

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 29 April 2025

**Public Authority:** Driver and Vehicle Standards Agency  
**Address:** Berkeley House  
Croydon Street  
Bristol BS5 0DA

### **Decision (including any steps ordered)**

---

1. The Commissioner's decision is that the Driver and Vehicle Standards Agency (DVSA) holds no further information within scope of the request for information about a coach service's wheelchair accessibility. However, the timeliness of DVSA's response to the request breached sections 1(1), 10(1) and 17(1) of FOIA.
2. The Commissioner does not require further steps.

### **Request and response**

---

3. In relation to wheelchair accessibility on a particular coach service, the complainant made the following information request to DVSA on 9 November 2024:
  - "1) In which country is the operator registered?
  - 2) In which country is the operator's express route between Belfast and Glasgow "registered"? NB: I'm aware that they won't be registered like a local bus route is; I guess that I'm asking what is the operative country in terms of the applicable regulations.
  - 3) Is the Belfast to Glasgow route considered to be an "international" route, not subject to either Northern Irish PSVAR nor Scottish PSVAR, even though it is in fact a domestic service within the United Kingdom? Such that the vehicles don't have to be accessible, similar to e.g. Flixbus services from London to the Continent?

- 4) I've reported this operator before for running this service. Please provide all records, communications and other recorded data that resulted from my referral.
- 5) Please provide recorded data detailing your other consideration of accessibility requirements of this service, and your interactions within your agency, with the operator, with the Traffic Commissioners or the Northern Irish equivalent, or with anybody else about the accessibility status of this service."
4. DVSA's final position was that it didn't hold any relevant information. It said it isn't responsible for operators' licences. Its role, it said, is to support the Traffic Commissioners for Great Britain and the Northern Ireland transport regulator to license and monitor companies who operate lorries, buses and coaches, and to register local bus services. DVSA directed the complainant to the Department for Infrastructure (DfI) as it appeared that the coach operator in question was registered in Northern Ireland and, DVSA said, it doesn't have access to the DfI's records.
5. The complainant requested an internal review on 16 November 2024. On 22 November 2024, DVSA advised the complainant that it couldn't progress a review and again advised that they should contact the DfI.
6. In response to the subsequent complaint to the Commissioner, DVSA reconsidered its response and wrote to the complainant on 3 April 2025. It acknowledged that it had been wrong to direct the complainant to the DfI, and it addressed each of the complainant's questions. Regarding Q4, DVSA disclosed some information with redactions made under section 40 of FOIA, which concerns personal data.

## **Reasons for decision**

---

7. The complainant has requested a decision that records the procedural shortcomings in DVSA's handling of their request. They also consider that DVSA holds further information within scope of Q4, namely other reports that they themselves had submitted to DVSA online.
8. This reasoning therefore covers DVSA's compliance with sections 1(1), 10(1) and 17(1) of FOIA. It will consider its handling of the internal review under 'Other matters.'
9. Under section 1(1) of FOIA, a public authority must (a) confirm whether it holds the information an applicant has requested and (b) communicate the information to the applicant if it's held and isn't exempt information.

10. Section 10(1) of FOIA obliges the authority to comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
11. Under section 17(1) of FOIA, an authority that's relying on exemption to refuse to disclose information must issue the applicant with a refusal notice within the same timescale.
12. The Commissioner put the complainant's point to DVSA and asked it to confirm that it didn't hold any other information relevant to Q4 of the request and to explain how it was certain that was the case, if so.
13. DVSA has confirmed that it doesn't hold any further information within the scope of this question. It explained that when a bus compliance issue is submitted through the form on its website, it's sent to DVSA's Bus Compliance team. This team will then determine how to handle the issue based on what's raised within the form. This could involve the Bus Compliance team referring the issue to different teams within DVSA.
14. DVSA has then confirmed that in 2024 – the Commissioner understands prior to the complainant's request – some of the forms that it had received had been permanently deleted in error, due to an issue with the SharePoint site on which they were saved. When this error was identified, DVSA had tried to restore the information, but was unable to do so.
15. DVSA has also said that its Northern Irish counterparts, the DfI, handled the accessibility matters raised concerning the operator who ran the route between Belfast and Glasgow.
16. It says that when the Commissioner had first contacted DVSA about the complaint, it had checked with the teams most likely to hold any information that would fall within the scope of part four. It has now checked with the following teams a second time:
  - Bus Compliance team
  - Enforcement team
  - Public Liaison
  - Customer Service Centre
  - Intelligence team
17. All of these teams have confirmed that they don't hold any further information that fell within the scope of Q4, other than that which was provided previously.
18. It appears that DVSA could have once held relevant information in other reports the complainant had submitted to it. However, DVSA has now checked with relevant areas and teams and has confirmed that, if it

once did hold further information, it doesn't anymore. This is most likely due to the information having been accidentally deleted because of an issue with the SharePoint system on which it was stored.

19. It's regrettable that that happened but the Commissioner will accept that, on the balance of probabilities, DVSA doesn't hold any other relevant information.
20. DVSA has breached sections 1(1), 10(1) and 17(1) of FOIA, however. This is because it didn't communicate the non-exempt information it holds or issue a section 40 refusal notice within the required time scale.

### **Other matters**

---

21. Provision of an internal review isn't a formal requirement of FOIA but is a matter of good practice. DVSA appeared to think that because it considered it didn't hold any relevant information – and that the correct public authority was the DfI – it couldn't carry out an internal review. This isn't correct.
22. In their request for an internal review, the complainant noted that DVSA hadn't answered Q3, Q4 and Q5 at all. They argued that the fact that the coach operator was registered in Northern Ireland wasn't relevant to these questions.
23. Had DVSA carried out an internal review when asked, the complainant might have received relevant information sooner, and a complaint to the Commissioner might have been avoided. The Commissioner has recorded this failing for monitoring purposes.

## 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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.

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**