



# code of practice

**for driver and vehicle licencing agency (DVLA)**

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applicable to  
motor finance members

## keeper data access: introduction

Since 1 October 2007, unregulated companies and organisations (i.e. not a Local Authority or a Government Organisation) who request vehicle registration information electronically from the Driver and Vehicle Licensing Agency (DVLA) must be members of a DVLA Accredited Trade Association (ATA). Source: DVLA Press release 23: Release date 01/10/2007

Part of the process for 'accrediting' trade associations includes ensuring that there is in place a clear and enforced Code of Practice (CoP) relating to conduct and how DVLA data may be used.

Accredited Trade Associations who fail to enforce their Code of Practice may lose their accreditation and their members may forfeit their entitlement to request and receive DVLA information electronically.

The DVLA have stringent measures in place to protect the release of data from the UK vehicle register and to ensure it is undertaken in a way that:

- A)** protects vehicle keepers from misuse of their information and provides clear and robust complaint procedures where misuse or breaches of Codes of Practice are alleged;
- B)** ensures that those who can meet the 'reasonable cause' provision can get the data they need;
- C)** balances the right to privacy of individuals whose data is held on the register with the rights of others to gain proper redress;
- D)** is cost effective – in that the costs to all are proportionate to the benefits that the scheme delivers; and is right in principle and works in practice.

The Consumer Credit Trade Association (CCTA) has been granted Accredited Trade Association status by the DVLA which allows its members to apply for 'Approved Conditional Access' (ACA) i.e. access to Vehicle Keeper Data by CCTA members via a secure electronic link, providing they have successfully served a 6 month probation period, making manual requests. These links are operated under contract with the DVLA.



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CCTA members may have DVLA Approved Conditional Access (ACA), which allows them to request and receive Vehicle Keeper data via a secure electronic link. These links are operated in the context of clear terms of agreement detailing when information may be requested, how it can be used and how it should be stored. Transactions are subject to audit and review on an annual basis.

All members seeking ACA status must first serve a six-month probationary period using manual enquiry forms. Any complaints are logged and closely monitored. On completion of a satisfactory probationary period an electronic link may be established.

Companies wishing to obtain vehicle keeper data via a third party service provider must also have served a 6 month probationary period, making manual requests, and have the necessary contractual agreements in place with that service provider.

### release of information from DVLA vehicle register

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Information is released on the condition that it relates to and will only be used for the purpose for which it was requested. It is an offence under the Data Protection Act to obtain information under false pretences or for information to be used for any purpose other than that for which it was released. The Agency will refer any suspicious applications or breaches of the DPA to the Information Commissioner for investigation and where appropriate prosecution.

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## 1 the association and this code

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- 1.1** The Association represents finance houses, retailers, building societies, credit-brokers, debt collection companies and others acting in providing credit, hire and leasing facilities and credit ancillary services to consumers and businesses.
- 1.2** The Consumer Credit Trade Association (CCTA) has been granted Accredited Trade Association (ATA) status by the DVLA which allows its members to apply for 'approved conditional access' (ACA) to request and receive Vehicle Keeper data via a secure electronic link.
- 1.3** This Code only applies to Members seeking or who have obtained from the DVLA approved conditional access.
- 1.4** This Code of Practice governs the CCTA status as an ATA, and the obligations of its members with access to vehicle keeper data.
- 1.5** The purpose of this Code is to ensure compliance by the Association and its members with the minimum standards set by the Association and the DVLA.
- 1.6** The Association and its members shall publicise the existence of this Code and where appropriate provide details of the Complaints Procedure on request.
- 1.7** Failure to adhere to this code of practice may lead to suspension or expulsion of membership of the CCTA, which will result in the company being unable to request/receive data electronically from DVLA vehicle records.

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## 2 our responsibilities

The Association shall:

- 2.1** Have a clear, enforceable Code of Practice (CoP), which must be adhered to by its members who wish to obtain and retain Approved Conditional Access to request vehicle keeper information from the DVLA. The code will govern the conduct and business practices of its members which is published on the CCTA website, together with a list of members.
- 2.2** Provide a copy of the annually updated CoP to DVLA
- 2.3** Maintain a named liaison contact for DVLA.
- 2.4** Monitor compliance, ensuring members act in accordance with the CoP by annual audit of those members who apply for and receive vehicle keeper information from DVLA records.
- 2.5** Maintain records on all complaints and their resolutions.
- 2.6** Investigate on behalf of and at DVLA's request any complaints about alleged breaches of the CoP or inappropriate use of information and report on the outcome.
- 2.7** Aim to respond to all complaints within 8 working days except in instances where communication on a particular dispute has been received from the Minister of State's office, in these situations the response time limit will be within 2 working days.
- 2.8** Take appropriate measures, including a written warning, to restore compliance with the CoP by members if a breach is identified.
- 2.9** Undertake to expel, as appropriate, any member who fails to comply with the CoP where restoration of compliance within agreed timescales has failed and, notify DVLA with 24hrs of the suspension / expulsion of any member.

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- 2.10** Ensure that an up to date membership list is maintained on the CCTA website.

