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Date 4th July 2011

Dear Consultee

CONSULTATION DOCUMENT ON PROPOSED INTRODUCTION OF REGULATIONS CONCERNING ACCESS TO DRIVER LICENSING INFORMATION

CONSULTATION ARRANGEMENTS

Purpose of Consultation

This consultation document contains proposals concerning Access to Driver Licensing Information. You are invited to give your views, comments and ideas in respect of any aspect of this document, to enable an informed decision to be taken before the relevant legislation is drafted. In particular, the Department would welcome comments as to whether

- the proposals are considered reasonable and effective with regards to their purpose;
- they are relevant to Northern Ireland; and
- there are potential problems associated with the proposals.

Consultees

Notification of this consultation document has been issued to a wide range of interested parties. A full list of consultees can be found at Annex D.



An Agency within the Department of the
Environment
www.doeni.gov.uk

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Responses

If you wish to respond to this consultation, please forward your written comments in either of the following ways:

E-mail: driverlicensing.consultation@doeni.gov.uk

Write to: Darren Graham
Driver Licensing
Driver & Vehicle Agency
County Hall
Castlerock Road
Coleraine
BT51 3TB

Help with Queries

If you have any queries or require further information about this consultation, please do not hesitate to contact Darren Graham on telephone number 028 70325755 or at the above address. This document may be freely reproduced and further copies are available on request.

Closing Date for Responses

The closing date for responses is 30th August 2011.

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office at:

Information Commissioner's Office – Northern Ireland
51 Adelaide Street,
Belfast
BT2 8FE

Tel. (028) 9026 9380
Email to ni@ico.gsi.gov.uk

Alternatively, see their website at: www.informationcommissioner.gov.uk

Yours faithfully

COLIN CAMPBELL
Director of Driver Licensing
Driver & Vehicle Agency

ACCESS TO DRIVER LICENSING INFORMATION

Background

Administration of driver licensing in Northern Ireland is the responsibility of the Department for the Environment (DOE) and is carried out by the Driver & Vehicle Agency (DVA). Part of the function of DVA is to ensure that driving licences are issued only to those persons who are entitled to drive certain categories of motor vehicles and that licence holders meet the strict medical standards that apply throughout the United Kingdom. The driving licence issued in Northern Ireland reflects the categories to which entitlement has been granted and any restrictions or endorsements which have been imposed upon the licence holder.

However, enforcement of road traffic legislation falls largely to the Police Service of Northern Ireland (PSNI), rather than the DOE or the DVA. The PSNI has, as a matter of routine, access to driver licensing information relating to Great Britain (GB) licence holders and the vehicles database. However, an anomaly exists in that the PSNI has no direct access to the Northern Ireland driver licensing records held by the DVA. The PSNI may only be provided with information retained by the DVA in relation to Northern Ireland driving licence holders on a case-by-case basis, following written application.

Given the current restrictions on disclosure, driver licensing records are only accessible by direct contact between the PSNI and DVA. This has obvious limitations. For example, access to information is currently only possible during normal DVA working hours. This serious defect is compounded by the fact that within the UK the carriage of a driving licence is not a statutory requirement for a driver of a motor vehicle. The restrictions on access to the Department's records do not permit the PSNI to conduct full and speedy roadside enquiries. At the very least, this may result in a driver being asked to produce his licence to a police station for verification. More significantly, however, it may assist a person who is disqualified from driving or who is not entitled to drive a certain category of motor vehicle, in evading detection.

The Criminal Justice and Courts Services Act 2000 gave the Driver and Vehicle Licensing Agency (DVLA) in Great Britain power to make regulations which permitted and controlled the release of information it holds for use by constables. These regulations, the Motor Vehicles (Access to Driving Licensing Records) Regulations 2001, provide police forces throughout the United Kingdom, via the Police Information Technology Organisation (PITO), with much wider access to driver licensing information than currently exists in Northern Ireland. A copy of these Regulations is attached at Annex A.

The Crime (International Co-operation) Act 2003 makes provision for the Department to disclose certain driver licensing data for the purpose of the Schengen Information System. This is a computer network system containing information which may be accessed by police forces in other Member States, and further highlights the anomaly that PSNI do not have direct access to NI records.

