

Steve Elibank

Your Ref:
Our Ref: FOIR6237 - IR
Date: 24 October 2017

Dear Mr Elibank

Freedom of Information – Internal Review

Thank you for your email dated 12 September and subsequent emails following the response you received to your recent request for information under the Freedom of Information (FOI) Act 2000. You expressed dissatisfaction about the response you received and requested that an Internal Review of that response be carried out.

It was anticipated that a response to your request for a review would be with you within 20 working days but the ICO guidance states that a review should take no longer than 40 working days. While the Agency is within that time frame, apologies are made for not being in a position to have a response for you before now.

In your email of 12 September, you stated that the refusal notice sent to you did not explain how the exemption that has been applied is relevant. I responded on 16 October advising you that the notice was annexed with the Agency's arguments for and against disclosure together with the conclusion as to why the Agency favoured withholding the information. A copy of that Annex accompanied my response of 16 October. You subsequently responded stating that you had read the Annex but again reiterated that it did not explain the Agency's reasoning and suggested that the words were from the exemption and that the Agency hadn't explained how prejudice would occur. As a result you confirmed that you wished to continue with the review.

You asked, on 16 August, for the following information:

Please give me a list of the code/prefixes which are allocated to foreign countries and international organisations for their diplomatic cars.

The Agency maintains that the exemption is applied and that the information asked for remains exempt from disclosure under s27(1)(a) of the FOI Act.

In your final email of 16 October you stated that the Agency has not said why prejudice would occur but the exemption is engaged if disclosure of information would, or would be likely to (*emphasis added*), prejudice relations between the United Kingdom and any other State. It is then for DVLA to demonstrate why disclosure would or would be likely to prejudice those relations. DVLA maintains the arguments already provided to you.

As a public authority covered by the FOI Act, DVLA is well aware of the need to be transparent and that the presumption is that any information covered by the Act is disclosed. The Agency is also minded that individuals are interested to learn of the codes/prefixes allocated to foreign vehicles and diplomatic vehicles. However, the Agency is persuaded by the arguments for withholding the information.

There needs to be trust, and a protection of that trust, between the UK Government and foreign states as well as international organisations with regard to diplomatic matters. An erosion of that trust by disclosing the information asked for would be likely to prejudice the UK's ability to protect and promote UK interests through international relations. Furthermore, effective relations between the UK and other foreign states rely on diplomatic efforts and to disclose information in scope of your request would have a deteriorating effect or even breakdown of those efforts. There is also the administrative burden on DVLA and subsequently the public purse to amend diplomatic marks to maintain the already well established relations.

Having weighed up the above arguments, the Agency maintains the s27(1)(a) exemption. As concluded previously, to disclose details of codes/prefixes which are allocated to foreign countries and international organisations for their diplomatic vehicles, would be likely to prejudice relations between the UK and other States. The UK has a duty to maintain effective conduct of international relations and is obliged to protect information that could compromise such relationships. For the reasons of sustaining trust, confidence and the promotion of UK interests through international relations, we consider that the public interest in withholding the information outweighs the public interest in disclosing it.

In your email of 16 August requesting information, you also stated:

You will realise that this information is obtainable (although with some difficulty) by simple observation, for instance, standing outside [the relevant Embassies]. So you would find it difficult to say that a health & safety, security or international relations exemption is in use.

It is accepted that standing outside a particular diplomatic Embassy or building would allow an individual to gather intelligence on traffic flow to and from that location. While diplomatic vehicles may be identifiable as a result, and it would be the choice of an individual to gather that intelligence, DVLA cannot be seen to disclose information into the public domain information that would make it easier to identify or confirm whether a vehicle is or is not a diplomatic vehicle by assisting with the creation of a mosaic effect. In that regard, the Agency was minded to engage s38(1)(b) of the FOI Act; that is, disclosure would be likely to endanger the safety of any individual. It was clear that the application of that exemption would be challenged from the start and as such it was considered appropriate instead to concentrate on the application of s27(1)(a). However, the Agency reserves the right to introduce the s38(1)(b) exemption should you complain to the Information Commissioner's Office (ICO). The reason for applying that exemption would be to reduce the risk of certain vehicles being targeted by activists or other fanatical groups. Disclosure of the information would not just put the diplomat travelling in that vehicle at risk but the safety of others such as the driver and more importantly the general public in the immediate vicinity of any confrontation.

If you remain unhappy about the outcome of the Internal Review that has been carried out, you have the right to complain to the Information Commissioner's Office (ICO). A reminder of the ICO's contact details can be found below.

Yours sincerely / faithfully

unsigned, sent via email

Ian Aubrey
DVLA Freedom of Information Team

Your right to complain to DVLA and the Information Commissioner

If you disagree with the outcome of the Internal Review, you may wish to 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.