

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 November 2022

Public Authority: Driver & Vehicle Licensing Agency
Address: Great Minster House
34 Horseferry Road
London
SW1P 4DR

Decision

1. The Commissioner's decision is that, on the balance of probabilities, Driver & Vehicle Licensing Agency does not hold the requested information about a specific motorcycle and complied with section 1(1) of FOIA. However, DVLA breached section 10(1) as it did not comply with section 1(1) within 20 working days.

Request and response

2. The complainant made the following information request to Driver & Vehicle Licensing Agency (DVLA) on 28 October 2021:

"i am at the minute in the process of buying a royal enfield motorcycle. the person who is selling it has no registration document. i have hpi checked it and theres on record of the vehicle details. also its not coming up on your online tax checker. my freedom of information request is as follows.

i wish to know if there is a vehicle record held at dva historical records coleraine for a royal enfield 250 motorcycle registration [sic] mark [redated] chassis number [redated] engine number gt16824 colour red."

3. DVLA's final position was that it did not hold the requested information and it directed the complainant to the Driver & Vehicle Agency (DVA) Northern Ireland.

Reasons for decision

4. In their complaint to the Commissioner the complainant indicated that they were dissatisfied with DVLA's position. They say that the DVA in Northern Ireland maintains the records for DVLA; that the department is called 'DVA Historical Records Coleraine' and that they have told this to DVLA many times.
5. This reasoning therefore covers whether, on the balance of probabilities, DVLA holds information within scope of the complainant's request and complied with section 1 of FOIA. The Commissioner will also consider procedural aspects of DVLA's handling of the request.
6. Under section 1(1) of FOIA a public authority must communicate information to an applicant on request if it holds the information and it is not exempt from disclosure.
7. Section 10(1) of FOIA places an obligation on a public authority to comply with section 1 promptly and within 20 working days following the date of receipt of the request.
8. Having relied on section 40(5) of FOIA in its original response to the request, which concerns personal data, in its internal review response of 9 May 2022, DVLA confirmed it simply does not hold the requested information.
9. In a submission to the Commissioner DVLA explained that the registration and licensing of vehicles in Northern Ireland was administered by the DVA, now part of the Department of Infrastructure, until July 2014 when responsibility for this transferred to the DVLA.
10. As part of this transfer, the DVLA updated its systems with all active vehicle records held by the DVA, as well as arranging for access to the DVA's electronic vehicle records database. Any older, dormant paper vehicle records, such as the one in scope of this request, that the DVA did not convert to an electronic format, may still be kept by DVA in an archive. DVLA confirmed it does not hold the information the complainant has requested.
11. The Commissioner notes that the complainant disputes that DVLA does not hold the information they are seeking but the Commissioner accepts DVLA's explanation.

12. In the absence of any evidence to suggest otherwise, the Commissioner's decision is therefore that, on the balance of probabilities, DVLA does not hold the information the complainant has requested and has complied with section 1(1) of FOIA.
13. From a procedural perspective, DVLA complied with section 16(1) of FOIA, which concerns advice and assistance, as it directed the complainant to the organisation it considered might hold the requested information. However, DVLA breached section 10(1) of FOIA on this occasion as it did not confirm it does not hold the information until its internal review of 9 May 2022.

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

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