

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)**

**DECISION NOTICE**

**Dated 24<sup>th</sup> November 2005**

**Name of Public Authority: Cyngor Sir Gâr  
(Carmarthenshire County Council)**

**Address of Public Authority: Neuadd y Sir  
Caerfyrddin  
Sir Gaerfyrddin  
SA31 1JP**

**County Hall  
Carmarthen  
Carmarthenshire  
SA31 1JP**

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 10<sup>th</sup> January 2005 the following information was requested by the Complainant from Cyngor Sir Gâr (Carmarthenshire County Council) under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Full details of all vehicles currently owned or operated by, or on behalf of, Carmarthenshire County Council (excluding cars privately owned by members of staff). For each vehicle please indicate:

1. Fleet number allocated (if any)
2. Registration mark
3. Vehicle make and model
4. Chassis number or VIN (vehicle identification number)
5. Date acquired by the Council
6. Date new (if acquired second hand)
7. Whether the vehicle is owned outright, leased or hired (etc.)

In the case of commercial vehicles, please also provide details of:

1. Type of body (e.g. drop-side tipper, gully emptier, mobile library, etc)
2. Name of body builder or converter (if different from the chassis manufacturer)
3. Manufacturer's body number (if any)
4. Seating capacity, in the case of a passenger vehicle other than a car (e.g. minibus) and whether a wheelchair lift is fitted.

Please also supply similar information for any vehicles disposed of during 2004, and in those cases add:

1. Date of disposal/sale
2. To whom the vehicle was sold."

It is alleged by the complainant that the public authority incorrectly applied the exemption in Section 31 (1) (a) of the Act to withhold the requested information about vehicle registration marks (VRMs) and vehicle identification numbers (VINs) on the basis that its disclosure would be likely to prejudice the prevention and detection of crime.

It is also alleged by the complainant that the council issued a refusal notice on 25<sup>th</sup> January 2005 that did not comply with the requirements of Section 17 of the Act in that it did not state the council's reasons for claiming that, in all the circumstances of the case, the public interest in maintaining the exemption in Section 31 (1) (a) of the Act outweighed the public interest in disclosing the information.

### **The Commissioner's Decision**

Under Section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

In relation to that part of the information about vehicle identification numbers the Commissioner is satisfied that the disclosure of this information would be likely to prejudice the prevention and detection of crime. He has reached this conclusion in the light of advice from the Thames Valley Police and the DVLA that availability of vehicle identification numbers (VINs) to the public at large would be likely to increase the risk of vehicle cloning. Therefore the Commissioner is not satisfied that there is any obvious public interest in disclosing VINs.

The Commissioner is also satisfied that the public interest in maintaining the exemption in Section 31 (1) (a) of the Act in relation to the information about vehicle identification numbers outweighs the public interest in disclosing the information.

The Commissioner is therefore satisfied that the council has dealt with the request in accordance with the requirements of Part I of the Act in that it has applied the exemption in Section 31 (1) (a) of the Act correctly in withholding the information about vehicle identification numbers (VINs).

In relation to the information about vehicle registration marks the Commissioner is not satisfied that the disclosure of this information would be likely to prejudice the prevention and detection of crime.

The Commissioner is therefore not satisfied that the council has dealt with the request in accordance with the requirements of Part I of the Act in that it has not applied the exemption in Section 31 (1) (a) of the Act correctly in withholding the information relating to vehicle registration marks.

Following the intervention of the Information Commissioner's Office, the council has since provided the complainant with the information relating to vehicle registration marks. The council did not provide the complainant with information about vehicles used for covert surveillance work as, in his complaint to the Commissioner; he had stated that he was happy for this information to be excluded from his application.

In relation to the refusal notice issued by the council on 25<sup>th</sup> January 2005 the Commissioner is not satisfied that this complied with the requirements of Section 17 of the Act in that the notice failed to state the authority's reasons for claiming that, in all the circumstances of the case, the public interest in maintaining the exemption in Section 31 (1) (a) of the Act outweighed the public interest in disclosing the information.

The council wrote to the complainant on 16<sup>th</sup> February 2005 conceding that its refusal notice of 25<sup>th</sup> January 2005 did not provide a full explanation of its assessment of the public interest test. The Commissioner has since provided the council with advice as to what information should be included in refusal notices in order to comply with the requirements of Section 17 of the Act.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 24<sup>th</sup> day of November 2005

Signed: .....

Richard Thomas  
Information Commissioner

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## Statement of Reasons

The complainant requested the following information from the council on 10th January 2005.

“Full details of all vehicles currently owned or operated by, or on behalf of, Carmarthenshire County Council (excluding cars privately owned by members of staff)”. The complainant also provided a list of the information details requested and this included such things as; the fleet number of each vehicle, the date the vehicle was acquired by the council, the type of body, the seating capacity, the chassis number or vehicle identification number (VIN) and the vehicle registration mark (VRM) of each vehicle.

The council provided the complainant with the requested information apart from the information about vehicle registration marks and vehicle identification numbers. The council withheld this information under Section 31 (1) (a) of the Act on the basis that its disclosure would be likely to prejudice the prevention and detection of crime.

The complainant then made a complaint to the Information Commissioner alleging that the council had incorrectly applied the Section 31 exemption to the information relating to vehicle identification numbers and vehicle registration marks. The complainant further alleged that the council had issued a refusal notice that did not comply with Section 17 of the Act.

## Request for information

The Commissioner has considered the application of s31 (1) (a) to the information requested as follows;

1. Whether disclosure of the information requested by the complainant would, or would be likely to, prejudice the prevention or detection of crime and, if so,
2. whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In respect of information about vehicle identification numbers the Commissioner is satisfied, from information supplied to the Commissioner about advice obtained from Thames Valley Police and the DVLA, that the council has correctly applied the provisions of s31 (1) (a) and has established (1) that disclosure of this information would be likely to prejudice the prevention and detection of crime and (2) that the public interest in maintaining the exemption in Section 31 (1) (a) of the Act outweighs the public interest in disclosing the information relating to vehicle identification numbers.

In respect of the disclosure of information about vehicle identification numbers, the Commissioner is therefore satisfied that the council applied the provisions of s31 (1) (a) of the Act correctly.

With regard to the information relating to vehicle registration marks, the Commissioner is not satisfied that the council has established that disclosure of this information would be likely to prejudice the prevention and detection of crime.

Accordingly, in respect of the disclosure of the information relating to vehicle registration marks the Commissioner is not satisfied that the council applied the provisions of s31 (1) (a) correctly.

### **Refusal Notice**

Section 17(3) of the Act provides that, in a refusal notice which relies upon the provisions of s(2) (2) (b), the refusal notice must state the reasons for claiming that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information .

Having seen a copy of the refusal notice issued by the council on 25<sup>th</sup> January 2005 the Commissioner is satisfied that the refusal notice did not comply with Section 17 of the Act in that it did not state the reasons why the public interest in maintaining the exemption outweighed the public interest in disclosing the information.