In order to rectify these anomalies, the Department proposed the introduction of power to grant controlled access to driver licensing information, similar to the provision made in GB. This proposal was included in the Department's *Consultation Document on proposed legislative amendments concerning driver licensing and seat belt wearing* and is now contained as a measure in the Road Traffic (Northern Ireland) Order 2007. This measure, Article 36 of the Road Traffic (Northern Ireland) Order 2007, will amend the Road Traffic (Northern Ireland) Order 1981, by inserting Article 19I. This is set out in Annex B. At the time of the public consultation, the Department made a commitment to conduct further public consultation regarding certain aspects of the regulations in respect of access to driver licensing information.

Proposed Regulations concerning Access to Driver Licensing Information

Article 19I of the 1981 Order, when brought into force by the commencement of Article 36 of the Road Traffic (Northern Ireland) Order 2007, will provide the Department with the power to grant access to driver licensing information, as well as the power to make regulations relating to this access.

Power to grant access

Paragraph (1) of Article 19I states that *"The Department may make any information held by it for the purposes of this Part available to—*

- (a) constables,*
- (b) police support staff,*
- (c) members of a police force in Great Britain*
- (d) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,*
- (e) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area,*
- (f) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police,*
- (g) members of the staff of the Serious Organised Crime Agency,*
- (h) other such persons as may be prescribed."*

The phrase *"any information held by it for the purposes of this Part"* refers to any information retained by the Department relating to applications for driving licences (which are issued under Part II of the 1981 Order). This information, which may also relate to previous, existing, suspended or revoked licences, may be given to any of the bodies named above.

The bodies of persons to whom access may be granted includes the PSNI, as well as police forces and transport police in Great Britain. This will ensure that police forces throughout the United Kingdom have similar levels of access to both the Great Britain and the Northern Ireland drivers databases. Police support staff are included as one of the named bodies, as various police forces employ civilian staff, for example, to operate communications systems. Restricting access to driver licensing information

to exclude civilian employees of the police forces could hinder constables in the conduct of their duties.

Article 19I also permits the Department to prescribe other bodies not named in paragraph (1). However, the Department has no plans at present to provide access to driver licensing information to other persons.

Purposes for granting access

Article 19I(2)(a) of the Road Traffic (Northern Ireland) Order 1981 will provide that the Department "*may by regulations determine the purposes for which persons may be given access to the information*".

In Great Britain, regulations specify that the information is made available for the purposes of prevention, investigation and prosecution of contraventions of the Road Traffic Acts (in Great Britain) and the Road Traffic Orders (in Northern Ireland). In addition, the GB regulations specify that the driver licensing information may be given to police forces in relation to persons disqualified from holding or obtaining a driving licence for certain non-motoring offences. By specifying the purposes to which access to the driver licensing information may be granted, the Department effectively controls the use of the information by the specified bodies.

It is proposed that the Northern Ireland regulations should mirror those provisions already in place in GB. This will empower the Department to make available to the police all relevant information acquired in the process of granting driving licences, and in the course of amending them (e.g. for adding endorsements). The police will have controlled access to that information, for the purposes of the prevention, investigation or prosecution of motoring offences in Great Britain and Northern Ireland.

The information provided to the police would be disclosable to individual police officers or police civilian staff acting on behalf of police officers, including those police forces in Great Britain in the same way that PSNI can presently access GB records. The regulations will restrict access to the Driver Licensing information in the same way as provided for in the GB legislation.

While the new proposals are primarily aimed at granting police access to driver licensing records for the purposes of enforcing road traffic law in Northern Ireland, they have benefits to motorists in general. With more rapid access to driver records, there will be a reduction in the time and effort required by the motorist to provide evidence of identity and entitlement to drive. Furthermore, the police will be in a better position to detect those motorists who are prohibited from driving and who may be regarded as a danger to the public.

