

Teresa Chance
Central Policy - Freedom of Information
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By email to:
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www.hmrc.gov.uk

Date 13 April 2010
Our Ref FOI 1320/10
Your Ref

Dear Mr Elibank,

Freedom of Information Act 2000 (FOIA)

Thank you for information request made on 14 March 2010. You asked:

1. I would like a list of all registered VAT numbers issued since 1st January 1991 and are no longer in use for whatever reason.
2. I would also like a list of all VAT numbers currently in use.

HMRC Response

I can confirm that HMRC does not hold the information requested in question 1. In accordance with our retention and disposal policies, obsolete numbers are removed from our system at regular intervals.

I can confirm that HMRC holds the information requested in question 2. However, I consider that this information is exempt from disclosure under sections 31(1)(a) and (d) of the FOIA.

Sections 31(1)(a) and (d) states that

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime,

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INVESTOR IN PEOPLE



(d) the assessment or collection of any tax or duty or of any imposition of a similar nature,

I believe that disclosure of a complete list of VAT numbers currently in use would be likely to prejudice the prevention or detection of crime and the assessment or collection of VAT. I have reached this conclusion as I believe that the requested information could be used by opportunistic individuals and fraudsters to hijack genuine VAT numbers in order to fraudulently present themselves to HMRC, to other traders or to prospective customers as VAT registered. VAT is charged when a VAT-registered business sells to either another business or to a non-business customer. When VAT-registered businesses buy goods or services they can generally reclaim the VAT they have paid. If fraudsters are able to charge or reclaim VAT when they are not entitled to do so, then this will result in loss to the Public Purse and to members of the public who fall victim to such fraud.

Section 31 is a qualified exemption which means that, if it applies, I must consider whether it is in the public interest to override the exemption and release the information. I have very carefully considered this but have decided that on balance it is not in the public interest to release this information. In coming to this conclusion, I have considered a number of factors.

I accept that there is a strong public interest in transparency and openness and disclosure of the information requested would therefore be in the public interest. I also recognise that members of the public may wish to verify whether a VAT registration number is a genuine one so that they do not fall victim to fraudsters. Releasing a list of current VAT numbers would ostensibly be in the public interest since individuals could check for themselves whether a number is genuine or not. However, any published list is likely to become out of date very quickly and therefore could not be relied on with great certainty. HMRC already provides a facility for members of the public to telephone HMRC to check if a specific VAT number is a valid current number and this facility will always provide the most up to date position.

Set against the public interest in favour of disclosure, I recognise that there is also a strong public interest in HMRC being able to enforce the law properly so that the tax burden is shared equally. Anything that might assist those intent on cheating the Public Purse is not in the public interest. VAT fraud unfairly shifts the tax burden onto honest taxpayers and that is not in the public interest.

Anything that facilitates those who aim to cheat the VAT system could undermine public confidence in the tax system. This could damage the general climate of honesty among the overwhelming majority of taxpayers who use the system properly and that is not in the public interest.

In addition to the potential for VAT fraud, I recognise that individuals and traders may fall victim to fraudsters hijacking VAT numbers and this would not be in the public interest. So on balance I conclude it is not in the public interest to set aside the exemption.

If you are not happy with this reply you may request a review by writing to HMRC FOI Team, Room 1/C25, 100 Parliament Street London SW1A 2BQ. You must request a review within 2 months of the date of this letter. It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by HMRC. He can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

Teresa Chance