### 3 obligations of members, which apply in all circumstances

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Members shall:

- 3.1** Inform CCTA that they request/receive information from DVLA vehicle records via an electronic link, whether directly or via a third party company. Failure to notify CCTA will lead to expulsion and the ability to request and receive information electronically will be removed.
- 3.2** Where DVLA 'approved conditional access' is applied for and granted, agree to subscribe and submit to this CoP and adhere to its terms. 'Approved conditional access' allows those members to request and receive Vehicle Keeper data via a secure electronic link.
- 3.3** Maintain notification with the Register of Data Controllers at the Information Commissioner's Office, a copy of which will be made available on request by the Association or the DVLA.
- 3.4** Have an accurate and up to date company registration with Companies House.
- 3.5** Maintain a full postal business address (PO Box Numbers are not permissible) and contact details, which should include a landline telephone number, all of which must be quoted in all customer correspondence.
- 3.6** Establish and maintain a complaints procedure, in accordance with clause 4, for the purpose of keeping records on all complaints and their resolutions and furnish information on request about their complaints procedure.
- 3.7** Provide details of vehicle keepers being contacted for investigations:
- A)** an explanation of why their details were requested, and the procedure by which they can register a complaint with CCTA, the Information Commissioner and DVLA, if they believe their data has been used inappropriately; and

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- B)** a copy of this CoP upon request or, in any event, when a complaint is lodged by a vehicle keeper.
- 3.8** Co-operate fully with DVLA or CCTA in relation to any matter regarding compliance with this CoP, including requests for documentary evidence of compliance and/or complaint records
- 3.9** Acknowledge receipt of any correspondence from DVLA or CCTA investigating complaints from Vehicle Keepers within five working days and a full response within 10 working days of notification.
- 3.10** Ensure that Vehicle Keeper Data is used in accordance with the enforceable principles of the Data Protection Act 1998. This includes ensuring that the data is only used where reasonable cause has been demonstrated in accordance with regulation 27 (1) (e) of the Road Vehicles (Registration and Licensing) Regulations 2002 and that it relates to and will only be used for the purpose for which it was requested and not passed to any third party.
- 3.11** All members shall comply with the CoP regardless of whether they request and receive information from DVLA records manually or electronically. However only those who apply electronically will be subject to an annual audit by the CCTA.
- 3.12** Ensure that documentary evidence of all cases where an inquiry of the Vehicle record has been made is retained for a period of 2 years and made available on request to the CCTA or DVLA, to enable the investigation of complaints and for audits to be carried out.
- 3.13** Take steps to ensure they behave responsibly and considerately with the vehicle keeper's data.
- 3.14** Any subsequent use of data supplied by DVLA must be within the Cabinet Office and Department for Transport guidelines of the Data Handling Review (June 2008) and subsequent modifications.

The Review can be found at:

<https://www.gov.uk/government/publications/data-handling-procedures-in-government>

Specific guidance on the Mandatory Minimum Measures is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60968/cross-gov-actions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60968/cross-gov-actions.pdf)

Failure to adhere to this guidance or higher standard on the transfer of data will be regarded as noncompliance with the requirements of the contract.

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**3.15** Ensure that information is retained securely with access restricted to authorised personnel.

**3.16** Dispose of data in a timely manner, in line with the requirements of the DPA.

## 4 complaints procedure

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The following shall apply to complaints made by Vehicle Keepers alleging misuse or any other matter in relation to Vehicle Keeper data released from DVLA.

**4.1** Members shall deal promptly and at an appropriate management level with complaints.

**4.2** If a Vehicle Keeper makes a complaint to the association in relation to alleged misuse or any other matter in relation to Vehicle Keeper data released from DVLA, the Association shall, in the first instance, refer the complaint to a senior executive of the member for consideration.

**4.3** If the complaint is not resolved to the complainant's satisfaction, unless the complainant wishes to refer the complaint to DVLA or the Information Commissioner, the Association shall endeavor to conciliate between the complainant and the member and to restore communication between the complainant and the member where this has broken down.

**4.4** Members shall notify complainants of their complaints procedure, including the complainant's right to seek resolution of the complaint under the CCTA Conciliation service.

**4.5** The Association will report all complaints it receives from vehicle keepers and members to DVLA, within 48 Hours, and inform on their outcomes. The Association will also provide DVLA with an annual report of the number of complaint cases received under the Code.

**4.6** The complainant can make a complaint relating to a Data Protection breach to the Information Commissioner's Office. The contact details are:  
Phone: 0303 123 1113  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)  
Address: The Information Commissioner's Office, Casework and Advice Division, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.



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- 4.7** If the complainant wishes to direct an enquiry to DVLA concerning breaches of this Code or allegations of misuse of data, he or she should write to VRE1, D4, DVLA, Swansea SA6 7JL.

## 5 interpretation

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- 5.1** In this Code reference to Acts or Regulations shall be construed as such Acts or Regulations respectively, as amended or re-enacted from time to time.

## 6 formal procedures

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- 6.1** The Council, with the agreement or on the instruction of the DVLA, may make such changes to this Code as it may consider appropriate from time to time, by a majority of the members of the Council present and voting. In the event of an equality of votes the Chairman of the Council shall have a casting vote in addition to the vote to which he is entitled as a member of the Council.
- 6.2** The Council shall give members at least 30 days notice in writing of any changes to this Code.

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