

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 24 October 2022

**Public Authority:** Chief Constable of West Midlands Police  
**Address:** Lloyd House  
Snow Hill Queensway  
Birmingham  
B4 6DG

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about stolen Range Rovers including the vehicle registration number of each stolen vehicle. The above public authority ("the public authority") provided most of the information but relied on section 40(2) of FOIA to withhold the specific vehicle registration numbers.
2. The Commissioner's decision is that the public authority is entitled to rely on section 40(2) of FOIA to withhold the requested information.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 10 March 2022, the complainant wrote to the public authority and requested information in the following terms:

"With regard to Range Rover Sport motor vehicles, I am seeking for the period 01/01/2021 to 31/12/2021, by month, in excel format:

- [1] The number stolen per month
- [2] The month in which recovered, if recovered
- [3] The age of each of the above vehicles
- [4] The value of each of the above vehicles (the value given / recorded / held)
- [5] Whether they were believed to be stolen with keys
- [6] Whether they were recovered with or without collision damage

[7] The registration marks of the vehicles (to assist with determining model, age, specification and value)."

5. The public authority responded on 22 March 2022. It refused elements 1 to 6 of the request, relying on section 12(1) of FOIA to do so – although it noted that it did not hold all the information within the scope of elements 3 and 4 and provided information within the scope of elements 1, 2, 5 and 6. In respect of element 7, it relied on section 40(2) of FOIA to withhold the information.
6. Following an internal review the public authority wrote to the complainant on 20 April 2022. It corrected some of the data that it previously provided but continued to rely on section 40(2) to withhold the information within the scope of element 7.

## **Reasons for decision**

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7. A public authority may rely on section 40(2) of FOIA to withhold the personal data of a third party if disclosure outside of FOIA would breach data protection law.
8. The complainant argued that the information in question was not personal data as the vehicle registration number (VRN) relates to a vehicle (which, by definition, is not a person) and not to a living individual. This was a particularly important distinction, he argued, because:

“Currently, the vehicles are highly unlikely to belong to a living individual. Having been stolen they are more likely to belong to a corporate entity, an insurer. Furthermore, the high value model, the Range Rover Sport, is often obtained on finance; the owner would have been and may still be the finance company. These vehicles are also commonly company cars, owned by companies.”
9. The Commissioner considers that the information in question is personal data in this context. Revealing an individual VRN reveals that the vehicle in question has been stolen. That in turn means that the person who previously kept that vehicle has been the victim of crime – because they have had their vehicle stolen.
10. The neighbours or work colleagues of the person who kept the vehicle, prior to any theft, are likely to be aware that their neighbour or colleague had a Range Rover and may well be aware of the VRN of that vehicle – particularly if it had a personalised plate. Those neighbours or colleagues would then be able to use the withheld information to identify

the keeper of the vehicle as having had their vehicle stolen – that is the personal data of the keeper of each vehicle.

11. Personal data can only be disclosed if publication to the world at large is necessary to meet a legitimate interest.
12. The complainant has argued that he wants the individual VRNs to determine the age, model and specification of the vehicles stolen – presumably to identify any trends. Whilst the Commissioner is sceptical that such information has much use to those outside of law enforcement (who already have access to this information and thus do not require the information to be published), he does consider that this a legitimate interest – albeit not a strong one.
13. The Commissioner also considers that publication to the world at large is necessary in this instance. The public authority has already confirmed that it does not keep records of the age of vehicles that are stolen so there does not appear to be any less privacy-intrusive method of achieving the legitimate interest.
14. However, even where disclosure is necessary, personal data must still not be disclosed unless the legitimate interest outweighs the rights of the data subjects.
15. The Commissioner has already noted above that he does not consider the legitimate interest he has identified to be particularly strong.
16. Publishing the withheld information would inform every person familiar with the keeper of each vehicle that the keeper's vehicle had been stolen and that they were thus a victim of crime. Whilst the keepers concerned may have divulged that information to close friends or family that is not the same as publishing the information for all to see.
17. Keepers of vehicles (and indeed victims of any crime) have a reasonable expectation that, when they report a crime to the police, that the police will protect their identity as a victim of crime to the fullest possible extent. Disclosure would therefore be contrary to their reasonable expectations and thus likely to cause them damage and distress.
18. The Commissioner is thus satisfied that the public authority is entitled to rely on section 40(2) of FOIA to withhold the requested information.

## Right of appeal

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19. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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 .....**

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**