

Discussion Paper for Consumer Forum meeting on 17 July 2014

Misdescription of the Forum by the DVLA/DfT

Issue

The Forum is being misdescribed by the DVLA and DfT ministers when they write to motorists about what the DVLA/DfT are doing – or, more usually – not doing to rein in the excesses of the private parking ‘industry’.

Evidence

In a letter to the National Motorists Action Group (appended, with the relevant section highlighted on page 2), the minister Stephen Hammond says the Forum is ‘intended to have executive functions, approving actions as a group rather than as individual agencies and organisations’. It goes on to imply that the Forum will have a role in ‘introducing independent accreditation and ongoing assessment of existing and prospective trade associations’.

I do not see how these statements are correct. I do not understand in what sense the Forum has executive functions, since we have a purely advisory role to the DVLA and cannot take any executive decisions. Nor will the Forum introduce independent accreditation or conduct ongoing assessment of the BPA, IPC or any other trade association.

Action

I should like the DVLA/DfT to explain why they are misdescribing the Forum’s role.

I should like the DVLA/DfT to correct the misdescription wherever they have used it, eg sending corrections out under the minister’s signature so he is aware of what he has been led to do by his civil servants.

I should also like the DVLA/DfT to offer Forum members, for our approval, a form of words for their public statements about the Forum that accurately describes its role. This will ensure motorists are not misled and will avoid the suspicion that the Forum is being used as a fig-leaf by the DVLA and DfT to cover up their unwillingness to act meaningfully in motorists’ interests against the often rapacious activities of the private parking ‘industry’.

Martin Cutts

Independent Representative on the DVLA Consumer Forum on Private Parking



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Our Ref: MC/106622

- 2 JUN 2014

Dear Mr Henney,

Thank you for your letter of 21 May about the release of information by the Driver and Vehicle Licensing Agency (DVLA).

Requests for information from private parking companies are considered in most cases, to meet reasonable cause in line with the requirements of the law. Information released in this way does not infringe the Data Protection Act and the Information Commissioner is aware that personal data on the DVLA's register of vehicles can be used in this way.

The increase in the amount of requests for vehicle keeper information has been caused by the introduction of the Protection of Freedoms Act, which outlawed wheel clamping without specific lawful authority in England and Wales in October 2012. This has led to greater reliance on the DVLA's data in order to manage parking on private land.

The DVLA is required to process data fairly and efficiently but is not a regulatory body for the private parking industry. It is not within the DVLA's remit or resources to check signs in all car parks for each request for information.

When the requirement for all private parking companies to be a member of an accredited trade association before it could receive data from the DVLA was introduced in 2007, it was decided that the British Parking Association (BPA) would take on this role. The Government does not have the resource, expertise or authority to carry out the functions required, so the BPA carries them out, reporting to the DVLA as appropriate. The BPA operates a code of practice, conducts initial compliance checks, annual audits and inspections of documentation. The principle of devolving these functions to an accredited trade association has been approved by Ministers and the processes supporting it have been inspected by the Information Commissioner's Office,

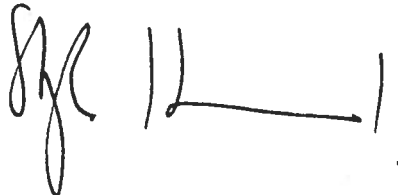
which found the DVLA to have a high assurance rating. The Independent Parking Committee became a second accredited trade association for the private parking industry in August 2013.

The DVLA has an integrated approach to auditing customers who receive data. This includes a three-year rolling programme of “remote” audits, which are supplemented by a programme of site visits. The objective of these audits is to determine the validity of the request for data, whether organisations have sufficient controls in place to manage data received from the DVLA, whether they are maintaining adequate security over the information in their care and, in the case of the electronic data customers, acting in accordance with the contract. There is also provision for targeted audits where intelligence is received that supports the need for auditing outside this routine programme. If breaches of contract or the code of practice are alleged the DVLA will investigate and liaise with the relevant accredited trade association.

The Consumer Forum is made up of representatives from the DVLA, Department for Transport, British Parking Association, Independent Parking Committee and the Association of Car Fleet Operators. There is also consumer representation from the AA, Citizens Advice Bureau, Trading Standards, the RAC Foundation and two independent consumers. The Forum’s purpose is to examine and try to resolve high-level issues, identify and monitor trends and key changes and their effects, and contribute to maximum effectiveness of the DVLA’s monitoring processes. At the heart of the Forum’s focus is the experience of motorists and ensuring that disclosure of DVLA data to parking companies is fair and lawful.

The Forum is intended to have executive functions, approving actions as a group rather than as individual agencies and organisations. Part of the work in hand is to introduce independent accreditation and ongoing assessment of existing and prospective accredited trade associations.

I am grateful for your offer to provide details of a number of car parks which have either no signs or inadequate signs. If you would like to forward these details to the DVLA’s Data Sharing Team, D16, DVLA, Swansea, SA6 JL, officials will investigate, in conjunction with the relevant accredited trade association.

You are


STEPHEN HAMMOND