

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 November 2022

Public Authority: Vehicle Certification Agency
(an executive agency of the Department for Transport)

Address: 1 The Eastgate Office Centre
Eastgate Road
Bristol
BS5 6XX

Decision (including any steps ordered)

1. The complainant has requested information from the Vehicle Certification Agency ("VCA") regarding headlight installation and detection systems in vehicles. The VCA stated that it did not hold the requested information, however it provided the complainant with some background information which it did hold.
2. The Commissioner's decision is that the VCA has complied with section 1 of FOIA and, on the balance of probabilities, does not hold the requested information.
3. Therefore the Commissioner requires no steps to be taken.

Request and response

4. On 9 May 2022, the complainant wrote to the Vehicle Certification Agency ("VCA") and requested information in the following terms:

"My request for information concerns the systems installed in UK road vehicles for automatically dipping or shading the vehicle headlights

when the system detects the lights of other vehicles. In particular whether or not these systems are compatible with bicycle lights that conform to the British Standard (BS6102/3). I note some material promoting such systems give the example of a car following a bicycle and automatically dipping their headlights by detecting the bicycle's rear light."

5. The VCA responded on 12 May 2022. The request had been treated as "business as usual" and responded to by the Safety Technologies Group ("STG") within the VCA. The STG provided a technical explanation regarding the complainant's query about headlight systems.
6. On 13 May the complainant acknowledged the response and asked for the request to be treated under FOIA/EIR. The VCA acknowledged that request on 17 May and stated that it was treating the request under FOIA.
7. Following an internal review the VCA wrote to the complainant on 7 June 2022. It stated that it did not hold information on the compatibility of the automatic control of the main beam headlamps with bicycle lamps conforming to BS6102/3. It directed the complainant to the relevant legislative text on the United Nations Economic Commission for Europe ("UNECE") website.

Scope of the case

8. The complainant contacted the Commissioner on 12 August 2022 to complain about the way their request for information had been handled.
9. The Commissioner has considered the VCA's handling of the complainant's request, in particular whether it holds the requested information.

Reasons for decision

Section 1 – general right of access

10. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to him.
11. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and

arguments. He will also consider the actions taken by the authority to check that the information is not held and he will consider any other reasons offered by the public authority to explain why the information is not held. The Commissioner will also consider any reason why it is inherently likely or unlikely that information is not held.

12. The VCA has stated that it has no business purpose for holding the requested information. It does not have any involvement in the approval of bicycle lights or, by extension, confirming the compatibility of vehicle systems with British Standard (BS6102/3).
13. The VCA explained that it had conducted a search of its Information System for Type Approval (VISTA) to confirm if there was any reference to the above British Standard and no matches were found. It also stated that it typically only holds copies of BS standards where they are referenced in national or international legislation, hence the search of VISTA to confirm the requirements in the relevant legislation, i.e. UNECE regulation 48.
14. The VCA explained that it had searched all its records for any reference to the above British Standard as such records, if held, would be held in electronic format. It received nil results, meaning that it was not referenced in legislation, nor had the VCA referenced it in any test report. It confirmed that British Standards were referenced in a specific library which was part of the VISTA system. Searches of this library returned nil results.
15. On the balance of probabilities the Commissioner is satisfied that the requested information is not held by the VCA, as he has not been provided with any evidence that the VCA would hold further recorded information. The Commissioner also notes that the VCA assisted the complainant by providing them with background information regarding specific vehicle requirements in terms of lighting installation, in terms of pointing him towards relevant legislation.
16. The Commissioner is satisfied that the VCA has complied with its obligations under section 1(1)(a) FOIA in this case. He is therefore satisfied that the VCA has complied with the requirements of section 1 of FOIA.

Right of appeal

17. 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

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

18. 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.
19. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF