

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 October 2016

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

Address: Longview Road
Morrison
Swansea SA99 1AW

Decision (including any steps ordered)

1. The complainant has requested various items of vehicle information. The Driver and Vehicle Licensing Agency (DVLA) has refused to comply with the request under section 12(1) of the FOIA; it says that the cost of complying exceeds the appropriate limit.
2. The Commissioner's decision is that the request engages section 12(1) and that DVLA is not obliged to comply with it. The Commissioner is satisfied that DVLA has met its duty under section 16(1) of the FOIA to offer advice and assistance with regard to the request. The Commissioner does not require DVLA to take any steps.

Request and response

3. On 28 January 2016, the complainant wrote to DVLA and requested information in the following terms:
 - *All vehicle details as provided in part 4 of V5C form (or similar details from pre-2001 design logbooks) excluding those not allowed to release under the Act.*
 - *Dates of: first and later registrations, registered keeper changes, SORNs, SORN cancellations (new tax disc purchases), scrap/write off*
 - *notifications, unscrap applications, owner changes, export and reexport along with the type of change and any other applications except changes of keeper's address.*
 - *Mileage at dates requested above if known.*

I would like the above information to be provided to me as electronic copy on a CD or a DVD in CSV (as described in RFC 4180), SQL or XML file format inside a ZIP archive."

4. DVLA responded on 2 February 2016. DVLA said it intended to handle the request as business as usual rather than under the FOIA because it has services that can offer what the complainant is requesting.
5. On 9 February 2016 the complainant told DVLA that he did not necessarily require registration numbers and confirmed that he wanted his request to be handled under the FOIA. DVLA acknowledged his FOIA request on 10 February 2016.
6. DVLA provided a response to the complainant's request on 22 February 2016. It refused to comply with the request citing section 12 of the FOIA (cost exceeds appropriate limit).
7. DVLA also said that if it was able to retrieve and extract the information, some information would be exempt under section 31 of the FOIA (law enforcement).
8. Following an internal review DVLA wrote to the complainant on 20 April 2016. It upheld its original position and, in addition, said that the FOIA does not oblige DVLA to create new data in order to satisfy a request.

Scope of the case

9. The complainant contacted the Commissioner on 9 May 2016 to complain about the way his request for information had been handled.
10. The Commissioner's investigation has focussed on DVLA's application of section 12 to the request. The Commissioner has also considered whether DVLA offered the complainant sufficient advice and assistance with a view to refining the request so that it could be managed within the cost and time limit.

Reasons for decision

11. Section 12(1) of the FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to:
 - either comply with the request in its entirety, or

- confirm or deny whether the requested information is held.

The estimate must be reasonable in the circumstances of the case. The appropriate limit is currently £600 for central government departments and £450 for all other public authorities. Public authorities can charge a maximum of £25 per hour to undertake work to comply with a request; 18 hours work in accordance with the appropriate limit of £450 set out above, which is the limit applicable to DVLA. If an authority estimates that complying with a request may cost more than the cost limit, it can consider the time taken to:

- (a) determine whether it holds the information
- (b) locate the information, or a document which may contain the information
- (c) retrieve the information, or a document which may contain the information, and
- (d) extract the information from a document containing it.

Where a public authority claims that section 12(1) of the FOIA is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit – in line with section 16(1) of the FOIA.

12. In its submission, DVLA has told the Commissioner that it holds the database of over 39 million vehicles that are registered in the UK. A 'V5C' form, referred to in the request, is the vehicle registration certificate that DVLA issues when a vehicle is registered with them. 'Part 4' of that certificate contains details of the vehicle such as make, model, colour, change of keeper dates and mileage. DVLA says this is not an exhaustive list as that part of the document provides an extract of the vehicle's register in hard copy. Together with the additional information that has been requested, it appears to DVLA that the complainant wishes to obtain a copy or, at the very least, a substantial extract, of the vehicle database held by DVLA.
13. DVLA has advised the Commissioner that the detailed estimate of the time and cost that it would take to provide the information falling within the scope of the request has been provided to her on two previous occasions. It has also been provided to the Information Tribunal (IT). Both the Commissioner and the IT found that DVLA was correct to apply

section 12(1). The Commissioner's decisions are FS50345802¹ and FS50544618² and the IT case is EA/2014/0212³.

14. The consideration of the cost estimate can be found at paragraphs 17-28 of FS50345802. In particular, paragraph 24 provides the steps and associated timings involved in creating a scan to be run on the register. The DVLA estimated that it would take over 3.5 days to design, develop and test the necessary scan; an estimate the Commissioner considered to be reasonable. The Commissioner understands that, on 4 July 2016, the DVLA provided the complainant with information with regard to this matter in response to a later request he submitted to it.
15. Paragraph 14 of FS50544618 confirms that section 12(1) was correctly engaged in that case, 'for the same reasons as set out in the previous decision notices'.
16. In supporting the Commissioner's decision in FS50345802, the IT said in paragraph 26 of its decision that DVLA's estimation of cost was 'sensible, realistic and supported by cogent evidence'.
17. DVLA has confirmed to the Commissioner that the process it would have to go through to obtain the information the complainant has requested (ie conducting a scan of the vehicle record) has not changed since those previous decisions.
18. In these circumstances, the Commissioner is satisfied that it would again exceed the appropriate limit for DVLA to comply with the request and that it has correctly applied section 12(1) to it.
19. With regard to its duty under section 16(1) of the FOIA, DVLA has told the Commissioner that the request is specific in that it relates to all vehicle details in part 4 of the V5C.
20. DVLA has explained that it would have been difficult to have suggested that the request be refined to bring it within cost due to the breadth of the information required. It says that if it had suggested that the

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2011/621418/FS50345802.pdf>

² https://ico.org.uk/media/action-weve-taken/decision-notices/2014/1027024/fs_50544618.pdf

³

[http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1506/Bromley%20EA.2014.0212%20\(19.03.15\).pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1506/Bromley%20EA.2014.0212%20(19.03.15).pdf)

request be narrowed, any information provided would have fallen considerably short of what the complainant is seeking. DVLA says that even if the request was narrowed considerably, it would have made no difference because a scan of the vehicle record would still have been required, thereby exceeding the cost limit. It is for those reasons that DVLA did not suggest that the complainant narrow his request.

21. DVLA says that it advised the complainant that even if the request could have been dealt with within cost, some information would be exempt from disclosure under section 31 (law enforcement). However, it was not possible to deal with the request within the cost limit. As an example, DVLA has told the Commissioner that the Vehicle Identification Number (VIN) is included in part 4 of the V5C so to remove that from the scope of the request would have fallen short of the request.
22. In the complainant's request for an internal review, he specifically referenced VIN information being replaced by 'unique identifiers', but DVLA subsequently argued, correctly, in its internal review that this would require it to create new data which is not required under the Act.
23. DVLA's response to the internal review also advised the complainant of the two previous ICO decision notices referred to above, where DVLA successfully relied on section 12(1) in relation to carrying out a scan of the vehicle database. It provided the complainant with a link to the ICO's website and relevant ICO case reference numbers.
24. DVLA also explained why VINs could be disclosed as part of a 'bulk dataset' and not as part of an FOI response. It provided the complainant with a link on how to obtain the bulk data referred to in its initial response dated 2 February 2016.
25. In the Commissioner's view, the advice and assistance that DVLA provided to the complainant with regard to his request was adequate and met the requirements of section 16(1).

Right of appeal

26. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

27. 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.
28. 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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