



Department for Transport

Mr Jasper Jolly

request-633175-
b17aee68@whatdotheyknow.com

Tim Ward
POLICY ADVISER
OFFICE FOR LOW EMISSION VEHICLES
DEPARTMENT FOR TRANSPORT

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Our Ref: F0018153

19 February 2020

Dear Mr Jolly,

FOI Request

Thank you for your information request of 13 January 2020. You requested the following information:

Please could you provide me with the following information under the Freedom of Information Act?

Any emails and other digital communications, minutes of minutes and documents shared with or sent by the secretary of state's office in the past three months regarding hybrid cars (i.e., those that combine internal combustion engines with battery electric power).

Your request has been considered under the Freedom of Information Act 2000.

I am writing to confirm that the Office for Low Emission Vehicles does hold the information you requested but has decided that some of this information cannot be disclosed for the reasons given below. The information that can be released is provided at Annexe B

The information being withheld falls under the exemptions in sections 21, 35 and 43 of the Freedom Information Act 2000

In applying these exemptions, we have had to balance the public interest in withholding the information against the public interest in disclosure.

The attached annex A to this letter sets out the exemption in full and details why the public interest test favours withholding the information.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. A copy of this response and the information provided may now be published on the www.gov.uk web-site, together with any related information that will provide a key to its wider context.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's FOI Advice Team at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Ward', with a stylized flourish at the end.

Tim Ward
Office for Low Emission Vehicles

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition, a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

Exemption in full

Section 43 (2)

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Public Interest Test: Reg	
For Disclosure	Against Disclosure
<ul style="list-style-type: none"> • That there is a general presumption for the disclosure of information. • There is a public interest in understanding the relationship between Government officials and private sector organisations 	<ul style="list-style-type: none"> • Information, if disclosed, could provide a company's competitors with information that they could commercially exploit. • If information were disclosed this may inhibit the provision of further information that would help officials understand the development of the market. • The information was provided in good faith with the expectation that it would not be disseminated more widely.
Decision	
Withhold	

Section 35

35.—(1) Information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—

- (a) the formulation or development of government policy
,
(b) Ministerial communications,

Public interest test	
For Disclosure	Against Disclosure
<ul style="list-style-type: none"> • There is a general presumption for disclosure. • The public, industry and other stakeholders are interested in the Government's plans for the decarbonisation of road transport and the consequential improvement to air quality 	<ul style="list-style-type: none"> • The Government need to be able to debate the pro and cons of policy proposals and decisions internally without outside interference. • Government should have space to think in private when reaching decisions and generating policy options
Decision	
Withhold	

Section 40 FOIA

Personal information.

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which does not fall within subsection (1), and

(b) the first, second or third condition below is satisfied.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that—

(a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or

(b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles, or

(ii) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded;

(b) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene Article 21 of the GDPR (general processing: right to object to processing);

(c) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for confirmation of whether personal data is being processed, the information would be withheld in reliance on a provision listed in subsection (4A)(a);

(d) on a request under section 45(1)(a) of the Data Protection Act 2018 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(7) In this section—

- “the data protection principles” means the principles set out in—
 - (a) Article 5(1) of the GDPR, and
 - (b) section 34(1) of the Data Protection Act 2018;
- “data subject” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
- “the GDPR”, “personal data”, “processing” and references to a provision of Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(2), (4), (10), (11) and (14) of that Act).

