

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 March 2020

Public Authority: Driver and Vehicle Licensing Agency
(Department for Transport)

Address: Longview Road
Swansea
SA6 7JL

Decision (including any steps ordered)

1. The complainant has made a request for information relating to the Driver and Vehicle Licensing Agency's (DVLA) prosecutions for failure to notify the DVLA that a vehicle is off the road (often known as a Statutory Off Road Notification or SORN). The DVLA has now responded to the request. However, the complainant has requested that a decision notice is issued in relation to the DVLA's failure to respond to his request within the required statutory period.
2. The Commissioner's decision is that the DVLA has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA.
3. As the request has now been responded to, the Commissioner does not require the DVLA to take any further steps in relation to this complaint.

Request and response

4. On 9 January 2020, the complainant wrote to the DVLA and requested information in the following terms:

"Please provide me with a copy of the DVLA prosecuting policy or similar named document or documents which relate to DVLA prosecutions of no SORN being lodged with the DVLA"

5. The DVLA responded to the information request on 9 March 2020.

Scope of the case

6. The complainant contacted the Commissioner on 13 February 2020 to complain about the way his request for information had been handled.
7. The Commissioner has considered whether the DVLA dealt with the request in accordance with its obligations under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

8. Section 1(1) of FOIA states any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject to the application of any exemptions that are appropriate.
9. Section 10(1) states that a public authority shall respond to information requests promptly and in any event no later than 20 working days from receipt.
10. The request was made on 9 January 2020 and a response should have been provided no later than 6 February 2020.
11. The DVLA responded to the request on 9 March 2020, 42 working days after the date of receipt of the request. This is clearly outside the required 20 working days stipulated in section 10(1) of the FOIA.
12. It is therefore clear to the Commissioner that, in this case, the DVLA has failed to respond to the request in accordance with the legislation.
13. As a response has now been provided, the Commissioner does not require the DVLA to take any steps.

Right of appeal

14. 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

15. 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.
16. 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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Water Lane
Wilmslow
Cheshire
SK9 5AF