

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 July 2024

Public Authority: Driver and Vehicle Licensing Agency (DVLA)
(an executive agency of
the Department for Transport)

Address: Longview Road
Morrison
Swansea SA6 7JL

Decision (including any steps ordered)

1. The Commissioner's decision is that DVLA is entitled to refuse the request for information about its vehicle database under section 12(1) of FOIA as the cost of complying with it would exceed the appropriate limit. There was no breach of section 16(1), which concerns advice and assistance.
2. It's not necessary for DVLA to take any corrective steps.

Request and response

3. The complainant made the following information request to DVLA on 25 October 2023:

"I understand when the DVLA receives an application for a vehicle that has been stolen, the police advise you to process these applications as normal. If a V5C is issued, a notification is automatically sent to the police to advise them of this.

please:

1. provide a copy of this policy/advice or, in the alternative,

2. provide the process adopted upon receipt of a request for a VRM recorded as stolen

and month on month since 01/01/2023 to the present date, advise:
3. how many V5C's have been issued for VRMs that are recorded as stolen
4. DVLA responded to this request on 22 November 2023. It addressed parts 1 and 2 of the request and relied on section 12 of FOIA to refuse part 3. DVLA said that, given the scope of this part and the work involved, it couldn't suggest how the request might be refined.
5. On the same day, the complainant requested an internal review of DVLA's response to all three parts of the request. With regard to part 3, they asked:

"If you are unable to run a routine that outputs 'date stolen' with 'date of last v5C issue' ('fields' I understand exist, the latter being available via API) and thereby address my request, what fields are you able to run routines on?"
6. This was, in effect, a new request.
7. DVLA provided a response on 28 February 2024. With regard to its response to parts 1 and 2 of the request of 25 October 2023, DVLA confirmed it was withholding the relevant operating instructions under section 31(1)(a) of FOIA (law enforcement).
8. Regarding the new request of 22 November 2023, DVLA advised that it held this information but that under section 21 it was exempt information as it was already reasonably accessible to the complainant. DVLA's reference to section 21 isn't clear as it also said that in a refusal on 25 October 2023 of a separate request it had told the complainant that it couldn't advise what fields DVLA can run scans on, because a bespoke scan of the vehicle record would be required to obtain this information. DVLA had estimated that the cost of doing so would exceed the £600 limit that applies to DVLA.
9. On 28 February 2024 the complainant requested an internal review and gave examples of the kind of scans of the vehicle register that they wanted to know whether DVLA could run.
10. DVLA provided a review on 28 February 2024, advising that it had nothing further it could add.

11. Correspondence between the complainant and DVLA continued and DVLA asked the complainant to clarify the scope of their request. On 4 March 2024, the complainant said that they wished to understand:

“...which of the data fields you could run such reports on, as per the return above (make/stolen/police) without having to undertake a bespoke routine”

12. This is a clarification of the request of 22 November 2023.
13. The complainant submitted a complaint to the Commissioner on 6 March 2024 and, as such, the Commissioner has disregarded the correspondence that continued after that date.

Reasons for decision

14. In their complaint to the Commissioner, the complainant said, “I believe s12 has bene [sic] applied inappropriately and that information about data fields can be provided.”
15. DVLA has confirmed to the Commissioner that it’s relying on section 12(1) of FOIA to refuse the complainant’s request.
16. This reasoning therefore doesn’t concern the request of 25 October 2023. This reasoning is focussed on DVLA’s reliance on section 12 of FOIA to refuse the request of 22 November 2023 which was clarified on 4 March 2024; that is, the request for a list of the data fields in DVLA’s vehicle register against which DVLA is able to run scans.
17. Under section 12(1) of FOIA a public authority such as DVLA can refuse to comply with a request if the cost of complying would exceed the appropriate limit of £600 for DVLA as part of a central government department (24 hours work at £25 per hour).
18. Section 16(1) obliges a public authority relying on section 12 to offer an applicant advice and assistance, if it’s possible to do so, to refine their request to bring complying with it within the cost limit.
19. In its submission to the Commissioner DVLA first noted that the complainant asked a similar question in the earlier request that generated its section 12 refusal of 25 October 2023. DVLA went on to say that it considers that, in the request being considered here, the complainant is seeking information to help them to make information requests to DVLA that don’t engage section 12 of FOIA. DVLA confirmed that it’s not possible to provide [within the cost limit] information to meet the request - ie a definitive and searchable list of fields within its vehicle register.

20. By way of background, DVLA explained that the primary purpose of DVLA's vehicle register is to hold vehicle keeper contact details, as well as technical information specific to each of the 50 million vehicles registered within the UK. When a vehicle is registered, DVLA issues a vehicle registration certificate (V5C).
21. DVLA said that "Part 4 of that certificate contains details including the make, model, colour, change of keeper dates and mileage if provided by the keeper/s" and that "that this isn't an exhaustive list, as part of that document provides an extract of the vehicle register in hard copy. Additional information about some of the fields that are held on the vehicle register can be found by viewing page 3 of the 'Bulk data set document' at the following link GOV.UK¹."
22. DVLA explained that it can run scans against its vehicle register to provide statistics to answer FOIA requests, providing the work doesn't exceed the appropriate cost limits. For example, DVLA routinely scans its register to manage FOIA requests for statistical information about vehicles, such as "the number of vehicles recorded as stolen by make and model in 2023", or "the number of vehicles written off or scrapped each year."
23. DVLA went on to say that, in the current case, in its response of 22 November 2023 it had applied section 12 of FOIA to retrieving and extracting the readily available fields within its vehicle register. However, following the complaint made to the Commissioner, it was able to retrieve the entirety of the information it holds onto an Excel spreadsheet. This contains over 9,000 fields, some of which may be obsolete, and many others are not readily available via a routine scan. DVLA has provided the Commissioner with a copy of this spreadsheet.
24. DVLA directed the Commissioner to more detail about the complexities of running bespoke scans against the DVLA's register, at paragraph 23 of the First Tier (Information Rights) Tribunal decision, EA/2016/0268². The Tribunal upheld the Commissioner's decision that section 12 of FOIA was engaged in respect of information that had been requested from DVLA's vehicle register.

¹ <https://www.gov.uk/government/publications/bulk-data-set-information-for-vehicle-buyers>

²

[https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2055/Matveyev,%20Pavel%20EA-2016-0268%20\(25.09.17\)%20AMENDED%20DECISION.pdf](https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2055/Matveyev,%20Pavel%20EA-2016-0268%20(25.09.17)%20AMENDED%20DECISION.pdf)

25. Concluding its submission, DVLA said that having reviewed the information it's managed to extract against the complainant's request, it considered that it doesn't hold information that the complainant is seeking. This is because it doesn't hold a document containing a readily available list of fields that can be searched against, or that could allow routine scans and reports to be run on for the purposes of answering FOIA requests [within the appropriate cost limit].
26. To be clear, the Commissioner is satisfied that DVLA can be said to hold the information that's been requested as it holds the 'building blocks' – the 9000 fields. What DVLA considers it can't do within the cost limit under section 12(1) of FOIA is compile a list of the searchable fields from those 9000 fields.
27. The complainant in this case hasn't requested a bespoke scan as such, like the example DVLA has given at paragraph 34. They've requested the fields on which DVLA is able to run "routines" ie bespoke scans.
28. In addition to DVLA's written submission, the Commissioner spoke to DVLA about the request on 11 July 2024. DVLA first queried whether, in fact, it can be said to hold the requested list because it doesn't currently hold a list of searchable fields. However, as above, the Commissioner considers that because DVLA holds the 'building blocks' for such a list it holds the information. He's considering here whether DVLA can comply with the request for that list within the cost limit.
29. DVLA advised the Commissioner that the software, hardware and structures behind its vehicle register database were developed in the 1970s and the register is very complex and difficult to interrogate.
30. DVLA has been able to extract the 9000 fields generated by the register. It explained that some of these fields are and will be searchable and it will be possible to extract data from those. It also explained that it often extracts data from these fields to respond to Parliamentary Questions, to gather management information or to respond to common and straightforward requests for information.
31. However, some of the fields won't be searchable. But, DVLA told the Commissioner, it won't know whether or not a field is searchable until it gets a request for the information generated by that field. And because of the age and shortcomings of the register, the process of determining whether it's possible to extract data from a field is, DVLA said, extremely time-consuming. The significant challenges involved in interrogating the register database are discussed at paragraph 23 of the above Tribunal decision.

32. Based on its submission, his subsequent discussion with DVLA and the Tribunal decision, the Commissioner is satisfied that it would exceed the appropriate cost limit under section 12(1) of FOIA to comply with the complainant's request. The Tribunal's decision makes it clear the work that's involved in running bespoke scans against DVLA's register. Similar work would be needed to establish which of the 9000 fields in the register are capable of being searched and can have data extracted from them, in order to draw up the list of searchable fields that the complainant has requested.
33. Regarding section 16(1) of FOIA, in its response to part 3 of the request of 25 October 2023, DVLA advised that because of the work involved, that request couldn't be refined. The Commissioner is satisfied, for the same reason, that there's no advice and assistance DVLA could reasonably offer the complainant in relation to the current request. In the circumstances and given the breadth of the request and way the information is held, he doesn't consider the request of 22 November 2023 could be refined to bring complying with it within the cost limit.

Other matters

34. DVLA has explained to the Commissioner that if it received a FOIA request for vehicle information that wasn't readily available, it would refuse it as cost prohibitive. It illustrated this point with the following example. Using some of the fields within the Excel spreadsheet of 9000 fields, an applicant may ask for "the number of Ford Fiestas recorded as stolen in 2023, exported in 2024, where the keeper was subject to enforcement action." This would require a bespoke scan and would therefore be refused under section 12.
35. DVLA said it handles each request on its own merits and manages them accordingly. But, in addition, any information extracted from its vehicle register may also engage other exemptions under FOIA, for example, a request for Vehicle Identification Numbers or names and addresses of vehicle keepers would engage section 40(2) of the FOIA (personal data).
36. The situation is, therefore, that even if it were possible to compile the list of searchable fields within the cost limit, when combined together into a bespoke scan, such as those the complainant gave to DVLA in their correspondence with it, or DVLA's example at paragraph 34, some of these combinations are likely to be time-consuming to scan against, for the reasons DVLA has given. It may then exceed the cost limit to carry out a search and extract data against that bespoke scan, or the information, if it's possible to extract it, may be subject to an exemption.

37. DVLA therefore believes that providing the Excel spreadsheet of 9000 fields the complainant won't help the complainant (or the wider public) to make information requests to the DVLA. Conversely, it could lead individuals to believe that all the information held within these fields is readily available and disclosable when it isn't.
38. The Commissioner notes that DVLA isn't required to disclose the spreadsheet of 9000 fields as this isn't what the complainant requested. They requested a list of searchable fields and the whole spreadsheet of 9000 fields isn't that list.

Right of appeal

39. 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

40. 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.
41. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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