

2.7 Deputy K.C. Lewis of St. Saviour of the Minister for Transport and Technical Services regarding the release of car registration details to wheel clamping companies:

Would the Minister advise whether confidential car registration details, names and personal addresses, are supplied to wheel clamping companies and, if so, under what circumstances are such details being given?

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):

I can confirm that Driver and Vehicle Standards do pass on the names and personal addresses to wheel clamping companies and the circumstances are as follows. If the owner of a property or his or her authorised agent has evidence that a vehicle was parked on the said property without authorisation - in other words a trespass has been committed - under Article 19(2) of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 as amended, there is reasonable cause for that person to request the particulars of the keeper of the offending vehicle. So, under those circumstances the department is under a requirement to supply details. I should also say that there are a number of other inquiry applications that are received by Driver and Vehicle Standards. These tend to come from insurance companies or solicitors requiring keeper details on vehicles that have been involved in collisions where the driver of a vehicle has provided bogus details of name and addresses. Other applications may possibly be in respect of repossessions of vehicles where a keeper has defaulted on a loan.

2.7.1 Deputy K.C. Lewis:

Is the Minister satisfied, Sir, that these people who are unregistered and unregulated should have access to highly confidential personal details, and is the Minister satisfied that there is no breach of data protection?

Deputy G.W.J. de Faye:

As I think I have just outlined to the Assembly, my department is responding to a requirement under the Law. In that sense I do not think the data protection issue is a relevant issue.

2.7.2 Deputy P.V.F. Le Claire:

It is interesting that the department is responding to a requirement under the Law when we heard only last session that the Law is unclear in this area. Is it not the case that this sends out a worrying signal to most Islanders having followed the United Kingdom's recent incidents of data being shared, that we are giving over to private companies details of people's personal addresses, *et cetera*, that give them cause for concern in an area where there is doubt over the legality of the process?

Deputy G.W.J. de Faye:

I would suggest to the Deputy that if there is a worrying trend on this Island it is the utter disregard for some people for other people's property.

2.7.3 Deputy P.V.F. Le Claire:

Would the Minister not agree that that includes their personal information?

Deputy G.W.J. de Faye:

I think we need to understand that (a) the value of a car registry and the idea as to whether this is top secret, highly confidential or confidential is really a matter of perception. There are clearly circumstances where it is utterly right and proper that details held on a vehicle registry should be passed on to people who ought to know them.

2.7.4 Deputy S.C. Ferguson:

Would the Minister not consider that this seems to be totally inconsistent with the recent cases we have had within Home Affairs and the police force where his staff are giving out details? I think it

is argued that the legal side could be argued for both cases but one lot of people are in fact giving out details and the other lot of people are being penalised and taken to court over it. Does the Minister not see inconsistencies in this?

Deputy G.W.J. de Faye:

I think what some Members may be overlooking is the extreme distress that trespass can cause to owners of property and quite frankly while wheel clamping is an interesting and topical issue in the media and Members may have their own views on whether the charges imposed are excessive or not, the fact remains that if drivers did not trespass in the first place wheel clamping would not be an issue.

2.7.5 Deputy D.W. Mezbourian:

Will the Minister advise the House how an owner has to prove trespass in order to get the information that they request?

Deputy G.W.J. de Faye:

I would suggest to the Deputy a photograph would be a quite reasonable response for that.

Deputy D.W. Mezbourian:

I wonder if the Minister would advise us whether that is the required proof of trespass for his department to divulge information?

Deputy G.W.J. de Faye:

I am not in a position to advise Deputies whether that is a single required proof or whether further proof is required.

Deputy D.W. Mezbourian:

Perhaps the Minister will come back to the House to give us that information please.

Deputy G.W.J. de Faye:

Perhaps I might, Sir.

2.7.6 Deputy G.P. Southern:

The Minister referred to giving people's personal data to "appropriate bodies" I think was the words he used. Surely that in itself raises a question about data protection if that appropriate body is also a government department. It is government information being passed to other arms of the government. It is a very different thing being passed to other members of the public. Does he not agree?

Deputy G.W.J. de Faye:

Personal information, Sir, is a very fascinating subject. I have always maintained the rule that the innocent have nothing to fear.

