audits on companies to ensure that all requests are appropriate and that data provided is stored and used as agreed.

What is DVLA doing about details being accessed inappropriately?

We believe it is vitally important to safeguard the information we release from misuse and have a range of robust measures in place to protect against it.

If it is brought to our attention that an organisation may be misusing data, we will instigate a thorough investigation. Where appropriate, we will suspend the release of further data to the organisation. Any evidence of abuse will be referred to the Information Commissioner for further investigation and, where appropriate, prosecution.

How many requests does the DVLA receive for vehicle keeper details?

Information on the number of requests the DVLA receives is published online at

www.gov.uk/government/publications/who-dvla-shares-data-with

From **8 June 2015** the counterpart to the photocard driving licence will not be valid and will no longer be issued.

www.gov.uk/dvla/nomorecounterpart