

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 January 2023

Public Authority: Driver and Vehicle Licensing Agency
(Department of Transport)

Address: Longview Road
Morrison
Swansea
SA6 7JL

Decision (including any steps ordered)

1. The complainant has requested information about the circumstances in which a driving licence can be issued to a person without a permanent residential address. The above public authority ("the public authority") disclosed the majority of the requested information, but withheld a small section, relying on section 31 of FOIA in order to do so.
2. The Commissioner's decision is that the public authority has correctly applied section 31 of FOIA and that the balance of the public interest favours maintaining the exemption.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 23 August 2022, the complainant wrote to the public authority and requested information in the following terms:

"My request is as follows:-

1. Please can you make disclosure of any DVLA owned policies and/or procedures which relate to the assessment, management and/or processing of applications for drivers who do not have a permanent residential address or are currently deemed No Fixed Abode (for example drivers who are homeless, victims of domestic violence and/ or otherwise estranged from their usual permanent residential address).

2. Please can you make disclosure of any DVLA owned policies and/or procedures which relate to the assessment, management and/or processing of applications for drivers who are currently resident within a prison or secure hospital.”
5. The public authority responded on 16 September 2022. It provided a copy of the information it held, except for one part that it relied on section 31 of FOIA to withhold. It upheld this position at internal review.

Reasons for decision

6. Section 31 of FOIA allows a public authority to withhold information that would make it easier for someone to commit a crime, or for law enforcement bodies to determine who was responsible for a crime.
7. The public authority explained to the Commissioner that the addresses contained on driving licences (and hence recorded on its systems) were an invaluable resource for the police and other law enforcement bodies in establishing where a particular person has their home. It is therefore of particular importance that the information on a person's driving licence is accurate and up to date.
8. There are a limited number of circumstances in which the DVLA will issue a licence to a person not living at a residential address. This can include some prisoners and those on a refugee settlement scheme whose current address is a hotel. However, in both these circumstances (and the other circumstances referred to in the information that has been disclosed), the applicant must provide corroborating evidence of their circumstances before a licence will be issued.
9. The withheld information outlines a particular set of circumstances in which the public authority would issue a driving licence to a person without a permanent residential address. This exception could be exploited if widely known. Unfortunately the Commissioner cannot explain further without revealing the withheld information itself.
10. Having seen the information being withheld, the Commissioner understands why this particular exception exists and why further knowledge would be undesirable. He accepts that revealing this information would make it easier for a person to submit a fraudulent claim for a driving licence (which is an offence in itself) and would also make it harder for police to track down suspects and witnesses in the event that a crime is committed.
11. The Commissioner is therefore satisfied that section 31 of FOIA is engaged.

Public interest test

12. The Commissioner recognises that there is a public interest in being able to understand the public authority's processes and that those applying for a driving licence without a permanent residence should be able to take advantage of the exceptions available to them, where applicable.
13. However, there is also a strong public interest in preventing fraudulent applications for driving licences.
14. Moreover, in this case, there are particular reasons why it is important that the withheld information is not more widely shared. Again, the Commissioner cannot expand on those reasons without revealing the content of the information being withheld, but he is satisfied that it is strongly in the public interest that the information is not disclosed.
15. The Commissioner is therefore satisfied that section 31 of FOIA is engaged and that the balance of the public interest favours maintaining the exemption.

Right of appeal

16. 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

17. 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.
18. 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