

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 May 2024

Public Authority: Driver and Vehicle Standards Agency

Address: (Department for Transport)

The Axis Building

112 Upper Parliament

Nottingham

NG1 6LP

Decision (including any steps ordered)

1. The complainant requested the email addresses for Traffic Commissioners from the Driver and Vehicle Standards Agency (DVSA).
2. The Commissioner's decision is that DVSA has breached section 1(1) and section 10(1) of FOIA in that it failed to provide a valid response to the request under FOIA within the statutory time frame of 20 working days.
3. The Commissioner requires DVSA to take the following step to ensure compliance with the legislation.
 - DVSA must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. DVSA must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;

[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Nomenclature

5. DVSA is not listed as a separate public authority in Schedule 1 of 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 DVSA during the course of the request and complaint, the Commissioner will refer to DVSA for the purposes of this notice – although the public authority is, ultimately, the Department for Transport.

Request and response

6. On 13 January 2024, the complainant wrote to DVSA and requested information in the following terms:

“I understand that DVSA provides administrative support for each of the eight Traffic Commissioners. Please provide me with the email address of each Traffic Commissioner.”
7. On 22 January 2024, DVSA responded. It advised that it was handling the request as business as usual and advised the complainant to contact the Traffic Commissioners for Great Britain.
8. The complainant requested an internal review on 22 January 2024 and expressed dissatisfaction that their request had not been handled as a request under FOIA.
9. DVSA replied on 23 January 2024 and repeated that the request should be directed to the Traffic Commissioners for Great Britain.

Reasons for decision

10. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.”

11. Section 10(1) of FOIA states that a public authority must comply with section 1(1) promptly and "not later than the twentieth working day following the date of receipt".
12. The Commissioner acknowledges that, where a response can be provided quickly, public authorities can handle requests as business as usual. However, where the requester has indicated that they expect a response to be provided under the relevant legislation, there is a requirement for public authorities to handle requests under FOIA or the Environmental Information Regulations.
13. From the internal review request, it was clear that the complainant expected a response under FOIA, and they expressed dissatisfaction with the fact that they were not told if DVSA held the requested information or not.
14. From the evidence provided to the Commissioner in this case, it is clear that DVSA did not deal with the request for information in accordance with FOIA. The Commissioner finds that DVSA has breached sections 1(1) and 10(1) by failing to respond to the request under FOIA within 20 working days.

Right of appeal

15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Keeley Christine
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