

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 12 December 2013

Public Authority: Vehicle and Operators Service Agency ("VOSA")

Address: Berkeley House
Croydon Street
Bristol
BS5 0DA

Decision (including any steps)

1. The complainant has requested information from VOSA in relation to investigations and actions taken by VOSA following his complaint to it about a public transport vehicle being used which he believed to be in an unroadworthy condition. VOSA failed to deal with his request within the statutory time limits and did not provide a response to the request until requested to do so by the Information Commissioner.
2. The Commissioner's decision is that VOSA has failed to provide a response to the request within the statutory time frame of 20 working days. He upholds the complaint but requires no further action to be taken as a response has now been provided to the complainant.

Request and response

3. On 18 July 2013 the complainant requested information from VOSA concerning the details of investigations that were undertaken in respect of a defective vehicle as follows:

"Please send me full details of the investigations and actions VOSA has taken as regards my report of an unsafe [Name redacted] coach [Number redacted] sent to you on 22 April 2013."
4. On 23 July 2013 VOSA acknowledged receipt of the request and advised that the request had been forwarded to the Freedom of Information team.
5. On 30 August 2013 the complainant sent a further email to the customer services team advising that he had not had a response to the request for information within the statutory timescale and asking for an appeal under the FOIA.
6. On 4 September 2013 he was advised by VOSA that a reminder had been sent to the Information Services team advising that a request be provided as soon as possible.
7. On 17 September 2013 the complainant wrote to the Information Commissioner ("the Commissioner") stating he had not received a response to his request for information dated 18 July 2013.
8. On 26 September 2013 the Commissioner wrote to VOSA asking for a response to the request to be provided to the complainant.
9. On 27 September 2013 VOSA provided a response to the complainant's request dated 18 July 2013
10. On 28 September 2013 the complainant advised the Commissioner that he was not satisfied with the way VOSA had dealt with his request. He was advised to seek an internal review of VOSA's response to his request.
11. On 1 October 2013 the complainant requested an internal review of VOSA's response to his request.
12. On 16 October 2013 VOSA provided its response. It apologised for the delay in dealing with the request and advised that it did not have sufficient information about the roadworthiness of the vehicle to take the original complaint forward.

Scope of the case

13. The complainant wrote to the Commissioner on 27 October 2013 stating he was not satisfied with the response to his request for information in that the response had not been dealt with within the required timescales under section 10 of the FOIA.

Reasons for decision

14. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
15. The Commissioner considered whether the public authority responded to the request of 18 July 2013 in line with the provisions of the FOIA.
16. From the information provided to the Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.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

Pamela Clements
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SK9 5AF