

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 October 2020

Public Authority: Driver & Vehicle Licensing Agency
Address: Longview Road
Morrison
Swansea
SA6 7JL

Decision (including any steps ordered)

1. The complainant has requested information relating to vehicle registration numbers (VRN's) and the DVLA's position on whether these constitute personal data. Initially the DVLA refused to treat the requests as valid requests for information under the FOIA. This was later rectified and the DVLA issued a revised response, which complied with its obligations under the FOIA, to the complainant.
2. The Commissioner is satisfied that the DVLA has now responded in accordance with the FOIA and disclosed the recorded information it holds. However, the DVLA breached section 1 and 10 of the FOIA, by failing to treat the requests as valid requests and respond within 20 working days and by failing to disclose information to which the complainant was entitled within 20 working days of receipt.
3. The Commissioner does not require any further action to be taken.

Request and response

4. On 12 September 2019, the complainant wrote to the DVLA and requested information in the following terms:

Having searched the what do they know website for information regarding vehicle license plate information I have found some mutually contradictory information which I am hoping you can clarify.

In the response to [named redacted] here <https://www.whatdotheyknow.com/request/c...> the DVLA specified that "DVLA considers a vehicle registration number (VRN) to be personal information where the registered keeper of the vehicle is an individual"

But in this response to [name redacted] <https://www.whatdotheyknow.com/request/n...> the DVLA clearly states that "We can confirm that registration numbers are the property of the Secretary of State, and are assigned to vehicles so that they can be uniquely identified for law enforcement,"

The two responses are separated by a year and the latest was 2016.

The issue is that according to your responses, the number plate and number belong to the Secretary of State and are assigned to the Vehicle and not the registered keeper so the vehicle can be uniquely identified by law enforcement.

However you also appear to be stating that the number plate and number are personal to the registered keeper which cannot be true if they are actually owned by the secretary of state and the registered keeper details are only available from your organisation for "valid reasons".

Since the law requires that number plates must be clearly visible at any time the vehicle is being used on the road then surely it cannot be classed as personal information, since a data subject has the right to restrict and or prevent the processing of personal data and no such right exists in relation to the vehicle number plate which is owned by the government and must be displayed whether the vehicles registered keeper agrees or not.

Your organisation controls the access to the personal information linked to all registration numbers and decides if or when that "personal" information will be provided to anyone enquiring regarding a vehicle.

The response to [name redacted] clearly specifies "It is also worth noting that the numberplate itself is not intended to provide information about an individual driver but is solely to ensure that a vehicle is registered and to help enforcement agencies in identifying who the registered keeper of that vehicle might be."

Can you please confirm once and for all that a vehicle registration number plate does not belong to the registered keeper, is not in and of itself personal information which can identify any living person, and as it is owned by the secretary of state and can only be used to identify the vehicle and therefore it is not personal information within the meaning of the GDPR or DPA 2018?

I make this request because my vehicle was damaged whilst parked in a supermarket car park covered by CCTV.

I have asked the supermarket to provide the license plate number of the red vehicle parked next to mine which caused the damage and they are refusing to do so claiming it is personal information.

I reported the matter to the Police who refused to record the incident as no injury occurred and in their words the driver probably didn't even notice the collision had occurred.

They simply instruct me to claim on my insurance and let the two insurers deal with it thereby raising my insurance premium and the premiums for every other driver by letting the criminal simply avoid punishment.

In a response from your agency here <https://www.whatdotheyknow.com/request/5...> from last year, you state

"Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 allows the DVLA to disclose vehicle keeper details where reasonable cause is demonstrated. While reasonable cause is not defined in the law the Government's policy is that it should relate to the vehicle or its use, following incidents where there may be liability on the part of the driver.

Circumstances that have been judged to meet reasonable cause include safety recalls by manufacturers, minor traffic incidents not warranting a full police investigation and insurance companies dealing with accidents and investigating fraud. Requests from private car park enforcement companies are also considered to be a reasonable cause. "

It also provides a link, ostensibly to information which provides Guidance on what constitutes on reasonable cause

Unfortunately the link no longer works

<http://www.gov.uk/request=information-fr...>

If I as the owner of a vehicle which has suffered a minor collision, had been given the number plate details of the red vehicle by the staff within the supermarket, what would I need to provide to your organisation in order for you to then release the registered keepers information to me?"

5. The DVLA responded on 2 October 2019. It stated that it did not consider the complainant's request to be request for recorded information. However, it did respond to the complainant's enquiry by confirming what its position is on VRN's and explaining what he would

need to provide in order for it to release the registered keeper's information to him.

6. The complainant requested an internal review on 2 October 2019. He stated that his request is a valid request under the FOIA as it is asking for information which is recorded within the DVLA. He confirmed that he required the DVLA to provide any information originating from the DVLA which applies to the subject of VRN's to include all FOIA responses. He commented that the DVLA had ignored the two responses already listed in his original request. He also made a further request for the following information:

"Please also provide the details for the head of your organisation and provide information on how I may contact them either via email or telephone, as I believe they have a duty to issue a directive to the ICO and any other organisation specifying once and for all that the VRN exists to identify the individual responsible for the vehicle to which it is attached and as such it must be provided to any person with reasonable cause can apply to your organisation for that very information."

