

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 17 November 2005

Name of Public Authority: Driver and Vehicle Licensing Agency

**Address of Public Authority: Longview Road
Morrison, Swansea
SA99 1AW**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 4th January 2005 the following information was requested from the Driver and Vehicle Licensing Agency (the "DVLA") under section 1 of the Freedom of Information Act 2000 (the "Act"):

- "1. Information relating to the status of certain vehicles on the DVLA database.
- 2.. If any of the vehicles still exist, I would like to know the first part of the postcode of the current registered keeper.
3. If any of the vehicles have been scrapped, please advise me of the recorded date of scrapping."

It is alleged that:

- (1) The DVLA did not confirm or deny whether it held the information specified in the request within twenty working days.
- (2) If that is the case the complainant did not have that information communicated to him by the DVLA within twenty working days.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

On the day of sending his request the complainant received an e-mail acknowledgement from the DVLA. Having received no subsequent response the complainant sent an e-mail to the DVLA on 10th February 2005 to which a further acknowledgment e-mail response was sent on 16th February 2005. Following the intervention of the Commissioner's Office, the DVLA sent a Refusal of request to the complainant in a letter dated 4th October 2005 under section 17 of the Act.

The Commissioner's decision in this case is that the DVLA did not deal with the complainant's request in accordance with the requirements of Part I of the Act in that it failed to either comply with section 1(1) or section 17 within the time limit set out in section 10(1) of the Act.

Section 1(1) of the Act states:

"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."

Section 10(1) of the Act states -

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

Section 17(1) of the Act states:

"A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or an a claim that the information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies."

Action Required

In view of the fact that the DVLA responded to the complainant's request on 4th October 2005 the Commissioner hereby gives notice that he does not require any remedial steps to be taken by the DVLA.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 17 day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF