



Driver and Vehicle Licensing Agency
Head of Data Sharing Policy & FOI Team – D16
Corporate Affairs Directorate
DVLA
Longview Road
Swansea
SA6 7JL

Mr NJA Metson

e-mail:

request-86346-8efbbdb3@whatdotheyknow.com

Email foi@dvla.gsi.gov.uk
Website www.direct.gov.uk/motoring

Your Ref
Our Ref FOIR2681

Date: 31 October 2011

Dear Mr Metson

Freedom of Information Request

Thank you for your e-mail of 8 October requesting information under the terms of the Freedom of Information Act 2000 (FOIA).

You refined your request of the 18 September, clarifying that you did not require information concerning individual cases or MP letters and asking for:

The notes of meetings, reports, memoranda, e-mails, letters, etc. which are held on the computers or in hard copy form by the personnel who work in the Data Sharing section of DVLA.

I require the specific information concerning and arising from meetings with the Information Commissioner and/or the Department for Transport in regard to the application of Regulation 27.

This request should also include any legal advice both sought and provided in respect of the interpretation and application of ‘reasonable cause’.

You also clarified on 14 October that:

DVLA should go as far back as possible whilst staying within the £600 limit.

The provisions of Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002, including the disclosure of vehicle keeper data to anyone who can demonstrate reasonable cause to receive it, is long-standing and originated in the 1960's, well before DVLA's establishment.

The documents that fall within the scope of your request are attached at Annex A and B. Names of individuals have been redacted from the documents where we consider that the release of this information would breach at least one of the principles of the Data Protection Act 1998. In doing so, we are relying on section 40(2) of the FOIA.

While you have asked for any legal advice to be included in the reply, some of the information contained in these documents has been redacted as it attracts legal professional privilege and is therefore exempt under section 42 of the FOIA. In applying this exemption, we have carried out a public interest test to establish whether the public interest in maintaining the exemption outweighs the public interest for disclosure. However, we consider that the public interest test favours withholding the information. Full details of why DVLA favours withholding the information can be found in Annex C attached.

The remaining correspondence between DVLA and the DfT concerning Regulation 27 constitutes either requests for legal advice or responses from DfT legal advisors. Again, it is considered that this information is exempt from disclosure under section 42 of the FOIA – legal professional privilege, as the correspondence is with professional legal advisors. A professional legal advisor is considered to be any qualified individual including external and in-house lawyers. In applying the exemption, DVLA is required to consider the public interest in disclosure. The findings of the public interest test can be found attached at Annex C.

You may be interested in the decision notice issued by the Information Commissioner's Office (ICO) and the findings of the Information Tribunal on the subject of reasonable cause and DVLA's use of the exemption under section 42 of the FOIA. The following links provide:

the ICO's decision notice (FS50205855) -

[www.ico.gov.uk/ ~ /media/documents/decisionnotices/2009/FS_50205855.ashx](http://www.ico.gov.uk/~ /media/documents/decisionnotices/2009/FS_50205855.ashx)

the Information Tribunals decision (EA/2009/0097) -

[www.informationtribunal.gov.uk/DBFiles/Decision/i396/Decision%20&%20PTA%20\(w\).pdf](http://www.informationtribunal.gov.uk/DBFiles/Decision/i396/Decision%20&%20PTA%20(w).pdf)

The information which follows concerns the copyright conditions that apply to any information provided by the Agency and 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 be 'R Toft', written over a faint rectangular box.

Robert Toft

Head of Data Sharing Policy & Freedom of Information Team

PROCEDURES FOR HANDLING FREEDOM OF INFORMATION REQUESTS

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Complaints

If you are unhappy with the way in which your request for information has been handled, about the decision not to disclose all or part of the information requested and/or that the DVLA has not complied with its FOI publication scheme, you have the right to complain within two calendar months of the date of this letter. You may complain by writing to the Freedom of Information Team, DSPG/FOI, D16, DVLA, Swansea, SA6 7JL or e-mail foi@dvla.gsi.gov.uk.

Your complaint will be acknowledged and you will be advised of a date by which you should have received a response. Initially, your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that person decides that his/her decision was correct, your complaint will automatically be referred to an independent official who will conduct a further review (an Internal 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 by writing to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.