7. As the complainant received no response, he chased the matter on 21 November 2019.
8. The DVLA responded on 21 November 2019. It stated that it did not consider the request to be a request for recorded information in accordance with the FOIA. However, it noted that it had issued a response outside the provisions of the FOIA. It declined the complainant's request for an internal review and advised him that it had nothing further to add. With regards to the new request, the DVLA provided a response.
9. The complainant responded on 25 November 2019 and expressed his dissatisfaction with the DVLA's handling of this matter.
10. The DVLA issued a further response on 26 November 2019. It provided two decision notices issued by the Commissioner, which confirm that a VRN is treated as personal information. The DVLA then directed the complainant to the Commissioner.
11. The complainant responded the same day; again expressing his dissatisfaction with the DVLA's handling of this matter.

Scope of the case

12. The complainant contacted the Commissioner on 25 November 2019 to complain about the way his request for information had been handled.

In this correspondence the complainant stated that he was unhappy that the DVLA had failed to treat his requests as valid requests for information in accordance with FOIA.

13. The Commissioner wrote to the complainant on 30 March 2020 to provide her initial view. In this response the Commissioner informed the complainant of her established viewpoint on VRN's being personal data, noting the decision notices the DVLA had already drawn his attention to, and advised that she had no remit to assist with his dispute with the supermarket over the provision of the VRN of the vehicle that damaged his car. She noted however how the DVLA had failed to respond to valid requests for information he had made and asked the complainant to confirm whether he wished to continue with his complaint.
14. The complainant responded on 7 April 2020 confirming that he wished to pursue his complaint. He stated that he was very unhappy with the Commissioner's viewpoint on VRN's being personal data and emphasised strongly how he disagreed with this.
15. The Commissioner contacted the DVLA on 15 April 2020. She highlighted the specific elements of the complainant's correspondence which constituted valid requests for information and asked it to provide a response to each of them in accordance with its obligations under the FOIA.
16. The DVLA issued a fresh response to the complainant on 20 May 2020 via the What Do They Know website, addressing each request and providing the recorded information it holds.
17. The Commissioner contacted the complainant throughout June and July 2020. The complainant outlined that his main concern is with the Commissioner's viewpoint on VRN's being personal data and explained how this viewpoint was preventing him obtaining the VRN of the vehicle that damaged his car from the supermarket. He strongly disagreed with her interpretation and required this changing. It came to light that the complainant had not received the fresh response from the DVLA. The Commissioner therefore emailed this across to him on 7 July 2020 and asked him to review this and let her know his thoughts. No further correspondence commenting on this fresh response has been received.
18. The Commissioner will only consider how the requests for recorded information have been handled and whether the DVLA has met its obligations in relation to them. She will not consider any challenge to her viewpoint on particular information or exemptions (in this case section 40 to VRN's) unless that specific information is part of the information request made to the public authority and the exemption forms part of the public authority's response to that request neither of

which is the case here. She will also not consider any challenge to previous decisions she has reached on requests made by other applicants.

19. The remainder of this notice will therefore focus on the specific requests for information the complainant made, how the DVLA handled them and whether there have been any procedural breaches of the FOIA.

Reasons for decision

20. Section 8 of the FOIA outlines what constitutes a valid request for information. It states a valid request is one that –
 - (a) is in writing,
 - (b) states the name of the applicant and an address for correspondence, and
 - (c) describes the information requested.
21. The DVLA would not accept that valid requests for information had been made and provided responses outside the provisions of the FOIA. The Commissioner found this to be incorrect and highlighted to the DVLA those elements of the complainant's correspondence which constituted valid requests for information. The DVLA revised its position and issued a revised response to the complainant in accordance with its obligations under FOIA.
22. As the DVLA issued a revised response and later accepted that valid requests for information under the FOIA had been made, the Commissioner does not require any further action to be taken.
23. The Commissioner has however found the DVLA in breach of section 1 and 10 in this case. She will now explain why.
24. Section 1 of the 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.
25. Section 10 of the FOIA requires a public authority to respond to information requests promptly and in any event no later than 20 working days from receipt.

26. As the DVLA failed to recognise elements of the complainant's correspondence as valid requests for information under the FOIA (and initially refused to deal with them as valid requests), it failed to respond to them in accordance with its duties under the FOIA within the statutory timeframe for compliance. It has therefore breached section 10 of the FOIA.
27. A revised response was provided following the Commissioner's intervention and at this point the DVLA disclosed all the recorded information it holds. As the DVLA failed to provide information to which the complainant was entitled within 20 working days of his requests, the Commissioner has also found the DVLA in breach of section 1 and section 10.

Right of appeal

28. 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

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

29. 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.
30. 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

Samantha Coward
Senior Case Officer
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