



Report

on the consultation requiring
all private car parking
companies using DVLA
vehicle keeper information to
be members of an Accredited
Trade Association (ATA)



A report on the consultation to require all private car parking companies using DVLA vehicle keeper information to be members of an Accredited Trade Association.

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1. Introduction

DVLA takes its obligations to protect personal data very seriously. New safeguards were introduced in 2007 following a review of the release of information from the vehicle record. These were designed to protect vehicle keepers from misuse of their information, provide clear and robust complaint procedures where misuse is alleged, and allow those who do have reasonable cause to get the data they need.

These measures included the requirement that companies requesting information via a secure electronic link be members of an Accredited Trade Association (ATA), bound by an enforceable Code of Practice.

There is currently one ATA for the private car parking industry - the British Parking Association (BPA), whose current Code of Practice is available to view on its web-site (www.britishparking.co.uk).

Despite the new measures, concerns have continued about how data is provided by DVLA (and DVA in Northern Ireland) to private car parking enforcement companies making enquiries manually, rather than by electronic link. For example, companies who lose access to electronic data as a result of being suspended from or losing ATA membership, possibly as a result of customer complaints, could still be able to obtain data by manual means. A further review resulted in the proposal that all private car parking companies requesting information from the DVLA or DVA be required to become members of an ATA.

2. The consultation exercise

The proposal to extend ATA membership to all private car parking companies was the subject of a consultation exercise which ran between 16 April and 29 May 2009. Invitations to respond to the consultation were sent to 365 car parking companies affected by the proposal, the British Parking Association (BPA), the Automobile Association (AA), the Royal Automobile Club (RAC), the Information Commissioner's Office (ICO), Members of Parliament and various other interested stakeholders. In addition, the consultation document was published on the DVLA web-site. The consultation posed the following questions:

- 1 Do you consider that the proposed arrangement will provide greater safeguards for the protection of personal data held by DVLA and DVA, and increase public confidence in the way that their data can be used by private car parking companies?
- 2 Do you have any other suggestions, which would improve the confidence in the parking industry retaining access to DVLA data?
- 3 Do you consider that the Agency's analysis of costs and benefits in the Impact Assessment is reasonable? In this respect, we are particularly interested in information that you can provide to refine this analysis. If you are a private car parking enforcement company, how many complaints do you have to deal with? How much resource do you have to devote to complaints? Have we made an accurate assessment of the one-off costs likely to be incurred?

- 4 What are your views on the impact the costs will have in the current economic climate?
- 5 If you are one of the companies affected by this proposal, do you consider that the proposal raises any unforeseen consequences as to your organisation's ability to maintain the service it currently provides for its clients? If so, please explain what these might be.

A total of 14 responses were received, one of which merely advised that the subject of the consultation was outside that organisation's remit. The remaining 13 responses included a cross-section of stakeholders including car parking companies, the one existing ATA (on behalf of 61 members who responded to their survey) and a Member of Parliament. Given the level of interest this subject has previously generated in the media and in terms of correspondence received at DVLA, the number of responses was disappointing. A summary of responses is contained in **Annex A** to this document.

3. Key findings

QUESTION 1

Responses were split roughly equally into positive and negative views of the effectiveness of the proposal. Those supporting the proposal generally felt it would increase public confidence and provide greater safeguards.

Those opposed to the proposal provided a range of objections including the cost of ATA membership. One response indicated that, as a result of ATA membership fees, the proposal would result in the company ceasing business, while another expected it to lead to a reduction in staff.

Abuse of the current system by some operators and a lack of confidence in the effectiveness of ATAs in taking action against non-compliant members were also put forward as reasons for not supporting the proposal.

QUESTION 2

Alternative suggestions to improve confidence in the system were provided by several of the consultees supporting the proposal. These included further regulation to control the industry, including extension of the Private Security Industry Act 2001 to cover car-parking operators. Those opposed to the proposal also suggested a range of alternatives to improve confidence, including external approval of the ATA's Code of Practice and an independent appeals service for motorists to dispute penalties.

QUESTION 3

The majority of consultees did not provide a response to the question of the cost analysis being reasonable. Those who did were split equally between those who did believe the estimate was reasonable and those who did not. Other responses indicated that the cost was likely to be passed on to the motorist rather than be absorbed by the car parking company.

QUESTION 4

Three responses indicated the impact of membership costs in the current economic climate would force companies to either reduce staff or go out of business altogether. Concerns were also raised that the existence of only one ATA at present would mean that membership costs would remain high.

Others felt that the additional costs would reduce the number of unscrupulous operators in the industry or would be taken into account when companies negotiated contracts.

QUESTION 5

Two car-parking operators responded that the proposal would result in a decline in services offered and their ability to deal with appeals.

Others, including current ATA members, felt that although there would be additional costs, the general image and reputation of the industry would be enhanced.

4. Way forward

- DVLA to take forward the proposal that all private car parking companies to be a member of an ATA, with companies offered a grace period of three months to gain membership of an ATA, and a further three months to achieve full compliance with the relevant Code of Practice.
- To alleviate fears of BPA operating a monopoly as the only existing ATA, DVLA to consider applications from any organisation wishing to seek accreditation as an ATA.
- In response to the concerns expressed that ATAs do not enforce their Code of Practice, DVLA should work with ATAs to ensure that members' compliance is enforced, with appropriate action taken against non-compliant members.

