



Data Protection Act 1998

Compliance advice

Implications of the Use and Disclosure of Vehicle Keepers Information

Introduction

The Information Commissioner has received a number of enquiries and complaints about the use and disclosures of personal data by the DVLA to individuals or organisations who have requested details of the keeper of a particular vehicle. Many enquirers believe that the Data Protection Act (the Act) prevents such disclosures unless the keeper has given his or her permission. This is not a correct understanding of the application of the Act and the purpose of this note is to provide readers with clarification about the issue.

The Data Protection Rules

The Act does not prohibit the processing (including the disclosure) of personal data to third parties but regulates the circumstances in which processing can take place. There are four key considerations.

- Details of the processing, including disclosures must be provided to the Information Commissioner who in turn places them on a public register. The data controller in the case of the DVLA is the Department of Transport and details of its notification are available via the Commissioner's web site (www.dpr.gov.uk) or directly from her office.
- Processing (including the collection of data) must be **fair**. This means, among other things that the DVLA should ensure that keepers have a reasonable idea of how their information will be used. The Commissioner understands that this is done through the Vehicle Registration Document (V5), and accompanying leaflets which inform individuals that the DVLA is empowered to disclose information in certain circumstances.
- The processing must be **lawful**. Regulation 27 of the Road Vehicles (Registration And Licensing) Regulations 2002 ensures that this is the case. The regulations state:

“The Secretary of State may make any particulars contained in the register (of keepers) available for use

- a) by a local authority for any purpose connected with investigation of an offence or of a decriminalised parking contravention;*
- b) by a chief officer of police; or*
- c) by a member of the Police Service in Northern Ireland*
- d) by an officer of Customs and Excise in Northern Ireland*
- e) by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting particulars to be made available to him.*

Particulars may be provided to such a person as is mentioned in paragraph e on payment of a fee, if any, of such amount as appears to the Secretary of State reasonable in the circumstances of the case”

- S.29 of the Data Protection Act permits the disclosure of personal data in any case where not to make the disclosure would be likely to prejudice the prevention and detection of crime or the prosecution of offenders.

Safeguards

Although the Secretary of State may authorise disclosures of keeper information, he may not do so except where, in his opinion, there is reasonable cause. Principally this will be in connection with an offence (where s.29 of the Data Protection Act will be relevant) or of a specific incident, such as an allegation of an accident or non-payment of a parking or of a ‘congestion’ fine. The Commissioner would certainly be willing to consider any evidence that disclosures had been made for other reasons.

There is some evidence that in the past the DVLA has been deceived by enquiry agents and other investigators into providing keeper details where there is no reasonable cause. Procuring unauthorised disclosures of personal data is a criminal offence under the Data Protection Act and should be reported to the Information Commissioner.

If you consider that your details have been wrongly disclosed to others by the DVLA, in the first instance you should ask it for an explanation. If you are not satisfied by the explanation you are given, for instance if it seems to you that the DVLA was deceived into disclosing your details, you may ask the Information Commissioner to carry out an assessment of the processing, in other words to consider if the disclosure breached the Data Protection Act. Requests for Assessment can be made by way of a “Request for Assessment” form, which you can obtain from the Information Line on 01625 545745 or by downloading it from the website www.informationcommissioner.gov.uk