

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 May 2021

Public Authority: Driver and Vehicle Licencing Agency (DVLA)
Address: Longview Road
Morrison
Swansea
SA6 7JL

Decision (including any steps ordered)

1. The complainant has requested the DVLA to disclose the registration marks linked to previously commercially owned vehicles from its vehicle database up to the cost limit of £600. The DVLA did not respond to the request, relying on section 17(6) of the FOIA.
2. The Commissioner's decision is that the DVLA is entitled to rely on section 17(6) of the FOIA in this case. The request is vexatious and it would be unreasonable to expect the DVLA to issue a further refusal notice in relation to this request.
3. The Commissioner does not require any further action to be taken.

Request and response

4. On 9 December 2019, the complainant wrote to the DVLA and requested information in the following terms:

"I am here submitting another (my third request) from your data base which is allowed every 6 months.

In this new FOI request, the ICO document I refer to allows me to make a new request every 6 months, therefore my new request is for £600 worth of the registration marks linked to previously commercially owned vehicles which feature a limited company or LTD or Ltd company, from the end of the date my last and 2nd requested information would take

me up to. after the DVLA stopped including this information of the V5C log book.”

5. The DVLA did not respond to this request.

Scope of the case

6. The complainant contacted the Commissioner on 18 January 2021 to complain about the way his request for information had been handled. He stated that the DVLA has failed to respond or indeed acknowledge his information request.
7. The DVLA confirmed during the Commissioner’s investigation that it has not responded to this request, as it is relying on section 17(6) of the FOIA.
8. The Commissioner considers the scope of her investigation to be to determine whether this request is vexatious, and if it is, whether it would therefore have been unreasonable for the DVLA to have issued a fresh refusal notice in this case.

Reasons for decision

9. Section 1(1) of the FOIA states that:

“Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

10. Section 14 of the FOIA states that:

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.”

11. Section 17 of the FOIA states that:

“(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

- (6) Subsection (5) does not apply where—
- (a) the public authority is relying on a claim that section 14 applies,
 - (b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
 - (c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.”
12. The Commissioner has recently considered the complainant’s earlier information request of 6 July 2020, to which the DVLA applied section 14(1) of the FOIA. The Commissioner has issued a decision notice in that case, reference IC-78786-K6S3, which upholds the DVLA’s application of section 14(1).
 13. The request being considered here is exactly the same; just 5 months apart. The complainant believes he is entitled to make requests for this information every 6 months up to the cost limit. The rationale outlined in the Commissioner’s decision notice for case reference IC-78786-K6S3 equally applies here. The complainant’s request of 9 December 2020 is therefore also vexatious in accordance with section 14(1) of the FOIA.
 14. At the time the DVLA was responding to the complainant’s earlier request of 6 July 2020 it informed the complainant that it would be relying on section 17(6) of the FOIA for any further requests of this nature.
 15. The Commissioner considers the effect of these ongoing requests (even if not the intent) is to cause nuisance and disruption to the DVLA, diverting it from its core functions. The DVLA has previously advised the complainant that it simply cannot process these requests within the cost limit and referred him to a previous First-tier and Upper-tier Tribunal hearing in support of this. The complainant is aware that the most appropriate means of challenging a decision is through the FOIA appeals process and one such appeal (in relation to section 16 only; section 12 was struck out) is still ongoing. The Commissioner’s view is that the time has now come for the DVLA to protect its resources more robustly.
 16. The Commissioner is therefore satisfied that the request meets the tests set out in subsections a) and b) of section 17(6).
 17. The Commissioner is now required to consider whether it would be unreasonable to expect the DVLA to continue to issue fresh refusal

notices for each new request it receives of this nature, whether 6 or so months apart or not.

18. As stated above, the DVLA put the complainant on notice that it would rely on section 17(6) of the FOIA for any further requests of this nature in its refusal notice of 3 August 2020. The complainant has previously been advised why these requests cannot be processed within the cost limit. Despite this and the appeals process available to him he continues to make information requests for the same information every 6 months up to the cost limit. The Commissioner considers the DVLA is entitled to now draw a line and protect its resources. She considers it would serve no useful purpose for the DVLA to continue to provide the complainant with section 14(1) refusal notices to each request he makes 6 months apart. This decision is the same and will not change, unless it is successfully challenged at the First-tier Tribunal.
19. The Commissioner is satisfied that this request is vexatious, for identical reasons to those detailed in her decision notice for case reference IC-78786-K6S3, and the DVLA is entitled to rely on section 17(6) to refuse this request without issuing a fresh refusal notice.
20. This will be the same position for any further requests the complainant makes of this nature.

Other matters

21. The Commissioner would like to remind the DVLA that section 14(1) and 17(6) are not intended to be a "blanket ban" on an individual making requests. If the complainant makes an information request in the future which is unrelated to the matters and topic under discussion here, the DVLA should consider this information request on its own merits and on a case by case basis in accordance with its obligations under the FOIA.

Right of appeal

22. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

23. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Samantha Coward
Senior Case Officer
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Wycliffe House
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