

SUMMARY OF RESPONSES ON THE INTRODUCTION OF A VOLUNTARY CODE OF PRACTICE FOR PRIVATE CAR PARKING COMPANIES ENFORCING CONTRAVENTIONS ON PRIVATE LAND

Background

The law allows DVLA to release the name and address of a vehicle keeper to the police, to Local Authorities for the investigation of offences and decriminalised parking contraventions and to anyone else who can demonstrate 'reasonable cause' for their request.

The term "reasonable cause" is not defined in law and each case is considered on its merits taking into account the needs of those who require the information and those whose personal details the Agency holds for specific purposes. Lawyers have advised that release should normally be associated with road safety, direct involvement of a vehicle in road traffic incidents/accidents, enforcement of road traffic legislation and for taxation purposes. Enquiries from companies enforcing car parking restrictions on private land are considered to meet the 'reasonable cause' criteria. A Public Consultation Document was issued on 31 January inviting comments on the introduction of a Voluntary Code of Practice, to address concerns raised in the media that data was being released inappropriately to private car parking enforcement companies.

Consultees were asked to comment on:-

- The display of adequate warning signs
- The issue of clear penalty charge notices
- The requirement for a Code of Practice

The Agency consulted all private car parking enforcement companies routinely requesting vehicle keeper details, and with various motoring and consumer organisations. The Information Commissioner was also consulted. There was a 25% response rate.

Analysis of Responses

All respondents generally welcomed the Code of Practice. Whilst Enforcement companies recognised the need for a Code of Practice, they confirmed that they complied with the need to display prominent warning signs and the issue of clear, explanatory penalty charge notices.

Certain Representative Bodies recommended tighter procedures and wanted to make the Code mandatory. The case was not however made but further consideration may be given if a voluntary scheme fails. Respondents also encouraged DVLA to continue dialogue with enforcement companies to ensure that the public is made fully aware of the potential consequences when they park on private property.

Conclusion

A mandatory code of practice would not be possible under the present statutory framework, and there is little evidence of abuse requiring a change in the law. However, to improve public awareness of the position, the Agency is committed to:

- Introduce the Voluntary Code of Practice and to invite all enforcement companies to sign up to it.
- Work with the enquiring companies to continue to improve signage, notices, forms and leaflets, to ensure that the motoring public is fully aware of enforcement procedures.
- Ensure that enforcement companies are appropriately registered under the Data Protection Act.
- Consider procedures for the release of information to those companies who choose to work outside the Code of Practice.
- To continue to raise public awareness of the potential use of their data to underpin car parking and general law enforcement.