(8) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted

Annexe B

From: DfT Personal Information redacted under Section 40 FOIA

Sent: 09 January 2020 16:41

To: DfT Personal Information redacted under Section 40 FOIA

Cc: Edmonds-Robinson <Edmonds-Robinson@Olev.gov.uk>; OLEV Personal Information redacted under Section 40 FOIA, BEIS Personal Information redacted under Section 40 FOIA

Zahawi, Minister DfT Personal Information redacted under Section 40 FOIA Private Office
Minister Zahawi; George Freeman_MP

Subject: Official-Sensitive: Information redacted under Section 35 FOIA

DfT Personal Information redacted under Section 40 FOIA

Information redacted under Section 35 FOIA

Please find attached a note to ministers, Information redacted under Section 35 FOIA
The note begins:

Summary

Information redacted under Section 35 FOIA

Many thanks,

OLEV Personal Information redacted under Section 40 FOIA

Plug-in car grant: •Information redacted under Section 35 FOIA

Summary

- Information redacted under Section 35 FOIA
- Information redacted under Section 35 and 43 (2) FOIA
- Information redacted under Section 35 FOIA

Background to the plug-in car grant

1. The PICG currently provides up to £3,500 off the purchase price of ultra low emission vehicles (ULEVs). It is intended to reduce the purchase price difference between ULEVs and petrol/diesel vehicles, and to incentivise manufacturers to invest in ULEV production capacity in the UK.

October 2018 – transition to new plug-in car grant rates

2. In October 2018, we reduced the grant support for battery electric vehicles (BEVs) and hydrogen fuel cell vehicles (FCEVs) from £4,500 to £3,500. At the same time, we ended support for PHEVs, which before the change had been £2,500.

3. We expected that changing the grant rates would lead to a spike in orders as people rushed to claim the grant at the higher rate. We therefore published guidance for manufacturers and dealerships, setting out additional requirements for orders that would apply during the transition period (11 October to 9 November 2018) until the new grant rates took effect. These rules were intended to manage the number of orders that could be placed before the new grant rates took effect. The guidance we provided is included at **Annex A**.
4. One rule introduced for the transition period was that for a grant claim to be valid, the details of the final customer must be specified when a new claim is created, and once the order was created, the customer details could not be changed without creating a new order. This was intended to discourage bulk orders by leasing companies and large fleets, without customers being allocated, at the expense of orders by private individuals and to help us manage the budget over that transition period.
5. Information redacted under Section 35 FOIA

Information redacted under Section 35 FOIA

6. **Information redacted under Section 35 FOIA**
7. Information redacted under Section 35 and 43 (2) FOIA
8. Information redacted under Section 35 FOIA

9. Next steps

Information redacted under Section 35 and 43 (2) FOIA

Annex A – guidance provided to dealers and manufacturers during the transition to the new plug-in car grant rates

The below guidance was published and provided to all manufacturers, dealerships and the SMMT during the transition period. All manufacturers and dealers were contacted through the GOV.UK Notify service (GNS). We also held calls with manufacturers to explain the guidance, and asked them to discuss with their dealerships. The SMMT advised OLEV that the guidance was clear.

Guidance:

1. To ensure eligibility for the grant, all portal users should ensure that all orders are registered on the portal as soon as possible. No orders are guaranteed until they have been saved on the portal.
2. New orders cannot be saved on the portal without a customer's details. Customer details also cannot be edited once an order has been saved without clear justification and prior approval from the portal administrators. This ensures that each order is linked to a customer.

One month transition period

3. The new grant rates will be implemented one month after the announcement date (i.e. at 23:59 on 9 November 2018), unless order limits are reached first. This period of a month after the announcement of new grant rates is referred to in this document as the transition period (11 October to 9 November).

