

## **Freedom of Information Act 2000 (FOIA) Decision notice**

**Date:** 6 October 2022

**Public Authority:** Driver & Vehicle Licensing Agency  
(Department for Transport)

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

### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to fake and/or forged driving licences.
2. The Commissioner's decision is that the Driver and Vehicle Licensing Agency ("the DVLA") is entitled to rely on section 21 in response to the request.
3. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

### **Nomenclature**

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4. The DVLA is not listed as a separate public authority in Schedule 1 of the FOIA because it is an Executive Agency of the Department for Transport. However, as it has its own FOI unit and as both the complainant and the Commissioner have corresponded with "the DVLA" during the course of the request and complaint, the Commissioner will refer to "the DVLA" for the purposes of this notice – although the public authority is, ultimately, the Department for Transport.

## Request and response

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5. On 2 February 2022, the complainant wrote to the DVLA and requested information in the following terms:

“Month on month since 01/01/2019:

1. how many fake/forged licenses have been presented to the DVLA for exchange

2. How many successful prosecutions have occurred

Regarding drivers that hold an EU license, but no UK license, and are the subject of prosecution/conviction in the UK (for example, speeding):

3. what is the DVLA's procedure for creating a 'shell' record/license for the subject against which to record the endorsement

4. month on month, since 01/01/2019, how many such records have been created

5. How can the existence of such a record, not recorded against a UK address be checked - what service is akin to <https://www.gov.uk/view-driving-licence>

6. What information is available (reports, meetings, discussions etc.) about the legislation requiring UK residents to register to their CURRENT address (or face fine) whereas other residents, holding an EU license are not required to exchange, are not required to link their license to a UK residence i.e. are immune to the address offense?

7. contact details for the equivalent DVLA offices in other countries - address, phone, and email

The figures, in a spreadsheet format, would be appreciated.”

6. The DVLA responded on 15 March 2022. It provided the information requested at part 1, and advised it did not hold any information relating to parts 2,3 and 4.
7. With regard to part 5 DVLA stated it was not a request for recorded information, however, it provided its response outside of the FOIA. It further stated that it did not hold any information relating to part 6 of the request.
8. Finally, with regard to part 7 of the request, it stated:

"We have taken this question as requesting the customer service contact details for international driver and vehicle licensing authorities. Although the DVLA may hold some information within the scope of this question, section 21 of the FOIA exempts us from providing information which is reasonably accessible to you by other means. This information can be obtained from the internet."

9. The complainant requested an internal review on 22 March 2022, specifically regarding part 7 of their request, and stated:

I sought:

7. contact details for the equivalent DVLA offices in other countries - address, phone, and email.

You replied:

We have taken this question as requesting the customer service contact details for international driver and vehicle licensing authorities.

Although the DVLA may hold some information within the scope of this question, section 21 of the FOIA exempts us from providing information which is reasonably accessible to you by other means. This information can be obtained from the internet

- A. Where on the internet
- B. how do you define 'reasonably accessible'
- C. please provide the information you possess"

10. The complainant initially contacted the Commissioner on 7 June 2022 as they had not received a response to their request for internal review. However, DVLA provided its response on 16.6 June 2022 and maintained its position.

### **Scope of the case**

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11. The Commissioner considers the scope of this case to be to determine if DVLA is entitled to rely on section 21 in response to the request.
12. As the positions are clear from the existing correspondence, the Commissioner has not sought any additional submissions.

## Reasons for decision

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### *Section 21 – Information reasonably accessible to applicant by other means*

13. Section 21 of FOIA states:

“(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.”

14. Section 21 acts as an incentive for public authorities to be proactive in publishing information as part of their publication schemes. It also protects the statutory right of public authorities to charge for certain information which they are bound by law to collect.

15. The purpose of section 21 is to ensure that there is no right of access to information via FOIA if it is available to the applicant by another established route. Therefore, unlike most exemptions, the specific circumstances of the applicant must be considered. This is in line with the Commissioner's guidance<sup>1</sup>.

16. The Commissioner is unaware of any circumstances that might mean the complainant is unable to search the internet for the information in question.

17. Section 21 is an absolute exemption which means that where the exemption is engaged, a consideration of the public interest test is not necessary.

18. To reiterate, the information that is being withheld under section 21 is contact details for equivalent of DVLA offices in other countries.

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<sup>1</sup> <https://ico.org.uk/media/for-organisations/documents/1203/information-reasonably-accessible-to-the-applicant-by-other-means-sec21.pdf>

19. DVLA advised that this information is available on the internet. However, the complainant was of the view that DVLA should provide any contact details it already held rather than rely on section 21.
20. Having carried out a quick internet search himself for such organisations, the following links were identified:  
  
[How to Exchange a UK or NI Driving Licence - National Driver Licence Service \(ndls.ie\)](#)  
  
[Driving licence - Federal Foreign Office \(diplo.de\)](#)
21. The Commissioner notes that DVLA stated it “may hold” information relevant to that part of the request. However, it has not carried out any searches for it as it is available by other means.
22. Furthermore, the complainant gave no indication of any specific countries they were interested in that may have narrowed the scope of the request. Nevertheless, it is not incumbent on DVLA to search the internet for the contact details, and would, in effect be creating new information, which it is not obliged to do.
23. Therefore, the Commissioner finds that the exemption is engaged and DVLA were entitled to cite section 21 FOIA in response to the request.

## Right of appeal

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24. 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)

25. 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.
26. 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

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**