The information contained in the Department's records comprises the most comprehensive details concerning the entitlements and restrictions of each registered licence holder in Northern Ireland. The physical driving licence provides evidence of those entitlements and restrictions, but those details may not always be completely up to date. For example, where a person fails to submit his licence for endorsement of penalty points, it may appear that he is below the threshold of

disqualification if he is investigated for a further road traffic offence. In these circumstances, the PSNI may conditionally offer a further fixed penalty. If this fixed penalty brings the licence holder beyond the threshold for disqualification for repeated offences (currently 12 penalty points) the matter will need to be referred to the courts for prosecution. Having access to the Department's driver licensing information will assist the PSNI in determining whether a fixed penalty is appropriate.

Further disclosure of information

Article 19I(2)(b) of the Road Traffic (Northern Ireland) Order 1981 will provide that the Department "*may by regulations determine the circumstances in which any of the information to which those persons have been given access may be further disclosed by them.*"

The GB regulations specify that any driver licensing information disclosed to the police under these regulations may only be further disclosed to employees of the various UK police forces. Additionally, this further disclosure is limited to purposes connected to the original purpose of disclosure. The information cannot be disclosed to any other person or body and cannot be used for purposes unconnected with the administration and enforcement of the Road Traffic Acts or Orders.

Proposal

The Department proposes to exercise its powers under Article 19I of the Road Traffic (Northern Ireland) Order 1981 to introduce regulations which will grant to the United Kingdom's police forces access to the Department's driver licensing information. This access will be controlled, and limited to clearly defined purposes regarding enforcement of road traffic legislation. The regulations will replicate those already in place in Great Britain.

The Department intends to restrict access to the Driver Licensing System in such a way that only those items of data which are required to identify a licence holder and the associated entitlements, restrictions and endorsements are made available. This will, therefore, prevent sensitive personal data, which is required by the Department, but not for enforcement purposes, from being disclosed.

Benefits

The proposal aims to increase the accuracy and efficiency with which the PSNI enforces certain aspects of road traffic legislation in Northern Ireland, and in particular, assist with the administration and enforcement of driver licensing. This will benefit the drivers of motor vehicles, by making roadside enquiries by constables quicker and more accurate and, in many cases, obviate the need for drivers to produce their driving licences at police stations for inspection.

The proposal will also benefit road safety, by assisting the PSNI and other police forces throughout the United Kingdom in detecting drivers of vehicles who:

- are disqualified;
- are driving vehicles for which they have not obtained proper entitlement; or
- are driving vehicles other than in accordance with certain restrictions that may have been imposed for medical reasons.

Privacy and Data Protection

In developing the proposal, the Department has taken into consideration the guidance published by the Information Commissioner's Office with regards to privacy. This guidance may be found at the ICO website:

[The Privacy Impact Assessment Handbook - ICO](#)

The proposal has been evaluated in order to identify whether a Privacy Impact Assessment is required. A copy of the Privacy Impact Assessment evaluation is attached at annex D.

The Information Commissioner's Office has recently published the Data Sharing Code of Practice, which indicates the measures to be taken by data controllers to ensure compliance with the Data Protection Act 1998. The Code of Practice may be found at the ICO website:

http://www.ico.gov.uk/~media/documents/library/Data_Protection/Detailed_specialist_guides/data_sharing_code_of_practice.pdf

The Department considers that the proposal to grant access to driver licensing information, for the purposes of road traffic enforcement, is justifiable and proportional, and does not have an adverse impact on privacy. The information to which the Department proposes to grant access is held specifically for the purpose of establishing a person's entitlement to drive a motor vehicle, and to fulfil the Department's obligations in respect of evidence of endorsements imposed upon a person's driving record.

The proposed regulations will give practical effect to the primary power, introduced in the Road Traffic (Northern Ireland) Order 2007, which provides a legal basis for providing controlled access to the Department's records. The regulations will limit the information to which the police may have access: only that information which is required to establish a person's authorisation to drive a category of motor vehicle will be made available.

Furthermore, the regulations will limit the use of the information to road traffic enforcement. Sensitive personal data, such as information regarding medical conditions provided to the Department in the course of driver licensing administration, will not be made available under the proposed regulations. Information regarding convictions for road traffic offences will, however, be made available. While this information may be considered to be personal sensitive data, its disclosure to the police is deemed justifiable, as it will assist the police in determining whether a person is subject to a relevant driving disqualification, or can be issued with a fixed penalty notice.

