



# Department for Transport

Mr Owen Boswarva  
[By email:  
owen.boswarva@gmail.com]

DEPARTMENT FOR TRANSPORT  
INFORMATION RIGHTS TEAM  
3<sup>RD</sup> FLOOR  
ONE PRIORY SQUARE  
HASTINGS  
TN34 1EA

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: F0020605

3<sup>rd</sup> March 2022

## Freedom of Information Act Complaint – F0020605

Dear Mr Boswarva,

I am replying to your request, received on the 6<sup>th</sup> February 2022, for an internal review of the Department's response to your FOI request. You originally asked for statistical information about the number of licensed vehicles in the UK, based on 2011 Census geography. You also asked the Department to grant permission to re-use any information it released under the terms of the Open Government Licence v3

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

The Department's reply dated the 26<sup>th</sup> January 2022 confirmed that it held relevant recorded information and provided you with a spreadsheet containing two tabs of statistical information. The Department further explained that some of the information was exempt from disclosure in reliance on the third party personal information exemption at section 40(2)&(3A)(a) of the FOI Act due to the small number of vehicles registered in particular geographical areas (all values of between 1 and 4). The Department explained that release of this information would be likely to lead to identification of living individuals if pieced together with other information already in the public domain. The Department also confirmed that the dataset released to you can be freely used and shared openly.

In your request for an internal review you stated that, in your opinion, the Department was mistaken in its application of the section 40 personal information exemption to justify withholding the low value numbers and that the Department had not provided a clear statement of permission and / or conditions for your re-use of the disclosed information.

Your request for a review has been passed to me to deal with as I had no involvement in the handling of your original request.

In reaching my decision I have carefully considered your complaint, reviewed Information Commissioner's Office guidance and read the ICO Decision Notice & Upper Tribunal Case that you provided links to.

### **Scope of the Review**

The scope of my review will be to consider if the Department was correct to cite the third party personal information exemption at section 40 of the FOI Act to withhold the numbers between 1 and 4. I will also review the Department's response to your request for permission to re-use the released statistical information.

### **Findings**

I have spoken to the statistics team that produced the information for your original response. They explained to me that the extract of data belongs to the Driver & Vehicle Licensing Agency (DVLA) which is one of the Department for Transport's executive agencies. The team respond to information requests of the type you submitted on behalf of the DVLA.

I have been assured that consideration was given to releasing all of the information you requested including the numbers between 1 and 4. A blanket approach was not applied as suggested in your internal review request.

With regards to the statistical information that was released I have reviewed the spreadsheet and sought clarification from the team as to what information is presented on each of the tabs. It has been explained to me that column A contains a unique code which is linked to the 2011 census geography areas and that these codes can easily be looked-up on the internet to identify a particular area of the country. The remaining columns contain details of the number of licensed vehicles broken down by cars, motorcycles and others. I have also viewed the withheld information which, as explained to you, has been replaced in the spreadsheet with a letter 'c'. Taking everything into consideration I am content that it would be possible to identify living individuals from the information on the spreadsheet coupled with other information already in the public domain or known to individuals locally, especially in very small areas with low numbers. These individuals have a reasonable expectation that information about them and their vehicles will not be placed into the public domain. To do so would be unfair and would contravene current Data Protection legislation. Therefore this is, in my view, third party personal data which needs to be protected.

I note the text in the ICO's Code of Practice on Anonymisation that you drew the Department's attention to but even that states, 'small numbers in small geographical areas presents increased risk'. The Department cannot take any risks with the public's personal information.

I have also read the Upper Tribunal decision and the ICO decision notice that you drew the Department's attention to. I think that is a slightly different scenario in that the geographical location relates to the pharmaceutical dispensary rather than where the data subject might be found.

## **Re-Use of the Released Statistical Information**

Your original FOI request sought permission under the Re-Use of Public Sector Information Regulations 2015 to re-use all of the statistical information provided and asked for permission to be granted under the Open Government Licence v3. In the Department's original response it confirmed that the dataset can be freely used and shared openly. Having discussed this further with the team I can confirm that the Open Government Licence v3 allows you to re-use the statistical information that the Department supplied to you.

## **Summary**

Taking everything into consideration, I uphold the Department's decision to withhold the low value numbers between 1 and 4 in reliance on the section 40(2)&(3A)(a) third party personal information exemption. However, I can confirm that the Open Government Licence v3 allows you to re-use the released information.

## **Next Steps**

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

Yours sincerely



**Information Rights Team**