2.7.7 Deputy A.J.H. Maclean of St. Helier:

Would the Minister not say that incidents of hit and run are also somewhat distressing and would he undertake to converse with the Home Affairs Department - in particular the police - who are not prepared to divulge information on driver registration numbers in instances where there is hit and run? Surely the 2 departments should work together and ensure they have a consistency of approach.

Deputy G.W.J. de Faye:

I am grateful to the Assistant Minister for his views. I am entirely satisfied with the way the vehicle registration system works at the moment. I am also equally satisfied with the relationship between Transport and Technical Services and the Home Affairs Department. If any Member

retains concerns about the operation of the Law I would suggest the Member brings a proposition to the States.

2.7.8 Deputy P.V.F. Le Claire:

Would that proposition include a vote of no confidence in the Minister for his responses this morning [Laughter] and would he not also undertake to investigate whether or not when people are trespassing on property with vehicles that the option to inform the police to come and tow the vehicle is not the preferred one than giving out personal details to a private company of somebody's personal information?

Deputy G.W.J. de Faye:

The personal details we are talking about are name and address. Mine is in the telephone book. I think that really underlines the issue at stake.

2.7.9 Deputy A.D. Lewis of St. John:

In the light of what the Minister has been saying just now, could the Minister tell the House whether he is in favour of the principle of wheel clamping and, if so, does he believe that such activities should be regulated in his considered opinion?

Deputy G.W.J. de Faye:

I am certainly in favour of owners of property having some level of redress against people who abuse their property. Currently wheel clamping is an entirely legal practice and precipitates what may otherwise be very lengthy and expensive civil action through the courts. I see no reason why wheel clamping should not be regulated. If anything, that may bring into line what may be perceived as excessive fines. I see absolutely no reason why owners of private property should not be in a position to take action against people who are trespassing on their property.

2.7.10 Connétable M.K. Jackson of St. Brelade:

Clearly these inquiries take a certain amount of the department's time. Would the Minister confirm whether the department makes a charge for issuing this information?

Deputy G.W.J. de Faye:

Yes, Sir, the department does make a charge and I regret I do not know the precise amount.

2.7.11 Deputy G.C.L. Baudains of St. Clement:

It seemed earlier that the Minister was easily pleased. There are other people who are not so easily pleased, Sir. Could the Minister advise what steps his department takes to verify that a request for information is valid? Somebody may well phone-up and ask for the number of a car saying that it is trespassing on their property. What proof does his department have before they release that information? What checks do they carry out?

Deputy G.W.J. de Faye:

Sir, as I indicated, under Article 19(2) of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 a person must show reasonable cause for requiring the information. It is up to department officials to determine whether they think that cause is reasonable or not.

Deputy G.C.L. Baudains:

He has failed to answer my question. I asked what steps his department take to verify that position.

Deputy G.W.J. de Faye:

They read the request made to the department. Regrettably the Driver and Vehicle Standards are not a police force and, therefore, they do not conduct investigations into the voracity of people they deal with.

2.7.12 Deputy P.V.F. Le Claire:

Has the Minister undertaken inquiries with the Law Officers to determine whether or not such sharing of information is lawful from one States' department to another and then on from there to a private company?

Deputy G.W.J. de Faye:

No, Sir, I have not because I am apparently satisfied that the position is entirely lawful.

The Deputy Bailiff:

Deputy Lewis, do you wish to ask one question or not?

2.7.13 Deputy K.C. Lewis:

One final one, Sir. The wheel clamping was touched on. Does the Minister think a fine of between £150 and £175 as a release fee is justified?

Deputy G.W.J. de Faye:

I think it is a useful deterrent, Sir, but it ought to be notified to people before they are obliged to suffer it.

Deputy P.N. Troy of St. Brelade:

Before you move on to the next question, Sir, can we ask the Solicitor General perhaps to comment on the legal issue regarding giving out personal data?

Miss. S.C. Nicolle Q.C., H.M. Solicitor General:

I can certainly comment on it but I cannot really add to what the Minister has said. His department has a statutory obligation to provide the information in the circumstances set out in the Regulation and if someone satisfies the requirement of the Regulation then it is not a matter of discretion; it is a statutory obligation. The information shall be given out.