

Dennis Smyrk

Email us at: [foi@dvla.gsi.gov.uk](mailto:foi@dvla.gsi.gov.uk)  
Website: [www.gov.uk/browse/driving](http://www.gov.uk/browse/driving)

Your Ref:  
Our Ref: FOIR5821  
Date: 24 February 2017

Dear Mr Smyrk

## **Freedom of Information Request**

Thank you for your original e-mail dated 16 January requesting information under the terms of the Freedom of Information Act 2000 (FOIA) and subsequent correspondence following a request to clarify.

Full details of your request can be found at the end of this correspondence.

With regards to requests 1 to 8, DVLA is of the opinion that sections 31(1)(a), (b) & (c) of the FOIA are engaged. That is, disclosure of the information held would be likely to prejudice: the prevention or detection of crime, the apprehension or prosecution of offenders and the administration of justice. Before applying these exemptions, DVLA is required to consider the public interest for disclosure against the public interest for withholding the information. As provided for in section 17(2) of the Freedom of Information Act, DVLA is considering the public interest test for the said exemptions and will let you know the outcome no later than 24 March 2017.

However, the Agency is able to respond to the two remaining requests where you asked:

### **9. The name and address of the head Data Protection Controller for DVLA.**

While this information is held, it is reasonably accessible to you and DVLA relies on section 21 of the FOIA for not disclosing the information with this response.

However, you can find this information in the 'Register of Data Controllers' that is available on the Information Commissioner's Office (ICO) website at the following link: <https://ico.org.uk/ESDWebPages/Entry/Z7122992>

### **10. Your policy and guidelines on Data Protection as applied and practised within DVLA.**

It is a legal requirement that DVLA complies with the provisions of the Data Protection Act 1998.

However, the Agency has a 'Personal Information Charter' that is reasonably accessible to you and again reliance is placed on section 21 of the FOIA for not disclosing it with this response. A copy of the charter can be found on DVLA's website by following the link: <https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency/about/personal-information-charter>

Also, DVLA issues to staff the information leaflet 'Data Protection, DVLA and you' (DOM2885) and a copy of this is attached.

The information which follows concerns the procedures for making any complaint you might have about the reply. Please quote the reference number of this letter in any future communications about it.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small flourish.

pp Robert Toft  
Head of Data Sharing Policy & Freedom of Information Team

## **Your right to complain to DVLA and the Information Commissioner**

If you are not happy with the reply to your request, you can ask DVLA to re-consider the response you received by writing (within two calendar months of receiving this response) to either [foi@dvla.gsi.gov.uk](mailto:foi@dvla.gsi.gov.uk) or DVLA Freedom of Information Team, DSPG/FOI, D16, DVLA, Swansea SA6 7JL.

DVLA will acknowledge and consider your request, re-visiting the response provided. This is known as an Internal Review and will be considered by a staff member not involved with the original reply.

If you disagree with the outcome of the Internal Review, you can complain to the Information Commissioner's Office. Further information can be found via: <https://ico.org.uk/concerns/getting/> Alternatively you may wish to write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

**Dear Driver and Vehicle Licensing Agency,**

**Please supply the following information under the Freedom of Information Act:**

- 1. Your policy and guidelines on prosecution for vehicle and traffic offences.**
- 2. What verification measures are undertaken to ensure the correct person is identified as a defendant for the purpose of prosecuting for traffic or vehicle offences in cases generated or originated by DVLA?  
Additionally what verification measures are undertaken to ensure the wrong person is not prosecuted for a traffic or vehicle offence in prosecutions generated or originated by DVLA?**
- 3. What internal and external databases are checked to ensure identification of the correct person when preparing prosecution for a vehicle of traffic offence?  
How and where are the results of database checks recorded and stored?**
- 4. Your staff code of conduct, specifically any code of conduct relating to investigating and identifying suspected offenders and prosecuting offenders for vehicle and traffic offences.**
- 5. Your policy and guidelines following a statutory declaration sworn in a Magistrates' court, in the presence of a representative of DVLA, directly related to a prosecution generated or originated by DVLA.**
- 6. Your policies and guidelines concerning statutory declarations made by wrongly accused suspects for vehicle and traffic offences generated or originated by DVLA.**
- 7. Your procedure for recording vehicle and traffic offences on vehicle and driver records on DVLA records and databases.**
- 8. Your policy and procedure for erasing wrongly entered driving and vehicle records on databases and records held by DVLA.**
- 9. The name and address of the head Data Protection Controller for DVLA.**
- 10. Your policy and guidelines on Data Protection as applied and practised within DVLA.**