

Daniel Morris

Email us at: foi@dvla.gov.uk
Website: www.gov.uk/browse/driving

Your Ref:
Our Ref: FOIR7845 – IR
Date: 13 March 2020

Dear Mr Morris

**Freedom of Information – Internal Review
(KADOE selected Smart Parking Ltd contract details)**

Thank you for your email of 4 January asking for a review of the response you received dated 5 November (Ref: FOIR7845).

You asked specifically for a review of the response you received to questions 1, 5 & 6 and I will deal with each in turn.

Question 1

You had asked for a copy of the specific site survey questionnaire and while confirming that a copy was held, we withheld it from disclosure and relied on section 31(1)(a) of the FOI Act. We are grateful for your comments and observations but having reviewed our response, we remain of the view that the exemption still applies.

The DVLA recognises that there is indeed a public interest in disclosing information for reasons of transparency. However, and as you have observed, it is our duty to comply with data protection legislation and treat personal data lawfully at all times. As part of that duty, it is of the utmost importance that we protect the personal data that we do hold and that is reason why it is considered appropriate to withhold from disclosure the site survey questionnaire. You have suggested that the survey might outline the minimum operational threshold for a KADOE contract holder and if that is the case, then disclosing even that minimal level of information could lead to assisting someone wishing to harm our IT systems and thereby gain unauthorised access to the personal data we hold. You will be aware that a response to a FOI request is deemed to be a response which is in the public domain for all to see.

Question 5

You asked for the number of points on Smart Parking Ltd's ATA membership and we advised you that the DVLA does not hold that information. Again, we are grateful for your observations with regard to clause A7.2 of the KADOE.

Having reviewed our response to this question, it is accepted that perhaps it could have been worded differently, but the fact remains that the DVLA does not hold

recorded information with regard to the number of sanction points awarded by the BPA against Smart Parking Ltd. While we are notified of sanction points being awarded, we do not hold details of why any points were awarded against Smart Parking.

Question 6

You asked to be provided with a signed copy of the latest KADOE contract enacted by Smart Parking Ltd [with the DVLA] including the complete Annex A declaration.

As already mentioned, we are grateful for your considered observations with regard to the arguments as to why you believe a copy of the actual signed contract should be disclosed. Again, we agree that transparency and accountability of a public authority's actions are at the heart of the FOI Act. However, on this occasion we maintain that it is in the much wider public interest to protect our position and maintain the exemption. You will however be familiar with the generic contract.

Conclusion

To conclude, the DVLA maintains the exemptions applied with regard to Questions 1 and 6 while re-iterating that it does not hold information in scope of Question 5. Therefore, the response you received dated 5 November 2019 remains unchanged.

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

A handwritten signature in black ink, appearing to read 'P. Johnson'.

Paul Johnson
Data Protection Policy & Freedom of Information Team

Your right to complain to the Information Commissioner

If you disagree with the outcome of the Internal Review, you have the right to complain to the Information Commissioner's Office. Further information can be found via:

Alternatively you may wish to write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.