



Driver and Vehicle Licensing Agency

Corporate Affairs Director

DVLA

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Louise Ellman MP
Chair of the Transport Committee
House of Commons
7 Millbank
London
SW1P 3JA

Our Ref

Date: 3 January 2012

Dear Mrs Ellman

1. Thank you for your letter of 19 December to Simon Tse, the Driver and Vehicle Licensing Agency's (DVLA) Chief Executive, about local authorities' access to DVLA data. I am replying in Mr Tse's absence.
2. I think it may help if I first explain that Local Authorities can access information from DVLA's 'driver licensing records' and its 'vehicle keeper records' to help them undertake their enforcement responsibilities. Although the focus of the Freedom of Information (FOI) request and subsequent BBC article was on vehicle keeper information I thought it might help if I cover off both aspects in my response.
3. Local authorities can access drivers' data using the crime and taxation exemption in the Data Protection Act 1998 and common law powers. The main reason for these requests is to assist in the investigation of possible benefit fraud. Only a small number of requests are made in this way and suspensions from access to data do not occur as each request is considered individually. Information is only released if the request is considered to be necessary and proportionate.
4. The FOI request you refer to was concerned with local authorities accessing the DVLA's vehicle keeper data. Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 provides for the release of information from the vehicle register to local authorities for reasons connected with the investigation of an offence or decriminalised parking contravention. Offences dealt with in this way can include on and off street parking, abandoned vehicles, waste carrying, fly tipping, dog fouling, the investigation of possible housing and council tax benefit fraud, planning consent violations and trading standards offences such as investigating mileage fraud and rogue traders.
5. Local authorities can make these requests through three channels. The first is a paper enquiry channel where local authorities use standard forms explaining the reasons for

the request. There is also a web based enquiry system which gives real time access for local authorities to make enquiries for dealing with abandoned and nuisance vehicles. The third channel is an overnight automated electronic enquiry process for on and off street parking enquiries.

6. The DVLA makes regular audit checks of Local Authorities to ensure the correct use of data. Local authorities can have their access to data suspended for a variety of reasons. However, because authorities need access to the DVLA's data to carry out their statutory obligations and to deal with offences, we do not suspend access permanently. The main reasons for suspension are as follows:

- **Audit Issues**

Local authorities are required to keep evidence to demonstrate the reasons for the request for data. This should evidence that the vehicle was actually involved in an offence and can include an enforcement officer's report, a witness statement, photographs etc. Local authorities must also ensure that the data is protected and that it is transmitted, used, stored and destroyed appropriately. These terms of use are contained within a memorandum of understanding (MoU) or user agreement. If there is evidence of high levels of non compliance, access to data will be suspended until processes are in place to ensure the problems are rectified and that they do not reoccur. We then make further visits to ensure compliance. Access to data can also be suspended if a local authority fails to respond to our audit letters despite being reminded on two additional occasions to do so.

- **Requests made by intermediary without evidence of local authority authorisation.**

Where enquiries from local authorities are made through a private sector intermediary, the company must first provide evidence to the DVLA that they have been authorised to make those enquiries. If there is no such evidence, access to data will be suspended until it is provided. A large number of suspensions were related to two intermediaries who did not follow this procedure.

- **Breach of contract, failure to return or sign contract or no contract in place**

Each local authority requests electronic access to data for specific reasons which are specified in their MoU. If a local authority wishes to make an enquiry for any other reason, this must be agreed with the DVLA and the MoU amended. Some authorities have not followed that process, resulting in their access to data being suspended. The MoUs are renewed every three years, when local authorities must sign a new agreement. If a local authority fails to sign a new MoU and the current one has expired, access to data will be suspended until the new MoU is in place.

- **No contact details**

It is essential that the DVLA is always able to contact the person in each local authority responsible for the use and safe keeping of our data. Authorities are obliged by the MoU to tell us of any changes. If the contact person has moved on and we are unable to obtain details about the new contact, access to data will be

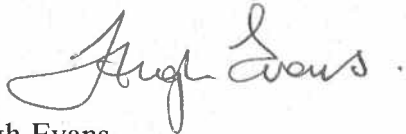
suspended until we receive confirmation of who is responsible for controlling access to and the use of our data.

7. As requested I have enclosed a document containing the details of those local authorities that are currently suspended from accessing DVLA data. I would draw your attention to the headings on the table that indicate whether a Local Authority has been suspended from making 'Manual' and/or 'Electronic' Enquiries. For those that are suspended from only making electronic enquiries they can still make manual enquiries using paper based forms.

8. I have also enclosed a document which sets out the numbers of organisations that have been suspended in each of the last 36 months.

9. I hope this information is helpful. If you require anything further then please do not hesitate to let me know.

Yours sincerely

A handwritten signature in cursive script that reads "Hugh Evans".

Hugh Evans
Corporate Affairs Director

Local Authorities Currently Suspended

Electronic Enquiry Channels	
Company Name	Date Of Suspension
City of York	12/03/2010
Southend on Sea	17/09/2010
Hampshire County Council	12/10/2010
Camden Council L B	01/2/2011
Feoffees	17/02/2011
Lakeland D C (South)	6/6/2011
Melton Borough Council	27/04/2012
Torfaen Borough Council	28/05/2012
Ribble Valley B C	15/06/2012
Mole Valley District Council	25/09/2012
Reigate & Banstead B C	26/09/2012
LB of Newham	16/10/2012
Pembrokeshire Council	16/ 11/ 2012
Cheshire West and Chester Council	20/12/2012

Electronic and Manual Enquiry Channels

Hampshire County Council Queen Elizabeth Country Park	04/07/2011
Wantage Town Council	26/07/2011
North Kesteven District Council	14/11/2011
Hampshire Council (Post Code SO238UB)	30/11/2012
Haringey Council	03/12/2012

Local Authorities Suspended by Month (Over 36 Months)

Electronic and Manual Enquiry Channels	
Month	Number of Local Authorities Suspended
August 2009	5
September 2009	2
October 2009	2
December 2009	3
January 2010	1
February 2010	1
March 2010	30
April 2010	1
May 2010	10
June 2010	29
July 2010	8
August 2010	11
September 2010	13
October 2010	7
November 2010	13
December 2010	5
January 2011	6
February 2011	13
March 2011	32
April 2011	1
May 2011	6
June 2011	6
July 2011	5
August 2011	7
September 2011	5
October 2011	4
November 2011	9
December 2011	4
January 2012	6
February 2012	1
March 2012	4
April 2012	5
May 2012	4
June 2012	30
July 2012	1
August 2012	2
September 2012	4
October 2012	3
November 2012	3
December 2012	2