The Information Commissioner's Office is included as a consultee for the purposes of this proposal.

Conclusion

Consultees are invited to comment on the Department's proposal. A summary of responses, including details of the next steps, will be published on the Department's website.

STATUTORY INSTRUMENTS

2001 No. 3343**ROAD TRAFFIC**

The Motor Vehicles
(Access to Driver Licensing Records)
Regulations 2001

*Made - - - - 5th October 2001**Laid before Parliament 8th October 2001**Coming into force - - 29th October 2001*

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) of the Criminal Justice and Court Services Act 2000(a) and all other powers enabling him in that behalf and after consulting Scottish Ministers in accordance with section 71(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Access to Driver Licensing Records) Regulations 2001 and shall come into force on 29th October 2001.

Purposes for which access may be given

2. The purposes for which constables may be given access to information made available to the Police Information Technology Organisation under section 71(1) of the Criminal Justice and Court Services Act 2000 are—

- (a) the prevention, investigation or prosecution of a contravention of any provision of the following enactments—
 - (i) the Road Traffic Act 1988(b);
 - (ii) the Road Traffic Offenders Act 1988(c);
 - (iii) the Road Traffic (Northern Ireland) Order 1981(d);
 - (iv) the Road Traffic (Northern Ireland) Order 1995(e); and
 - (v) the Road Traffic Offenders (Northern Ireland) Order 1996(f);
- (b) ascertaining whether a person has had an order made in relation to him under—
 - (i) section 40B(1) or (5) (disqualification from driving: further provision) of the Child Support Act 1991(g);
 - (ii) section 248A(1) (general power to disqualify offenders) or 248B(2) (power to disqualify fine defaulters) of the Criminal Procedure (Scotland) Act 1995(h); or

(a) 2000 c. 43.

(b) 1988 c. 52.

(c) 1988 c. 53.

(d) S.I. 1981/154 (N.I. 1).

(e) S.I. 1995/2994 (N.I. 18).

(f) S.I. 1996/1360 (N.I. 10).

(g) 1991 c. 48; section 40B was inserted by the Child Support, Pensions and Social Security Act 2000 (c. 19), section 16(3).

(h) 1995 c. 46; sections 248A and 248B were inserted by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 15.

(iii) section 39(1) (offenders) or 40(2) (fine defaulters) of the Crime (Sentences) Act

1997(a).

Further disclosure

3.—(1) Paragraph (2) below specifies the circumstances in which information to which constables have been given access, in accordance with section 71(1) of the Criminal Justice and Court Services Act 2000 and regulation 2 above, may be further disclosed by them.

(2) The circumstances are that the information is passed to an employee of a police authority for any purpose ancillary to, or connected with, the use of the information by constables.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations determine the purposes for which information contained in the Driver Licensing Register and made available to the Police Information Technology Organisation may be passed on to constables. They also provide for such information to be further disclosed to civilian employees of police authorities to facilitate the use of the information by constables.

(a) 1997 c. 43.

Article 36 of the Road Traffic (Northern Ireland) Order 2007

Access to driver licensing information

19I.—(1) The Department may make any information held by it for the purposes of this Part available to—

- (i) constables,
- (j) police support staff,
- (k) members of a police force in Great Britain
- (l) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,
- (m) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area,
- (n) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police,
- (o) members of the staff of the Serious Organised Crime Agency,
- (p) other such persons as may be prescribed.

(2) In respect of any information made available under paragraph (1) the Department may by regulations—

- (a) determine the purposes for which persons may be given access to the information,
- (b) determine the circumstances in which any of the information to which those persons have been given access may be further disclosed by them.

(3) In this Article—

“information” means information held in any form;

“a police force in Great Britain” has the same meaning as in section 73(4) of the Police (Northern Ireland) Act 1998 (c. 32).

PARTIAL REGULATORY IMPACT ASSESSMENT

1. Title of Proposal

Introduction of Regulations concerning Access to Driver Licensing Information

2. Purpose and intended effect of measure

(i) Objectives

The main objectives of the Regulations are to:

- assist in the enforcement of road traffic law; and
- improve road safety.

