

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 April 2025

Public Authority: Bedfordshire Fire and Rescue Service
Address: Southfields Road
Kempston
MK42 7NR

Decision (including any steps ordered)

1. The complainant requested information from Bedfordshire Fire and Rescue Service ("BFRS") relating to a car fire. BFRS's position is that it has disclosed all of the information held within the scope of the request. The complainant believes that BFRS holds further information that it has not disclosed.
2. The Commissioner's decision is that, on the balance of probabilities, BFRS has disclosed all of the information it holds within the scope of the request.
3. The Commissioner does not require further steps.

Request and response

4. On 14 November 2023, the complainant wrote to BFRS and requested the following information in relation to a car fire that occurred in a car park at Luton Airport on 10 October 2023:

"...I would like to raise a new FOI to get the exact make, model and engine of the land rover in question including the number plate since you must already have this detail as per your sentence: 'At this time, we can confirm the vehicle involved was a diesel-powered vehicle. To further clarify it was neither a fully electric vehicle (EV), a mild hybrid electric vehicle (MHEV) nor a plug-in electric vehicle (PHEV)'."

5. BFRS responded on 11 December 2023. It confirmed that it held the requested information. However, it refused to provide the information requested, citing section 31(2) of FOIA (law enforcement) as its basis for doing so.
6. On 23 December 2023 the complainant asked to be provided with the information they had requested after the investigation into the fire had been completed.
7. On 4 September 2024 BFRS issued a new response to the request. It stated that the requested information would be published on its website in the near future. It therefore refused to provide the requested information, citing section 22 of FOIA (information intended for future publication) as its basis for doing so.
8. On the same date, the complainant asked BFRS to confirm whether the exact model of the car involved in the fire, including the detailed description of the power source would be published. They provided an example of the type of information they were seeking as follows:

“Manufacturer: Land Rover
Model: Range Rover 3.0h SDV6 Autobiography Auto 4WD Euro 6
Fuel Type: Diesel/Hybrid
Engine size: 3.0 litre
Registration: DN15LDF”

9. The Commissioner understands that BFRS did not respond directly to the complainant's query of 4 September 2024. However, on 9 October 2024 it advised the complainant that the significant incident report into the fire had been published.
10. On the same day, the complainant requested an internal review, stating that not all of the information they had requested was within the published report. Specifically, they stated:

“Within the report it mentions the car involved in the report as:

1. 'Diesel non-hybrid internal combustion engine'
2. Standard diesel vehicle

In my FOI I requested the following:

The exact model of the car involved in the Luton car park fire including the detailed description of the power source e.g.

Manufacturer: Land Rover
Model: Range Rover 3.0h SDV6 Autobiography Auto 4WD Euro 6
Fuel Type: Diesel/Hybrid
Engine size: 3.0 litre
Registration: DN15LDF

This is a simple FOI request so I am still at a loss to understand why the detail I have requested has not been provided to my person."

11. Following an internal review BFRS wrote to the complainant on 17 October 2024. It disclosed some additional information, confirming that the car was a Land Rover Range Rover Sport and providing the engine size. However, it stated that not all of the details about the model of the car requested were held. It also withheld the registration under section 40(2) of FOIA.

Scope of the case

12. The complaint made to the Commissioner relates specifically to whether any further information about the precise model of the car is held. They have not complained about the application of section 40(2) to withhold the registration.
13. This notice will therefore consider whether, on the balance of probabilities, BFRS, holds any further information within the scope of the request, specifically in relation to the precise model of the car.

Reasons for decision

Section 1 – General right of access to information

14. Section 1(1) of FOIA requires that any person making a request for information to a public authority must be informed in writing by the public authority whether it holds information relevant to the request, and if so, to have that information communicated to them. This is subject to any exclusions or exemptions that may apply.
15. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds

further information which falls within the scope of the request (or was held at the time of the request). For clarity, the Commissioner is not expected to prove categorically whether the information is held.

16. The Commissioner asked BFRS to provide details of the searches it had carried out to ensure that it had identified all of the information it holds within the scope of the request and to provide an explanation as to why further information is not held, given that an extensive investigation into the fire was conducted.
17. BFRS explained that the information that has been disclosed was held by its Fire Investigator and that no further information about the precise model of the car would be held by anyone else in the organisation.
18. BFRS also stated:

“The vehicle was not accessible during the investigation as it was contained within a dangerous structure. The car was very badly damaged by the fire, with no retrievable information i.e. number plate, or badges on the rear of the vehicle (that may have provided further information i.e. the trim level).

The investigation was able to be concluded based on the information that was provided, links to CCTV were confirmed by registration and therefore there was no need to cross reference any further information as it was clear from the CCTV and the registration, that the vehicle identified was the vehicle that started the fire.”

19. BFRS also explained that the significant report covered a number of aspects including the operational response, learning, protection measures, consultation with the airport and a timeline of events and that the details of the vehicle were a very minor part of the significant incident review.
20. The Commissioner also asked BFRS to confirm whether the kind of detailed information the complainant has indicated they are seeking about the precise model of a car would usually be recorded when a significant car fire is investigated. BFRS explained that, “the investigator will be interested in the following:
 - Vehicle registration (if available – as sometimes this is not available and cannot be ascertained i.e. the vehicle is cloned or stolen / abandoned.
 - Vehicle manufacturer i.e. Ford , Toyota
 - Model i.e. focus , corolla ,

- Fuel type i.e. petrol or diesel.”

21. BFRS also stated that, “reporting to the Home Office for collection of fire statistics doesn’t require further details i.e. excel or GT trim as these may not be known by the fire investigator”.
22. The Commissioner is satisfied that BFRS has carried out adequate searches designed to identify all of the information held within the scope of the request and that it has provided a satisfactory explanation as to why further information about the precise model of the car is not held.
23. The Commissioner’s decision is therefore that, on the balance of probabilities, BFRS does not hold any further information within the scope of the request.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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.

Victoria James
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF