

Freedom of Information Act 2000 (FOIA) Decision notice

Date: 4 May 2023

Public Authority: Chief Constable of Dyfed Powys Police
Address: Police Headquarters
PO box 99
Llangunnor
Carmarthen
SA31 2PF

Decision (including any steps ordered)

1. The complainant has requested information about written off/damaged police vehicles from Dyfed Powys Police ("DPP"). DPP disclosed some information but refused to provide the withheld information citing section 31(1)(a) and (b) – (Law enforcement) of FOIA.
2. The Commissioner's decision is that DPP was entitled to rely on sections 31(1)(a) and (b) of FOIA to refuse to disclose the withheld information and the public interest favours maintaining the exemptions.
3. No steps are required as a result of this decision.

Request and response

4. On 5 December 2022, the complainant wrote to the public authority and requested information in the following terms:

“Please provide me with the following information, in excel format, if possible, since 01/01/2017:

 1. the VRM of your vehicles written-off / damaged such that they were considered salvage
 2. the date of loss
 3. the mileage at loss
 4. the value at loss
 5. the sum you received for the salvage
 6. how they were disposed of i.e. to whom did they pass for sale/destruction.”
5. On 6 January 2023 DPP responded including a spreadsheet containing the basic data for points 2 to 6 of the request and citing section 31(1)(a) and (b) of FOIA to withhold the requested information to point 1.
6. The complainant replied on the 25 January 2023 and requested an internal review of DPP’s response.
7. DPP upheld its original position at internal review on 3 February 2023.
8. Several further exchanges took place before the complainant brought their concerns to the Commissioner on 20 March 2023.

Reasons for decision

Section 31 – Law enforcement

9. The following analysis sets out why the Commissioner has concluded that DPP were entitled to rely on section 31(1)(a) and (b) of FOIA in this particular case.
10. Section 31(1)(a) and (b) of FOIA allows a public authority to withhold information if its disclosure under the Act would, or would be likely to, prejudice the prevention or detection of crime and the apprehension or prosecution of offenders.
11. DPP explained that the exemptions had been applied to withhold the information as the release of such information to a requester is not the

sole release to them as an individual but a release to the world at large. This would be invaluable to those with criminal intent as criminals would be able to identify the VRMs and use this knowledge to their own advantage in furthering criminal activity not only within the immediate area but also throughout the country.

"This would or would be likely to prejudice the prevention or detection of crime and the apprehension or prosecution of offenders."

12. They also argued that: "Although VRNs are an overtly displayed marker that can be clearly seen and are intended to be seen, to disclose a ready-collated list of vehicles with complete vehicle registration numbers would be substantially more harmful than the limited availability of related information via the visibility of vehicles whilst on public roads. In practice, all of this information is not realistically accessible to a member of the public and is therefore not in the public domain."
13. The Commissioner accepts that the potential prejudice described by DPP clearly relates to the interests which the exemptions contained at section 31(1)(a) and (b) of FOIA is designed to protect.
14. The Commissioner is also satisfied that the prejudice being claimed is "real, actual or of substance", and that there is a causal link between disclosure and the prejudice claimed. It is clearly logical to argue that the disclosure of information associated with specific vehicles, is an easy way to identify them.
15. Having considered all the circumstances in this case, the Commissioner has therefore decided that section 31(1)(a) and 31(1)(b) are engaged. He has gone on to consider the public interest.

Public Interest Test

16. Sections 31(1)(a) and (b) are qualified exemptions and are subject to the public interest test set out in section 2(2)(b) of FOIA. The Commissioner has considered whether, in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosure.
17. In balancing the public interest arguments, the Commissioner accepts that disclosure would to some extent help to increase openness and transparency of DPP's function in respect of how it utilises and finally disposes of its assets when at the end of their core function. However, he acknowledges the availability of DPP's disposal methods and remuneration for this process. The Commissioner also acknowledges

that there is a clear public interest in protecting society from the impact of crime, as this helps prevent criminal acts which adversely impact on the public's wellbeing and on the public purse.

18. The Commissioner recognises that information relating to the specific VRMs is of particular interest to the complainant as it could help with checking if a vehicle had been cloned, ringed or used in another criminal way. It could possibly indicate the corporate approach to the scale of the issue. However, disclosure under FOIA is disclosure to the world at large and not just the requester in this case. The Commissioner is not able to take into account the private interests of the complainant in his decision. He must therefore consider whether the information is suitable for disclosure to everyone.
19. Disclosing information regarding specific vehicle identification within an area could help to circumvent the lawful or otherwise use of a vehicle, and would be likely to prejudice any current or future investigation and therefore the potential detection and prevention of crime. Having found the exemptions are engaged as disclosure would be likely to result in prejudice to the prevention or detection of crime, the Commissioner believes that this outcome would be counter to the public interest. The Commissioner concludes that the public interest in maintaining the exemptions outweighs the public interest in disclosure, and therefore DPP was entitled to rely on sections 31(1)(a) and (b) to withhold the information.

Right of appeal

20. 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

21. 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.
22. 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

Joanna Marshall
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF