**DVLA / BPA Focus Group Meeting**

**7th September 2017**

**Richard Ley Development Centre, Swansea**

**Attendees:**

Liz Symons (LS) (chair) DVLA

 Rachel Rooks (RR) DVLA

David Dunford (DD) DVLA

 Ollie Hughes (OH) DVLA

 Emma Steele (ES) DVLA

 Nicola Davies (ND) DVLA

 Carole Hixson (CH) DVLA

 Michelle Phillips (MP) GIAA

Steve Clark (SRC) BPA

Helen Crozier (HC) Oxfordshire County Council

Jim Daniels (JD) Gloucestershire County Council

David Morris (DM) LB of Enfield

Glynnis Jeavons (GJ) Walsall Council

 David Marks (DM) MET Parking Services

 Gary Brierly (GB) Debt Recovery Plus

 Mike James (MJ) Bristol City Council

 Tina Kealy (TK) ZZPS

 Tony Williams (TW) City & County of Swansea Council

 Paul Kite (PK) Bristow & Sutor

1. The DVLA / BPA Focus Group meeting was opened by LS with introductions from all attendees. LS then chaired the meeting in line with the agenda items.
2. **Notes from previous meeting**. (attached for reference)

*VRM as personal data*

Previously, DVLA stated they would resend their official stance on the VRM being regarded as personal data to the BPA. This has been done but the position will need to be considered due to GDPR

*Use of contract law to manage council owned property*

 Steve Clark has raised cases with DCLG for legal advice. The results of this will be shared with the group.

*DVLA’s Criminal Intelligence Officers – are they sending acknowledgements?*

 **ACTION #2: DD to check on the latest position**

*Backdating of disposal dates*

ES agreed to review process of backdating the disposal date. ES reiterated that changes to the current enquiry services are not possible but will be considered for the future enquiry services. ND explained that new digital services will assist in notifications being received and processed.

**ACTION #3: ES to review the process for backdating updated records**

**ACTION #4: ES to identify if there is a legal reason that DVLA accepts the disposal date provided and this is used to update the record.**

1. **DVLA Updates**

*Staff movement*

LS explained that DVLA’s Data Sharing Strategy & Compliance Team has undergone several staff changes. If anyone has received correspondence and they are unsure if it is from DVLA, they can check with LS or DD

LS gave a brief overview of the new audit process that has now been in place for over a year. She confirmed that Government Internal Audit Agency (GIAA) gather information on behalf of DVLA during a site visit as part of the overall audit process. GIAA identify and capture any issues and report this formally to DVLA. DVLA will then consider this information along with any other intelligence from the Data Governance Form or complaints and give a preliminary audit rating. A compliance letter is sent to the customer asking how and when the issues will be addressed. A final rating is then given dependant on the response.

All audits that have a preliminary rating of red, regardless of whether the final response was green, will have a re-audit within 3 to 6 months time. If the same issue(s) is / are identified again, the matter will be escalated to DVLA’s Senior Information Risk Officer (SIRO) for a decision to be made about continued access to DVLA data. The feedback received from data customers so far has been really positive with comments that these audits help improve their services.

LS provided details on the main issues being identified

* Wrong vehicle registration number being used
* Wrong date of event being used
* Photographic evidence does not clearly show the vehicle/contravention

JD stated that DVLA were asking for photographic evidence that councils are not legally required to take. LS acknowledged that DVLA is aware of this and does not insist on photographic evidence being available by Local Authorities for parking contraventions. If anyone is being asked for this evidence, please let DVLA know and we will address this.

SC commented that BPA have adopted the same audit approach as DVLA

*Vehicle keeper appeals*

DVLA has received several complaints where the keeper has been unable to appeal. DVLA has requested the views from both ATA’s on this.

BPA confirmed that if no appeal has been received, the keeper can appeal and that the driver does not have to be named for the appeal to be heard.

TK went through a scenario where the keeper appeals but has also claimed they were driving. In this case, does the appeal still need to be heard? SC confirmed that this can be perceived to be a grey area but he wants to see examples of these types of anomalies. The members agreed that they share some examples with Steve. His initial feeling is that the appeal should still be heard.

