

Mr D Smyrk

Email us at: foi@dvla.gsi.gov.uk
Website: www.gov.uk/browse/drivingYour Ref:
Our Ref: FOIR5821 (1-8)
Date: 11 May 2017

Dear Mr Smyrk

Freedom of Information Request

Further to your request for information under the terms of the Freedom of Information Act (FOIA) and DVLA's subsequent responses. A full copy of your request can be found at the end of this correspondence.

Having received a response on 24 February to Q9 & Q10 of your request, you will be aware that the Agency required additional time to consider the public interest between disclosing and withholding information. Having given the necessary consideration, the Agency can provide the following response.

The scope of your request covers both vehicle and traffic offences. As explained in previous correspondence, DVLA does not prosecute traffic offences such as speeding, dangerous driving or drink driving. Prosecution of such offences is the responsibility of the Police and the Crown Prosecution Service (CPS) in England & Wales or Crown Office in Scotland. DVLA simply records the outcome of traffic offence prosecutions on the driving licence database. Therefore, the scope of your requests Q1 to Q6 will relate to vehicle related offences only. The scope of Q7 & Q8 would relate to both the driving licence and vehicle registers that are maintained by DVLA.

While DVLA holds information in scope of your requests, and having considered the public interest between disclosure and withholding information, the Agency considers that information to be exempt from disclosure. As indicated previously, the information is being exempted in accordance with section 31(1) of the FOIA. In particular, s31(1)(a), (b), (c) & (d).

That is, to disclose information would be likely to prejudice: the prevention or detection of crime, the apprehension or prosecution of offenders, the administration of justice and the collection of vehicle tax. Before applying these exemptions, DVLA considered the public interest test between disclosure and withholding information and details as to why the Agency favours withholding can be found in the attached Annex.

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 blue ink, appearing to read 'Robert Toft', with a stylized flourish extending from the end.

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 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.

The request:

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 or 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.**