

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 September 2020

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

Address: Longview Road
Morrison
Swansea
SA6 7JL

Decision (including any steps ordered)

1. The complainant requested information about vehicle ownership figures within a local area. By the date of this notice the Driver and Vehicle Licensing Agency ("the DVLA") had failed to respond substantively to the request.
2. The Commissioner's decision is that the DVLA failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the DVLA to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The DVLA must take these steps within 35 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 11 March 2020, the complainant wrote to the DVLA and requested information in the following terms:

"I would like to request statistics for vehicle ownership, under the Freedom of Information.

I am currently reading through a planning application which is using vehicle ownership data from 2011 census. I would like to find out how many vehicles in total are registered to the postcodes in that area RG1 6DP, RG1 6DU, RG1 6EB, RG1 6DR, RG1 6EA, RG1 6EE, RG1 6EB, RG1 6ED to compare to the plans.

I am not requesting any personal details just a total of vehicles for all the postcodes or for each individual postcode.

Please would you advise me if this is possible and if there is a cost.."

6. The DVLA acknowledged the request on 11 March 2020 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 20 June 2020 to complain about the failure, by the DVLA, to respond to the request.
8. The DVLA is not listed as a separate public authority in Schedule 1 of the FOIA because it is an Executive Agency of the Department for Transport. However, as it has its own FOI unit and as the complainant has corresponded with the DVLA during the course of the request and complaint, the Commissioner will, for simplicity, refer to the DVLA for the purposes of this notice – although the public authority is, ultimately, the Department for Transport.
9. In line with her usual practice, the Commissioner contacted the DVLA on 12 August 2020 to highlight the outstanding response. She requested that the DVLA respond to the request within 10 working days. This correspondence was neither acknowledged nor responded to.

10. The complainant contacted the Commissioner on 3 September 2020 to request a decision notice considering the DVLA's compliance with the FOIA.
11. The scope of this notice and the following analysis is to consider whether the DVLA has complied with section 10 of the FOIA.

Reasons for decision

12. Section 1(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.*

13. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

14. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
15. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
16. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the DVLA has breached section 10 of the FOIA.

Right of appeal

17. 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

18. 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.
19. 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

Ben Tomes
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