(ii) Background

Information held by the Department, which is retained for the purposes of the administration of driver licensing in Northern Ireland, is not currently discloseable to UK police forces in a manner which is either efficient or accurate. The Department introduced powers to make regulations which will allow access to the driver licensing information in a controlled and limited manner.

(iii) Risk Assessment

The main risks addressed by the proposal include:

- ineffective provision of information leading to the failure to detect unlicensed or disqualified drivers;
- inefficient provision of information, or inability to provide information, which hinders properly licensed drivers; and
- jeopardising road safety.

3. Options

Option 1: Do nothing

The current method of disclosing information to the PSNI does not lend itself to efficient and effective policing of Northern Ireland's roads. At the very least, it may be seen as a hindrance to law-abiding motorists who are requested by constables to produce their licences for examination at a police station. More significantly, however, the current restrictions on disclosure of information may result in the failure to detect a driver who is disqualified, or who is driving a vehicle contrary to a restriction imposed for health reasons.

To do nothing is not, therefore, a viable option, as it would perpetuate a situation which hinders the aim of the Department and the PSNI of improving road safety for the benefit of road users and the public in general.

Option 2: Introduce Regulations to provide controlled access to driver licensing information

The Department aims to exercise its powers contained in Article 19I of the Road Traffic (Northern Ireland) Order 1981 by introducing regulations which give controlled and limited access to the Northern Ireland Driver Licensing System. This will bring Northern Ireland into line with Great Britain in respect of the provision of driver licensing information.

On completion of the consultation, the analysis of responses and outcome will determine the agreed approach in relation to implementation.

4. Benefits

Option 1

- No implementation costs; and
- No additional resource requirements

Option 2

- Positive contribution to combating driving licence fraud and impersonation;
- Positive contribution to road safety;
- Harmonisation of driver licensing across Member States; and
- Facilitation of free movement of persons changing their place of residence from one Member State to another

Business sectors affected

The proposals will primarily affect individual licence holders.

Other Impact Assessments

There are no equality, human rights, environmental, rural or health issues involved. In addition, the proposed measure will have no impact on development, sustainable or otherwise.

5. Costs

Option 1

None

Option 2

As indicated above, the proposals will primarily affect individual licence holders. The PSNI will cover IT costs arising from being granted access. There will be no additional costs to licence holders.

6. Consultation with small business: the Small Business Impact Test

There will be no impact from the proposed changes to small business.

7. Enforcement and Sanctions

There will be no new enforcement implications or sanctions needed directly as a result of implementation of these proposals. Driver checks would be made in relation to the current driver licensing regime.

8. Monitoring and Review

Audit of access to driver licensing information will be included as part of the system development.

9. Consultation

The primary power to make regulations concerning access to driver licensing information was included in the consultation for the Road Traffic (Northern Ireland) Order 2007. There were no adverse responses to the proposal.

10. Summary and Recommendation

The Department is satisfied that the proposals are both proportionate and necessary for the effective and efficient administration and enforcement of road traffic law in the United Kingdom and will have a significant benefit to the promotion of road safety in Northern Ireland.

11. Declaration

“I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.”

Small-Scale Privacy Impact Assessment

Evaluation Criteria

Technology

(1) Does the project involve new or inherently privacy-invasive technologies?

Examples of such technologies include, but are not limited to, smart cards, radio frequency identification (RFID) tags, biometrics, locator technologies (including mobile phone location, applications of global positioning systems (GPS) and intelligent transportation systems), visual surveillance, digital image and video recording, profiling, data mining, and logging of electronic traffic. Technologies that are inherently intrusive and technologies that are new and sound threatening, excite considerable public concern, and hence represent project risk. In order to answer this question, considerations include:

- whether all of the information technologies that are to be applied in the project are already well-understood by the public;
- whether their privacy impacts are all well-understood by the organisation, and by the public; whether there are established measures that avoid negative privacy impacts, or at least reduce them to the satisfaction of those whose privacy is affected;
- and whether all of those measures are being applied in the design of the project.

Response

No. The access to driver licensing information will be controlled throughout the use of a modified user interface similar to that employed in the Driver and Vehicle Agency's Driver Licensing Division. The modified interface will provide access only to that information relevant to a person's entitlement to drive. The access interface between DVA and the police is direct using fixed (as opposed to web-based or wireless) secure telecommunications systems.

Justification

(2) Is the justification for the new data-handling unclear or unpublished?

Individuals are generally much more accepting of measures, even measures that are somewhat privacy-intrusive, if they can see that the loss of privacy is balanced by some other benefits to themselves or society as a whole. On the other hand, vague assertions that the measures are needed 'for security reasons', or 'to prevent fraud', are much less likely to calm public disquiet.

Response

No. The provision of access to driver licensing information systems does not provide the United Kingdom's police forces with any additional information beyond that to which they already have access, or which is available from a driving licence and counterpart. The primary power to provide access was included in the public consultation regarding the Road Traffic (Northern Ireland) Order 2007, and will be subject to further public consultation regarding the introduction of the relevant subordinate legislation. The purpose of and justification for the provision of access are fully covered by both public consultations. The information to which access will be granted is limited to that necessary to establish the identity of the driver, his entitlement to drive motor vehicles, and whether or not that person is subject to any relevant restriction, endorsement or disqualification.

Identity

(3) Does the project involve an additional use of an existing identifier?

Response

No. Access to driver licensing information will be limited to searches conducted on the basis of the licence holder's name and date of birth or, where provided, the unique driver number displayed on the licence. Searches on the basis of any other criteria will not be possible. This information is displayed on the Northern Ireland driving licence, and is retained by the Department specifically for the purpose of establishing a person's authorisation to drive motor vehicles.

(4) Does the project involve use of a new identifier for multiple purposes?

Response

No. No new personal information will be obtained, recorded, stored or released as a result of this project.

(5) Does the project involve new or substantially changed identity authentication requirements that may be intrusive or onerous?

The public understands that an identifier enables an organisation to collate data about an individual, and that identifiers that are used for multiple purposes enable data consolidation. They are also aware of the increasingly onerous registration processes and document production requirements imposed by organisations in recent years. From the perspective of the project manager, these are warning signs of potential privacy risks.

Response

No. The access to driver licensing information systems will rely solely on information provided in the course of applying for, or renewing, a driving licence, and will be based only on that information displayed on a person's licence. Identity documents provided in the application for a driving licence do not form a part of the driver record and will not be made available as a result of this project. No new identification process will arise from the project.

Data

(6) Will the project result in the handling of a significant amount of new data about each person, or significant change in existing data-holdings?

Response

No. The project aims to provide a more efficient and accurate method of access to existing driver licensing information currently available to the police. The process used for providing access will allow the Department to fully control the release of the data and protect privacy. No new data will be collected. Only data relating to the licence holder which appears on the licence, as well as information relevant to endorsements or disqualifications, will be available for access.

(7) Will the project result in the handling of new data about a significant number of people, or a significant change in the population coverage?

Response

No. The project is related to the provision of information relating to persons who obtain Northern Ireland driving licences, who drive motor vehicles or who are convicted of road traffic offences. The project does not involve the collation or dissemination of any new data.

(8) Does the project involve new linkage of personal data with data in other collections, or significant change in data linkages?

The degree of concern about a project is higher where data is transferred out of its original context. The term 'linkage' encompasses many kinds of activities, such as the transfer of data, the consolidation of data-holdings, the storage of identifiers used in other systems in order to facilitate the future searches of the current content of records, the act of fetching data from another location (e.g. to support so-called 'front-end verification'), and the matching of personal data from multiple sources.

Response

No. Access to driver licensing information systems will provide the police with the ability to access information held by the Department relating to individual licence holders. This information, once accessed, may be passed from constables or police support staff to other constables involved in the prevention, detection and prosecution of road traffic offences. The data held by the Department is not transferred to police forces. Instead, the police forces will make direct access on enquiry to the records held by the Department. The data is not for use for purposes other than those specified by the relevant legislation and there will be no linkages to other data. The driver record exists solely for the purpose of establishing a person's authorisation to drive motor vehicles. Access to the driver records is being granted specifically and solely for the purpose of aiding the police in properly establishing this authorisation.

