

9. SOP Section 7

CHAPTER 9

DATA PROTECTION ACT

9.1 INDIVIDUAL RESPONSIBILITIES

The implications of breaching the Data Protection Act are serious. **Individuals** are responsible personally for information they give out and are liable to be prosecuted if they are found to have disclosed information inappropriately. **Legislation does not hold the Agency responsible under these circumstances.**

9.2 CUSTOMER SERVICE

We have made great efforts over the last decade to allow examiners to conduct tests in a more customer friendly manner and the Data Protection Act must not be used as an excuse to return to a less customer focused approach. Information is still freely available through the correct channels to the correct people.

9.3 TEST DE-BRIEF - REQUESTS FOR INFORMATION

Examiners must ask the candidate whether they want their instructor/accompanying driver present for the decision & de-brief at the end of the test. Even if the candidate has asked for their instructor to be present during the test, examiners must still ask the candidate if they want their instructor to remain in the vehicle for the announcement of the decision & de-brief.

If the candidate elects not to have their instructor/accompanying driver present for the decision & de-brief, then the examiner should ensure that the candidate's request is complied with.

Any subsequent enquiries made by the instructor about their pupil's performance, must be referred back to the candidate in all cases (although it would be helpful to point out that further feedback is available with the written permission of the candidate). Examiners must not discuss previous tests with instructors.

9.4 COMPLAINT

In the event of a complaint being received, examiners must not assume that instructors are aware of the candidate's complaint – merely telling an instructor that a candidate has complained, is a breach of the Data Protection Act. Examiners must not bring to the attention of, or discuss with instructors, customer complaints.

9.5 REQUESTS FOR INFORMATION OVER THE TELEPHONE

No information regarding driving test performance may be discussed (particularly with a third party). All requests should be referred to the Sector Manager, Assistant Chief Driving Examiner or Area Customer Service Unit to answer.

9.6 WRITTEN REQUESTS FOR INFORMATION

If a candidate writes requesting information about their particular test, we must supply that information. Forward all written requests to your Sector Manager, Assistant Chief Driving Examiner or Area Customer Service Unit to answer.

9.7 GENERAL

We do not make a charge to supply written information (such as a test report), unless the candidate asks to see all the information that we hold on them throughout the Agency. In this case, they should submit a written request to Headquarters, Customer Service Unit accompanied by a £10 fee.

If a third party writes on the candidate's behalf, we cannot deal with the enquiry or complaint without the written permission of the candidate. Forward all requests to your Sector Manager, Assistant Chief Driving Examiner or Area Customer Service Unit to answer.

Examiners should refer to Standing Operating Procedure (DSA/Data protection/3/6) - for more detailed information.

All queries about data protection issues should be addressed to David Wiles (2706), Steve Collington (2708), Colin Maddock (2542)