ANNEX A – SUMMARY OF RESPONSES

No	Question	Agree	Disagree	No Comment	Comments
1	Do you consider that the proposed arrangement will provide greater safeguards for the protection of personal data held by DVLA and DVA, and increase public confidence in the way that their data can be used by private car parking companies?	7	6	1	<ul style="list-style-type: none"> - With current legislation already in force, the changes proposed would not increase public confidence. - Compulsory membership of the British Parking Association and rigid adherence to the BPA code of conduct will increase standards and confidence. - I do not feel that trade organisations are lawfully entitled to be in charge of the distribution of DVLA information. - We are of the opinion that motorists would not have confidence in the proposed arrangements, however, our objection does not mean we support the present arrangements. - The public will not see any additional benefit (protection) because some parking companies operate badly and abuse the system. - It may provide greater safeguards but not necessarily more confidence.
2	Do you have any other suggestions which would improve the confidence in the parking industry retaining access to DVLA data?			4	<ul style="list-style-type: none"> - Monitor/refuse supply of information to those companies that have had complaints made against them. - DVLA to communicate details of what constitutes reasonable cause. - Extend Private Security Industry Act 2001 to include the issue of parking tickets. - BPA to consult trading standards when applications are received. - Improve BPA code of

					<p>Practice/conduct.</p> <ul style="list-style-type: none"> - DVLA to inform registered keeper when they have provided their information, to whom and for what reasonable cause. - Only licensed SIA businesses and/or individuals should be allowed to access the information through a link directly with the DVLA. - We believe that a system where parking enforcement companies would have to be registered with an ATA which had an enforceable and externally approved code of practice would be in the best interest of motorists. - Only true independent arbitration and genuine tough action against non-complying members will succeed in dealing with disputes and abuses and re-assure the public. - Direct control by DVLA, stricter control generally, a licensing scheme similar to that managed by SIA.
3	Do you consider that the Agency's analysis of costs and benefits in the Impact Assessment is reasonable? In this respect, we are particularly interested in information that you can provide to refine this analysis. If you are a private car parking enforcement company, how many complaints do you have to deal with? How much resource do you have to devote to complaints? Have we made an accurate assessment of the one-off costs likely to be incurred?	2	2	10	<ul style="list-style-type: none"> - Implementation costs would increase the overheads of private companies and increase public expenditure for DVLA and DVA. - It would cost us in excess of £20,000 to re-do all of our signage and stationery. - Level of complaints is minimal, compared to the number of appeals. - We have only requested registered keeper details once from DVLA in the past 12 months - Costs are likely to be passed onto motorists.
4	What are your views on the impact the costs will have in the current economic climate?			4	<ul style="list-style-type: none"> - The proposal is flawed, concerned that only one company offers a code of

					<p>practice and they charge in excess of £1,000, smaller firms may not be able to absorb the increase in expenditure and therefore go out of business.</p> <ul style="list-style-type: none">- My business would not be able to survive this being implemented in the current economic climate.- We would have to very carefully consider losing one/two members of staff.- The extra cost involved in complying with the code of practice will help deter unscrupulous operators from entering this trade sector.- Whilst the financial impact of regulation must be considered, some issues are of such fundamental importance as to outweigh additional cost burdens. The lack of public, media and even party political confidence in the present system and the need to improve the capacity of the industry ATA[s] to effectively self-regulate, outweigh the increased costs likely to fall onto private car park enforcement companies. If the net effect of this proposal is that fewer, but larger and more professional companies remain in the sector, that must surely be an improvement.- Costs are reasonable and should be calculated when taking on a contract, much as any other costs.- The impact would mean that such costs would have to be passed onto the motorist.- Any change to DVLA practice that will result in increased fees paid to them by divers should be avoided in the current economic climate.
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					<ul style="list-style-type: none"> - Costs are likely to be passed onto motorists - Additional costs
5	<p>If you are one of the companies affected by this proposal, do you consider that the proposal raises any unforeseen consequences as to your organisation's ability to maintain the service it currently provides for its clients? If so, please explain what these might be.</p>			8	<ul style="list-style-type: none"> - The requirement to release commercially sensitive information, in the form of a private company's client list, is unethical from a competition perspective if the BPA is to include board members from a directly competing member organisation. This could lead to unfair advantage. - Legal costs of around £5,000, reduced commission for land-owners, which could result in loss of contract to wheel clamping companies. Short changeover period. I feel there are issues here regarding monopolies. The BPA is currently the only approved trade organisation. Therefore if implemented they are the only organisation all companies must join meaning they hold power over the entire industry. Implementing this policy would cause my business to fold only to increase the revenue of another company (The BPA). - If enforced and staff cuts became necessary we would have to reduce our service and probably decline more appeals. - Affected in a positive way as the public would 'respect' companies that can obtain data from DVLA. - Information should not be distributed to any person who does not hold a valid SIA licence nor should it be distributed to a third. - In the majority of cases the companies operating these 'services' are largely funded

					from the unregulated penalties they are free to impose on motorists.
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