Limits on new orders during the transition period

4. We have set a limit of 3,000 new Category 1 orders that can be created during the transition period before the Category 1 grant rate will be reduced to the new rates. Similarly, there is a limit of 6,000 Category 2 and 3 orders that can be created during the transition period before Category 2/3 vehicles become ineligible for the grant.
5. When one of these limits has been reached we will send an email out to all portal users letting them know that this limit has been reached and that orders of that Category of vehicle will shortly switch to the lower grant rate. This email will be sent by noon at the latest on the day that the category limit is hit. Portal users will then have until 23.59 on that day to load any final orders for that category. Any new orders, of the relevant category, created after 23.59 on that day will be ineligible for the current grant rates. They will either attract the lower grant rate, in the case of Category 1 orders, or be deleted by portal administrators in the case of Category 2/3 orders.
6. For those who are interested in keeping a close eye on how close we are getting to hitting these order limits, we will provide daily email updates on weekdays during the transition period on the numbers of orders remaining against the Category 1 and Category 2/3 order limits. Interested stakeholders can register to receive this daily email at the following link: <https://mailchi.mp/29c2f944fe5a/olev-landing-page>
7. Please note that if the Category 1 limit is reached during the transition period, the portal will not be immediately updated to take account of the new rates. Therefore, there will be a time when the level of grant shown on the portal for new Category 1 orders will be incorrect. Dealers should continue to place Category 1 orders during this period. At the end of the transition period, all orders will be amended retrospectively to amend the grant to reflect the correct grant rates.
8. Please note, if we see an extremely large number of orders from one manufacturer or detect anomalous behaviour, we reserve the right to limit the number of orders from that manufacturer that can be claimed at the higher rate.

Demonstrators and internal purchases

9. To ensure a fair distribution of limited orders between dealers/manufacturers, no demonstrator or internal purchase (orders placed by vehicle manufacturers for their own vehicles) orders for cars will be permitted during the transition period. However, we will make an exception for demonstrator or internal purchase orders submitted on the day of the announcement itself (11 October). In effect therefore, this restriction will begin at 23.59 on 12 October and end at 23.59 on 9 November at the latest.
10. Category 1 demonstrator or internal purchase cars registered during the period will be eligible for the new lower grant rate of £3,500. PICG orders for these vehicles should not be created during the transition period, but should be created retrospectively with the assistance of the portal administrators after 9 November.
11. Category 2/3 demonstrator or internal purchase cars will no longer be eligible for the PICG from 23:59 on 12 October.
12. We reserve the right to cancel any:

- demonstrator or internal purchase car orders placed during the transition period.
- orders considered to be demonstrator vehicles but not created as such on the portal.

Leased cars

13. Currently we allow dealers and manufacturers to create leased orders using the leasing company's information in place of the final customer's information, if they do not have the final customer details yet. To ensure a fair distribution of limited orders between dealers/manufacturers during the transition period, all lease purchase car orders placed during the transition period must include final customer details. In other words, these orders must contain:
 - Keeper details, if it is a private order, e.g. First name, Last name, Address and Postcode.
 - Business details, if it is a business order, i.e. Business name, Address and Postcode.
14. They should not contain lease company details in place of this information. We reserve the right to cancel any:
 - lease purchase car orders placed during the one month notice period that do not include actual final customer details.
 - internal purchases made via lease purchase during the one month notice period.
 - any orders considered to be lease purchase vehicles but not created as such on the portal.
15. This restriction will begin at 23.59 on 12 October and end at 23.59 on 9 November at the latest.

7. Information redacted under Section 35 and 43 (2) FOIA

From: OLEV Personal Information redacted under Section 40 FOIA
Sent: 23 October 2019 09:42
To: DfT Personal Information redacted under Section 40 FOIA
Cc: DfT Personal Information redacted under Section 40 FOIA Bob Moran: Edmonds-
Robinson OLEV Personal Information redacted under Section 40 FOIA
Subject: 2040/35

Hi DfT Personal Information redacted under Section 40 FOIA

We just spoke and agreed to wait and see what happens at the BEIS/DfT SoS meeting next week before acting further on this. DfT Personal Information redacted under Section 40 FOIA and I are feeding into that briefing on both DfT and BEIS sides.

Information redacted under Section 35 FOIA

OLEV Personal Information redacted under Section 40 FOIA

7 January 2020

For consideration by Ministers

Consulting on the earliest possible date for phasing out new, conventional petrol and diesel cars

Information redacted under Section 35 (a) and (b) FOIA

DfT Personal Information redacted under Section 40 FOIA

OLEV Personal Information redacted under Section 40 FOIA

Official Sensitive