



Driver and Vehicle Licensing Agency

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Your Ref
Our Ref [FOIR 1768/09](#)

Date: 1 March 2010

Dear Mr Swift

FOIR Request – Internal Review

I am writing in response to your e-mail of 9 February at 07:17 in which you request an independent Internal Review of the handling of your request for information under the terms of the Freedom of Information Act 2000 (FOIA). I have been asked to undertake that review.

Having carefully considered the correspondence between you and the Agency, I can conclude that the response sent to you on 21 December 2009 (as well as subsequent DVLA responses) was correct in the circumstances. It was not clear that you were making further (new) FOI requests in your two e-mails of 26 January since your comments and questions related to the original request and I apologise if clarification was necessary. That said, I believe the comments and questions were fully addressed in our e-mailed response of 1 February.

In your original request you asked:

I ask to be provided the registration numbers of all un-recovered E-Type jaguars reported stolen between 2000 and the present date.

You were advised that the cost of providing you with the information you requested would exceed the appropriate limit of £600 and that, as such, the Agency was applying section 12 of the FOI Act.

On 8 January we received your e-mail asking for a review of the response you had received. You requested an explanation of the processes involved and an understanding of why such costs would be incurred. You also asked whether section 12 would be the only exemption that applied to the request.

In reply, on 21 January, DVLA responded in some detail explaining the work that would be necessary to extract the required information. Our letter also advised you that we were in the



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process of developing a stand-alone database, which should eventually allow us to provide the type of information you requested at a much lower cost. Until then, we have a duty to be mindful that we are funded by taxpayers money and must impose limits on our use of these funds. I do accept that your question about whether any other exemptions would apply to your request was overlooked and was not addressed. As such, I apologise for that oversight but I will come back to this issue further on.

On 26 January we received two e-mails from you asking questions relating to our responses to your original request and on 1 February a full response was sent to you answering all your questions in turn.

I will now turn to your two e-mails of 9 February and firstly your e-mail sent at 07:12. I am sorry you feel that DVLA appears “to have taken issue with [your] request for further information, the questions [you] asked, that had not been addressed by the DVLA.” You go on to say that you have approached this matter in a reasonable, considered manner but you feel that the “tone of [our] reply does not suggest that [you are] to be treated in a similar fashion”. I am afraid that I fail to see where any of DVLA’s responses have not been reasonable or considered and I can assure you that all requests for information are treated exactly the same. You quoted from our e-mail of 1 February that “it is accepted that Section 12 may not be the only applicable exemption” and then asked “Accepted by whom?”. DVLA accepts that when it employs section 12 FOIA, other exemptions may also apply but if the costs limit is reached before the request is responded to then the other exemptions fall away at the first stage. Until we are able to determine whether we hold the information and then locate, retrieve and extract that information we cannot say whether exemptions such as sections 40(2) or 35(1) would apply. In your case, we can only say for certain that section 12 FOIA would apply. If, and when, we receive the necessary funding to develop the stand-alone database mentioned we will give all requests under the FOIA full consideration at the time. If the information can be provided within the cost limit it is then that we would give consideration to any exemptions that may apply. I note that you claim to have raised this issue with the Information Commissioner’s Office where you were advised that when DVLA issues a refusal notice we should be advising the enquirer of all the exemptions which apply. That is accepted but only in so far as we know what information we have, within the £600 costs limit, to apply the exemptions to.

In your second e-mail of 9 February at 07:17 you ask what we mean by “if an individual has additional information it may then be possible for a link to be established between that registration mark and another individual.” If an individual is in possession of a vehicle registration mark then it may be possible for them to make a fee-paying request for a printout of the keeper details.

To conclude, I confirm that I am content with the way in which your request for information has been handled by the Agency.

If you are not content with this Independent Internal Review, you have the right to complain directly to the Information Commissioner for a decision; you have already been provided with details of the complaints procedure. In any event, the Information Commissioner can be contacted at:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

Unsigned – sent via e-mail

Gary Nicholas
Head of Unit
Drivers Customer Services