**ACTION #5 : Members to supply SC with examples**

*Sharing data with Universities/Hospitals*

LS explained that DVLA have received requests for vehicle keeper data to be shared with a University / Hospital who’s site is being managed by a Parking Company. The ultimate purpose of the sharing would be to instigate disciplinary action if the motorist is a student / employee. DVLA’s position so far has been that this does not meet reasonable cause and DVLA would not normally provide data for this reason.

If anyone wants to use / share data for any reason that is different to what they currently do, it should be raised via DVLA’s clearance process, where it will be considered by the relevant DVLA stakeholders. If data is used for any other purpose without prior permission from DVLA, it may result in a suspension of service. SC stated that BPA’s position on this has been not to share data with Universities.

If anyone needs to raise a request with DVLA, please contact Liz for any advice in the first instance on Elizabeth.symons@dvla.gsi.gov.uk.

*Photographs as evidence*

LS explained that a photograph is the best form of evidence that a parking company could have to support an alleged breach of parking. DVLA has been considering whether this should be made a mandatory requirement for DVLA auditing purposes, but understands the difficulties with doing this and would like the views of the group.

GB stated that the Code of Practice does not state that a photograph must be taken. SC replied that if DVLA mandated photographs be taken, the Code of Practice would either be updated or the position challenged. Both GB and SC stated that there may be situations where a photograph was not available / taken. In theory everyone agreed that photographs were the best form of evidence and should be available for the majority of contraventions.

LS said that she would look at the guidance with a view to changing it to say that photographs are the best form of evidence and where they are provided for auditing they should meet the following requirements..... She will work with BPA and IPC to understand the requirements for photographs i.e. lighting, weather conditions, windscreen with ticket on, showing the contravention etc.

**ACTION #6 : LS to disseminate updated guidance**

*Transformation*

ES stated that DVLA is working on removing legacy services within the Agency and creating new services. Feedback from the last forum has been captured but legislative changes affecting the Agency have taken precedent. DVLA is looking at which services can be rebuilt instead of just being updated. RR mentioned that vehicle enquiries is just one stream being considered, DVLA is also working on preparation for GDPR, Brexit, Digital Economy Bill as well as driver enquiry services.

DVLA’s vehicle data has now moved to cloud storage which means data can be used more effectively and will aid in the development of new services. The target date for the new services is still 2020.

MJ asked if a yes / no service will be available. ES confirmed that this is one requirement that has been recorded.

OH mentioned that the KADOE contract will be the first to be reviewed as preparation for GDPR.

JD asked if DVLA will review the terminology of ’ FEE’ and ‘NON FEE’ when issuing the new contracts as there are charges involved with both Fee and NON FEE KADOE services.

**ACTION #7:** **OH will** **consider the terminology for FEE and NON FEE customers.**

1. **Requests from members**
* *Will DVLA provide speakers to inform public bodies of updates / audit policy by presentations at local authority meetings?*

LS stated that we are looking at each invite and deciding on a case by case basis, dependant on availability of key staff. HC stated the next LASIG meeting is in Cardiff. RR asked for information on the meeting before being able to confirm DVLA attendance.

**ACTION #8 :HC to provide information to RR**

* *DVRE have issued a statement saying:*

*For the attention of all organisations: From 1st June, DVLA will no longer accept applications where the make and model details are stated unknown, Unknown. DVLA will require the full make and model to be supplied. If this is unknown or unavailable then a full explanation will be required.*

*Many members haven’t received this notification. Will it be circulated to all?*

*If the make and model is not easily identifiable because the vehicle is moving or it is dark, what information is required? Why are DVLA now stating that they require this information?*

LS stated this was a business decision. It was made due to the high volume of applications received that say ‘make / model unknown’. DVRE only notified local authorities with rejected applications so not everyone would have received the notification. DD will write to BPA to disseminate this message to all Local Authority members. It was reiterated that this only applies to manual enquiries, not enquiries made via KADOE.

**ACTION : #9 DVLA to confirm if this applies to FEE paying enquiries as well.**

**ACTION : #10 DD to send DVRE guidance to all**

* *No owner identified but in the Motor Trade, no details returned. If the vehicle is in contravention then the person(s) responsible for the vehicle, i.e. trader should be liable if using the vehicle on the road and therefore trader name should be supplied for local authorities to pursue.*

LS stated they can make a manual enquiry for us to release Trader’s details. These are dealt with on a case by case basis and dependant on circumstances. ND explained that DVLA may not hold details of the trader on our records, but enquiries can still be made. ND also mentioned that vehicles should only be used on the road by a trader if the have trade plates are displayed. ND also mentioned that DVLA is working on a solution to track vehicles through the trade but that this process is not in place.

**ACTION #11: ND to feedback the concerns of the group to the project and obtain an update of where this process currently is.**

**ACTION #12: DVLA to identify whether statistics on the number of unregistered vehicles that have been lifted is available.**

* *What is the DVLA Strategy and guidance on the use of Public Cloud for systems holding DVLA / KADOE data (eg. Microsoft Azure or Amazon Web Services) and if there are any changes to where data can be physically located (currently UK) or can it now be hosted in the EU for example?*

LS stated, whilst we appreciate that assuring cloud hosting environments can be complex, DVLA is not in a position to recommend any particular cloud hosting storage solutions.

The following statement has been obtained from DVLA Information Assurance Group (IAG)

The KADOE contract obliges KADOE customers to notify DVLA of any transfers of data outside the EEA, but to seek our prior written consent for any transfers of data outside the EEA. You may therefore want to give careful consideration to the location of the cloud hosting environment, including any secondary data centres/back up arrangements and also the location(s) from which personal data may be logically accessed for support/maintenance purposes.

If you were to select a solution involving the transfer of data to or access from outside the EEA, then DVLA would request details relating to the physical, personnel, organisational, technical and contractual controls/safeguards in place to protect the data at the offshore location to inform decisions on whether we can consent to the transfer. We request this information primarily to ascertain whether controllers are compliant with their own obligations to protect personal data under the Data Protection Act and not transfer any personal data to a country or territory outside the EEA unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of their personal data. Demonstration of adequate controls and the use of Binding Corporate Rules or EU Model Contract clauses are helpful in providing assurances that than adequate level of protection is in place.

If anyone wants to use / share / store data for any reason which is different to what they currently do, it should be raised via DVLA’s clearance process, where it will be considered by the relevant DVLA stakeholders.

If anyone needs to raise a request with DVLA, please contact Liz for any advice in the first instance on Elizabeth.symons@dvla.gsi.gov.uk.

* *Since Sandwell went live with bus lanes on a daily basis, they are getting at least 5 or 6 vehicles a day that claim to be cloned and when they receive photo’s of their vehicles they do appear to be cloned. The police are not interested. Is there anything DVLA can do?*

LS stated there are 2 things to consider: Is it a cloned plate or a cloned vehicle? They are both police matters as they are criminal offences, but the motorist can contact DVLA if it is a cloned plate and DVLA will look into it and take relevant action depending on the circumstances. Any disputes about a charge are between the motorist and the issuing establishment

* *Foreign vehicles – There was talk that all vehicles coming into the country had to be registered at an address so that if fines were issued there would be an address to collect from.*

A statement from vehicle policy colleagues is that no arrangements have been made to require foreign driver to provide an address for the above. However, DVLA works closely with police forces and other enforcement agencies to address the issue of overstaying foreign registered vehicles

* *Can DVLA notify authorities if they are working in their areas? Some have seen vehicles clamped and left on pavements causing obstruction to drivers (GJ)*

LS stated that we have discussed this with colleagues in vehicles policy and they are going to contact GJ to discuss some of the issues that both sides are facing. There was an agreement that there should be a more joined up process

**ACTION #13 : LS to pass GJ details to colleagues in Vehicles Policy**

* *Can an organisation obtain the first half of the post code for vehicle registration numbers captured on SEA traffic / parking survey system from DVLA?*

LS mentioned that this would need to be a data sharing request and it would be put through the official clearance process. Please contact jayne.judd@dvla.gsi.gov.uk / Carla.taylor@dvla.gsi.gov.uk

JD mentioned that Gloucestershire Council are already undertaking this process. DVLA would like to have sight of the requests being sent to DVLA for this purpose and will consider retrospective clearance and check any previous agreements for this. RR made it clear that just because you may have been doing this for a number of years, it doesn’t mean that it still fits in with the current Data Sharing Strategy. Any further requests for this will need to go through DVLA official clearance process.