Data Handling

(9) Does the project involve new or changed data collection policies or practices that may be unclear or intrusive?

Response

No. The project does not include the collation of new data, or changes to methodology of collating data. Data collection policies will remain unchanged.

(10) Does the project involve new or changed data quality assurance processes and standards that may be unclear or unsatisfactory?

Response

No. Data quality assurance is not affected by the project. The project is concerned only with access to data which is currently held by the Department and is currently collected in the normal course of the administration of driver licensing in Northern Ireland.

(11) Does the project involve new or changed data security arrangements that may be unclear or unsatisfactory?

Response

No. Data security is not adversely affected by the project. Access to Driver Licensing information will be provided to police forces on a limited basis and will include only that information necessary for the effective and efficient policing of road traffic law. Other personal data, which is not relevant to the specified purposes for which access may be granted, will not be made available. The purposes for which the data may be accessed and further processed will be specified in regulations and are not ambiguous. The driver licensing data is retained by the Department.

(12) Does the project involve new or changed data access or disclosure arrangements that may be unclear or permissive?

Response

No. While the access arrangements are new, the proposed regulations and the method of access to the driver licensing data are strictly limited for the purposes of the prevention, detection and prosecution of road traffic offences.

(13) Does the project involve new or changed data retention arrangements that may be unclear or extensive?

Response

No. The project does not involve changes or additions to data retention arrangements.

(14) Does the project involve changing the medium of disclosure for publicly available information in such a way that the data becomes more readily accessible than before?

Response

No. The project does not involve the disclosure of any publicly available information.

Exemptions

(15) Will the project give rise to new or changed data-handling that is in any way exempt from legislative privacy protections?

Response

No. Driver Licensing data is retained by the Department. Data which may be accessed under the proposed arrangements will be available only to UK police forces and will be subject to Data Protection principles.

LIST OF CONSULTEES

Bar Council (NI)
Belfast Harbour Police
Belfast Law Centre
Belfast Solicitors Association
British Motorcycle Federation
Christian Motorcyclists Association
Community Relations Council
Community Transport Association
Confederation of British Industry, Northern Ireland Branch
Councils (Borough, City and District)
Department of the Environment Library
Disability Action
Driving Instructors Association NI
Driving Instructor National Association Council
Education & Library Boards
Equality Commission for Northern Ireland
Federation of Passenger Transport (NI)
Federation of Small Businesses
Freight Transport Association
General Consumer Council for Northern Ireland
Health and Social Services Trusts
Information Commissioner's Office – Northern Ireland
Institute of Advanced Motorists
Institute of Directors (NI)
ICTU
Law Centre (NI)
Law Reform Advisory Committee (NI)
The Law Society of Northern Ireland
Lord Chief Justice's Office (NI)
Motorcycle Action Group (MAG) Ireland and UK
Northern Ireland MEPs
Northern Ireland MPs who are not also MLAs
Ministry of Defence
North South Ministerial Council – NI Secretariat
North West Taxi Proprietors Ltd.
Northern Ireland Ambulance Service
Northern Ireland Approved Driving Instructors Association
Northern Ireland Assembly, Environment Committee
Northern Ireland Association of Citizens' Advice Bureaux
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Commissioner for Children and Young People
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Fire and Rescue Service
Northern Ireland Government Departments
Northern Ireland Human Rights Commission
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Local Government Association

Northern Ireland Office – Devolution and Legislation Division
Northern Ireland Ombudsman
NIPSA
Northern Ireland Presiding District Judge
Northern Ireland Rural Womens' Network
Northern Ireland Statistics & Research Agency
Office of Law Reform (NI)
Participation and the Practice of Rights Project
Police Service of Northern Ireland, Road Policy Development Branch
Political parties in the Assembly
Queen's University Belfast, Institute of Professional Legal Studies
Queen's University Belfast, School of Law
Road Haulage Association
Road Safety Council of Northern Ireland
ROSPA (NI)
Rural Community Network
Rural Development Council
Society of Local Authority Chief Executives
Speaker of the Northern Ireland Assembly
Translink
Ulster Farmers Union
UNISON
Unite
University of Ulster, School of Law
Write to Ride