

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 September 2024

Public Authority: Transport for London
Address: 4th Floor
5 Endeavour Square
London
E20 1JN

Decision (including any steps ordered)

1. The complainant requested information from Transport for London (TfL) relating to complaints about taxi drivers.
2. The Commissioner's decision is that TfL is entitled to rely on section 40(2) (personal information) to withhold information within the scope of the request.
3. The Commissioner does not require TfL to take any steps.

Request and response

4. On 17 January 2024, the complainant wrote to TfL and requested information in the following terms:

"Please could you advise the number of complaints/ reports you have received regarding taxi drivers and assaults toward members of the public and the anonymised outcomes of these complaints. Please could the timeframe be in the last 6 months."
5. TfL responded on 31 January 2024 and refused to provide the requested information citing section 12(1) (cost limit) of FOIA as its basis for doing so.
6. On the same date, the complainant wrote to TfL to refine their request for information. They stated the following:

"In order to bring this to less than 18 hours work could you please narrow the scope to taxi drivers and exclude private hire vehicles.

Could you further narrow it for keywords: "assault", "intimidating/ threatening behaviour," and "violent behaviour"

Finally could this be narrowed to the London borough of Southwark."

7. TfL responded on 23 February 2024 and refused to provide the requested information citing section 40(2) (personal information) of FOIA as its basis for doing so. The complainant wrote to TfL on the same date and requested an internal review.
8. TfL provided the complainant with the outcome of its internal review on 18 March 2024 in which it disclosed some information within the scope of the request. Specifically, TfL provided the complainant with the number of complaints it had received about taxi drivers. However, it refused to provide the outcome of those complaints citing 40(2) of FOIA as its basis for doing so.

Scope of the case

9. The complainant contacted the Commissioner on 18 March 2024 to complain about the way their request for information had been handled. They stated that they did not consider TfL to have correctly applied section 40(2) of FOIA to their request.
10. As the Commissioner understands it, three complaints fall within the scope of the request. Those complaints were all made by the complainant and relate to the same incident. When dealing with the three complaints, TfL handled the complaints as a single complaint.
11. The Commissioner has viewed the information which TfL has withheld under section 40(2) of FOIA. It consists of a letter that TfL sent to a taxi driver to inform them of the outcome of the complaint made against them. He does not consider the whole of the letter to fall within the scope of the request. The Commissioner only considers the two paragraphs which outline TfL's decision on the complaint to fall within the scope of the request.
12. Therefore, in this notice the Commissioner will consider whether TfL is entitled to rely on section 40(2) of FOIA to refuse to provide the withheld information that falls within the scope of the request, that being the two paragraphs which outline TfL's decision on the complaint.

Reasons for decision

Section 40(2) – personal information

13. Details of section 40(2) of FOIA can be found in the Commissioner's [decision support materials](#).
14. As per section 3(2) of the Data Protection Act (DPA) the question for the Commissioner here is whether the withheld information relates to and identifies the taxi driver. Having viewed the withheld information, the Commissioner is satisfied that it relates to the taxi driver who was the subject of the complaints. The next question is whether that individual is identifiable from this information, including if they would be identifiable from that information and other information or knowledge available to any person, including the complainant.
15. In its submissions to the Commissioner, TfL did not clearly explain how the taxi driver could be identified from the withheld information. However, given that it was the complainant who made the complaints about the taxi driver, the Commissioner considers that it is possible that the complainant knows the identity of the driver and so the driver would be identifiable.
16. Furthermore, the Commissioner considers that even if the complainant does not already know the identity of the taxi driver, it is possible that they could obtain this information. The Commissioner is aware that following the incident which led to the complaint about the taxi driver being made, the complainant took photographs of the taxi driver's vehicle. Using this information, alongside other information which may be available to the complainant, the complainant could potentially identify the taxi driver.
17. Therefore, as the withheld information relates to the taxi driver who was subject to the complaint and they could potentially be identified, the Commissioner is satisfied that the withheld information constitutes personal data as defined in section 3(2) of the DPA
18. TfL does not consider the complainant to be pursuing a legitimate interest in this case as it believes the complainant to have requested the withheld information for their own personal motivations. Whilst TfL accepts that the withheld information is of interest to the complainant, it considers its disclosure to be of limited value to the wider public. Furthermore, TfL considers that the complainant has failed to demonstrate that the disclosure of the withheld information is necessary.

19. The Commissioner accepts that the complainant has requested the withheld information for personal reasons. However, he still considers the complainant to be pursuing a legitimate interest in this case as there is a legitimate interest in the complainant knowing the outcome of a complaint they made about a taxi driver. The Commissioner also considers that a wider legitimate interest is also being pursued in this case as disclosure of the withheld information would ensure that TfL's complaints processes are open and transparent.
20. Whilst the Commissioner is aware that the complainant has already been informed by TfL that their complaint about a taxi driver has been investigated and that appropriate action has taken place against the driver, the complainant has not been provided with the outcome of their complaint. Therefore, he considers that disclosure of the withheld information is necessary to meet the legitimate interests identified in this case.
21. However, the Commissioner considers that the disclosure of the withheld information would likely cause distress to the taxi driver who was the subject of the complaint. The taxi driver would have a reasonable expectation that the withheld information would remain confidential to them and TfL given that it concerns their fitness to be a licenced taxi and relates to a disciplinary matter.
22. Therefore, the Commissioner's decision is that TfL is entitled to rely on section 40(2) to refuse to provide the withheld information, that being the two paragraphs which are contained within the letter that was sent to the taxi driver which outline TfL's decision on the complaint.

Right of appeal

23. 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

24. 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.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Alice Gradwell
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Information Commissioner's Office
Wycliffe House
Water Lane
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