

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 October 2024

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

Address: Longview Road
Morrison
Swansea
SA6 7JL

Decision (including any steps ordered)

1. The complainant has requested information relating to vehicle details. The DVLA has relied on section 14(1) of FOIA to refuse the request on the basis that it is vexatious.
2. The Commissioner's decision is that the DVLA is not entitled to rely on section 14 of FOIA.
3. The Commissioner requires the DVLA to take the following steps to ensure compliance with the legislation:
 - Issue a fresh response to the complainant in accordance with FOIA, which does not rely on section 14 of FOIA.
4. The DVLA must take these steps 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 11 January 2024, the complainant made the following request for information to the DVLA:

"i wish to ask the following question to the dvla as i have contacted the dva in northern ireland and they told me to contact dvla. alto they hold the information i require they now say it belongs to dvla and not them. i have a gilera moped 50cc the vin/chassis number is [number redacted] and the engine number is [number redacted]. i wish to know under the freedom of information act do these details match any of the following vehicle records held by the dvla at dva historical records in coleraine. they are as follows

MOI [number redacted] GILERA MOPED

NOI [number redacted] GILERA MOPED

NOI [number redacted] GILERA MOPED

NOI [number redacted] GILERA MOPED"

6. The DVLA responded on 1 February 2024. It stated that it considers the request to be vexatious. It explained to the complainant that they had made several requests for information relating to specific motorbike records and referred the complainant to the advice they had previously provided about an established process outside of FOIA for such queries.
7. The complainant wrote to the DVLA on the 1 February 2024 asking it to carry out an internal review, as they did not understand why the DVLA considered the request to be vexatious.
8. The DVLA had not completed an internal review by the time the matter was referred to the Commissioner.

Scope of the case

9. The complainant contacted the Commissioner on 22 May 2024 to complain about the way their request for information had been handled.
10. The Commissioner noted that the internal review remained outstanding over 40 days after it was requested. However, to avoid further delay to the complainant, he used his discretion and accepted the complaint for full investigation without an internal review response from the DVLA on 6 June 2024.
11. The Commissioner considers that the scope of his investigation is to consider whether the DVLA has correctly applied section 14(1) of FOIA.

Reasons for decision

Section 14 – vexatious requests

12. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.
13. The term 'vexatious' is not defined within FOIA. However, it has been considered in the case of *The Information Commissioner and Devon County Council v Mr Alan Dransfield* (GIA/3037/2011).
14. The Upper Tribunal took the view that the ordinary dictionary definition of the word vexatious is only of limited use because the question of whether a request is vexatious ultimately depends upon the circumstances surrounding that request. The Tribunal concluded that 'vexatious' could be defined as the "...manifestly unjustified, inappropriate or improper use of a formal procedure" (paragraph 27). The decision clearly establishes that the concepts of 'proportionality' and 'justification' are central to any consideration of whether a request is vexatious.
15. In the *Dransfield* case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues:
 - the burden imposed by the request (on the public authority and its staff);
 - the motive of the requester;
 - the value or serious purpose of the request; and
 - harassment or distress of and to staff.
16. The Upper Tribunal did, however, also caution that these considerations were not meant to be exhaustive. Rather, it stressed the "importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests" (paragraph 45).
17. The Commissioner has identified a number of 'indicators' which may be useful in identifying vexatious requests. These are set out in his

published guidance¹ on vexatious requests. The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of a case will need to be considered in reaching a judgement as to whether a request is vexatious.

The DVLA's position

18. The DVLA has argued that the complainant is aware that an FOIA request is not the correct channel to obtain access to the information they have requested and therefore considers that section 14 of FOIA is engaged.
19. The DVLA has provided the Commissioner with its responses to seven previous requests made by the complainant between 2019 and 2021 that were refused under the relevant exemptions.
20. In response to a request for information made in 2021, the DVLA initially refused the request but during the Commissioner's investigation of this request the DVLA amended its position. It withdrew its reliance on an exemption and advised the complainant of the established process for accessing the requested information.
21. The DVLA has explained that the established process allows individuals, who are not aware of the correct Vehicle Registration Number (VRN) for their vehicle, to apply for a registration document. The process requires the individual to provide the Vehicle Identity Number (VIN) or frame number, which the DVLA will use to try and locate the records. The DVLA stated that if a match is found, then the individual would be issued with a registration document showing the correct VRN for the particular vehicle.
22. The DVLA stated that it does not confirm VRN details outside of this process, because of the possibility that the details could be used on a vehicle that is not entitled to display it, or to gain documentation for a vehicle that the requester does not have possession of. The DVLA stated that if an individual has a vehicle of which they are unsure of the identity, then the DVLA encourages the individual to use the established process described above.

¹ [Dealing with vexatious requests \(section 14\) | ICO](#)

23. The DVLA has provided the Commissioner with evidence that the complainant has since used the established process to access similar information to that requested in this case.
24. The DVLA does not consider that there is a wider public interest in the disclosure of the requested information and has argued that the complainant's request does not "...seek to hold the DVLA to account for its performance, better understand [its] decisions, promote transparency, nor do they seek to ensure justice."
25. The DVLA considers that the request is vexatious because:
 - a. The complainant is aware that the information will not be disclosed into the public domain,
 - b. The complainant is aware of the established process to access the type of information requested in this case, and
 - c. The requested information is personal to the complainant and as such, there is no wider public interest in the disclosure of the requested information.
26. The DVLA accepts that the complainant's request does not cause any unnecessary administrative burden on the DVLA. However, it is of the view that, given the complainant's interest in this information, if it dealt with this request under FOIA it would lead to further requests.
27. The DVLA has argued that the disclosure in this case would encourage others to make such requests, resulting in the DVLA dealing with requests under FOIA instead of the established process to request such information.
28. The DVLA has confirmed that there has not been any harassment and/or distress caused by the applicant in this case.

The Commissioner's view

29. In cases where a public authority is relying on section 14(1), it is for the public authority to demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate, or improper use of FOIA.
30. The Commissioner will first consider the burden of the request on the DVLA. He agrees that, in isolation, the request does not appear particularly burdensome. The Commissioner acknowledges that when considered in context of the other requests from the complainant, there is a common theme to the requests. However, he does not consider the

volume of requests in this case to sufficiently meet the required level of burden alone.

31. When considering the motive of the complainant, the Commissioner acknowledges that it appears there is a personal motive to the request concerning vehicle details of motorcycles. The Commissioner therefore considers that the request has a value and serious purpose in terms of the complainant's own personal reasons.
32. The Commissioner notes that the language used in the request is not abusive in manner and he considers that it would not cause harassment or distress to DVLA staff.
33. The Commissioner notes that the DVLA has advised the complainant of an established process to access such information, and that the complainant has previously used that process. However, he is mindful that the complainant advised the DVLA in their internal review request, and their submission to the Commissioner, that the process does not allow them to access the specific information requested in this case.
34. In considering the broad themes outlined in paragraph 14, the Commissioner is not convinced overall that the request meets the high threshold to be considered vexatious. He therefore finds that the DVLA was not entitled to rely on section 14(1) of FOIA to refuse the request.

Other matters

35. The Commissioner notes that the DVLA failed to carry out an internal review. Under the Section 45 Code of Practice public authorities are advised to carry out internal reviews within 20 working days and certainly no later than 40 working days. The Commissioner would like to remind the DVLA of the importance of carrying out timely reviews and how, in some cases, a comprehensive internal review, which addresses the complainant's outstanding concerns, can prevent section 50 complaints to the Commissioner.

Right of appeal

36. 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

37. 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.
38. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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