**ACTION #14**: **JD to send details of the process to LS**

* *DVLA have sent out a new KADOE contract for signing. It is a lengthy agreement and much of the content is irrelevant to ‘third party customers’. Some councils who are working together for economies of scale can’t understand why we are being asked to sign up to this.*

OH stated that the KADOE contract for LA’s has information in it for Link Providers, Intermediaries and End User’s. Next year a more specific contract will be issued which will include any GDPR updates. OH confirmed that the Agency will not enter into any bespoke contracts with anyone and the contract is non-negotiable.

1. **Any other business**
* MJ mentioned that Bristol Council were using a PO Box address to receive all correspondence. LS mentioned that DVLA have had concerns with the use of PO Box and Mail Box addresses however, DVLA will consider their position.

**ACTION #15:** **DVLA to consider whether PO Boxes can be used for the receipt of DVLA correspondence**

* GB asked whether they were permitted to use email addresses they have obtained through tracing to contact motorists

**ACTION #16:** **DVLA to check whether this is being considered via the clearance process**

* TK asked whether DVLA had any concerns with ANPR images taken in poor conditions i.e. dark, raining. RR asked whether we have raised concerns in the past and LS confirmed that DVLA have not raised any concerns with this in the past through the auditing work that she is aware of. TK said that they have a client who will be spending a lot of money on kit and who’s business model depends on us still accepting the infrared photo of the VRN along with the more grainy photo of the vehicle. RR said that we aren’t here to approve anyone’s business models and that even though we can confirm that this is acceptable to us now, it may not be in the future. SC to work with TK to consider this point and raise at a later date if deemed necessary.

ES brought the meeting to a close and thanked everyone for their attendance.

**ACTIONS**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No** | **Subject** | **Date Action Raised** | **Action Owner** | **Action Description** | **Update** |
| 1 | Use of contract law to manage council land | 24 November 2016 | Steve Clark | SC to discuss scenarios with MA and MR where land falls outside of scope of Robert Goodwill’s letter. | (7/9/17) SC raised with DCLG, awaiting response |
| 2 | DVLA enforcement on use of cherished transfer number plates  | 24 November 2016 | Steve Hopkins | SH to investigate the possibility of acknowledgements being issued when information received by the Agency | (7/9/17) DD to check if this is done |
| 3 | Disposal Dates | 24 November 2016 | Emma Steele | ES to review the process for backdating updated records | (7/9/17) |
| 4 | Disposal Dates | 7th September 2017 | Emma Steele | ES to identify if there is a legal reason that DVLA accepts the disposal date provided and this is used to update the record. |  |
| 5 | Keeper appeals | 7th September 2017 | BPA Members | Members to supply SC with examples of anomalies when appeals are received |  |
| 6 | Photographic evidence | 7th September 2017 | Liz Symons | LS to ensure guidance documents are updated with references to photographic evidence  |  |
| 7 | Data Customer terminology | 7th September 2017 | Liz Symons & Ollie Hughes | DVLA to consider terminology for FEE and NON FEE customer |  |
| 8 | DVLA attendance/speaking at LA meetings | 7th September 2017 | Helen Crozier | HC to provide RR with details of Local Authority meetings and the content to allow DVLA to decide if they should attend |  |
| 9 | DVRE make/model correspondence | 7th September 2017 | David Dunford | DVLA to confirm if this applies to FEE paying enquiries as well |  |
| 10 | DVRE guidance on release of data | 7th September 2017 | David Dunford | DD to provide copies of DVRE guidance to BPA |  |
| 11 | Tracking vehicles in the trade | 7th September 2017 | Nicola Davies | ND to feedback the concerns of the group and obtain an update where this process currently is. |  |
| 12 | Unregistered vehicle enforcement | 7th September 2017 | David Dunford | DVLA to identify whether statistics on the number of unregistered vehicles that have been lifted is available. |  |
| 13 | Joined up enforcement activities | 7th September 2017 | Liz Symons | LS to pass GJ’s details to Vehicle Policy to work on a more joined up process in enforcement activities |  |
| 14 | Obtaining post code data from DVLA on vehicle keepers | 7th September 2017 | Jim Daniels | JD to send details of the process to LS |  |
| 15 | Using PO Boxes for DVLA correspondence | 7th September 2017 | LS | DVLA to consider whether PO Boxes can be used for the receipt of DVLA correspondence |  |
| 16 | Using traced email addresses for corresponding with motorist | 7th September 2017 | LS | DVLA to check whether this is being considered via the clearance process |  |