

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 6 March 2020

**Public Authority:** Driver and Vehicle Licensing Agency  
(an executive agency of the Department for Transport)

**Address:** Longview Road  
Morrison  
Swansea SA6 7JL

### Decision (including any steps ordered)

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1. The applicant has requested information relating to registration numbers of pre-owned commercial vehicles and the company names.
2. The Commissioner's decision is that DVLA has correctly cited section 12 of the FOIA in response to the request
3. The Commissioner does not require the public authority to take any steps.

### Request and response

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4. On 2 September 2019, the applicant wrote to DVLA and requested information in the following terms:

*"I make a further request under the freedom of information act, in relation to the decision making process when the DVLA decision to stop including previous commercial ownership on the V5C log books. This is to include records of meetings and the decision making process that lead to this decision.*

*I also make a request for records of all vehicles that were previously commercially owned under the FOI, and also in necessary in accordance with Open government licence for public sector information."*

5. DVLA responded on 9 October 2019 and refused to provide the requested information citing section 12 of the FOIA as its basis for doing so.
6. Following an internal review DVLA wrote to the applicant on 11 December 2019 and maintained its position.

### **Scope of the case**

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7. The applicant initially contacted the Commissioner on 15 October 2019, however the Commissioner advised that he should request an internal review before referring his complaint to her. The applicant subsequently contacted the Commissioner again on 16 December 2019 to complain about the way his request for information had been handled.
8. The Commissioner considers the scope of this case to be to determine if DVLA has correctly cited section 12. The Commissioner has not sought any further arguments from DVLA beyond that provided to her by the applicant. However, she has taken into account information previously provided to her by DVLA<sup>1</sup> when responding to other requests for information that require it to extract information from the vehicle register.

### **Reasons for decision**

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9. Section 12(1) of the FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate cost limit to comply with the request in its entirety.
10. The estimate must be reasonable in the circumstances of the case. The appropriate limit is currently £600 for central government departments and £450 for all other public authorities. Public authorities can charge a maximum of £25 per hour to undertake work to comply with a request; 24 hours work in accordance with the appropriate limit of £600 set out above, which is the limit applicable to DVLA. If an authority estimates that complying with a request may cost more than the cost limit, it can consider the time taken to:

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<sup>1</sup> [https://ico.org.uk/media/action-weve-taken/decision-notice/2014/1027024/fs\\_50544618.pdf](https://ico.org.uk/media/action-weve-taken/decision-notice/2014/1027024/fs_50544618.pdf)

- determine whether it holds the information
  - locate the information, or a document which may contain the information
  - retrieve the information, or a document which may contain the information, and
  - extract the information from a document containing it.
11. Where a public authority claims that section 12(1) of the FOIA is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16(1) of the FOIA.
  12. Prior to issuing its internal review, DVLA spoke to the applicant and explained that it would need to scan over 49 million records that are contained within its vehicle register.
  13. In its response it further explained that it can only interrogate a vehicle record by the individual vehicle registration number (VRN) so further manual interrogation of the register would also be required to try and ascertain which vehicles are registered to commercial organisations and which are registered to private individuals.
  14. DVLA argued that even then, it could not guarantee that all records would be identified, for example, those where individuals are shown as 'Trading As'. It also stated it cannot determine the usage of a vehicle as this is not something which it keeps a record of – this is not one of DVLA's functions.
  15. In addition, DVLA explained that the decision to remove the previous keeper from the V5C registration document, would not be reversed, even just to display commercial entities. This is for the same reasons as explained above, where its systems are not developed in such a way that would allow this.
  16. Furthermore, the inclusion of the previous keeper on the V5C has never been something prescribed under any legislation. While it is acknowledged that the previous keeper details were sometimes useful, the privacy rights of individuals must come first.
  17. DVLA then went on to explain that it was unable to assist the applicant to refine his request to bring it within the cost limit of £600. It explained that a scan of the entire vehicle database would be required and that it is simply not possible just to scan part of the database.

18. It also referred to a previous Information Rights Tribunal (both First and Upper Tiers) EA/2016/0268<sup>2</sup> decisions that found in favour of the DVLA's application of the cost limit for conducting a scan of its vehicle register.
19. Although the Commissioner notes the applicant does not consider this is relevant to his request, the Commissioner is mindful of previous Tribunal decisions when coming to a conclusion.
20. Based on all the information available to her, including previous decisions in similar cases, the Commissioner has concluded that DVLA has correctly relied on section 12 of the FOIA.

## Right of appeal

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21. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**