

Date: 15 April 2024
Your reference:
Our reference: DBC\FOI\10518 - R884103
Contact: Freedom of Information team
Email: foi@dacorum.gov.uk
Direct line:



The Forum
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1DN

Telephone 01442 228000
www.dacorum.gov.uk
D/deaf callers, Text Relay:
18001 + 01442 228000

Mr David Agnew
8 Rowthorn Drive
Monkspath
Solihull
B90 4ST

By email to: agnew.april24@aol.com

Dear Mr Agnew

Your request dated 11 April 2024 for information under the Freedom of Information Act 2000. Our reference: DBC\FOI\10518

Thank you for your FOI request to this authority.

In your correspondence you have requested the information set out below and in what follows I set out the Council's response:

(1) DETAILS OF REQUEST

You requested the following information:

Please can you supply me with the following information?

Registration number:

Make:

Model:

of all vehicles registered as a Taxi, Hackney Carriage or for Private Hire between 22nd November 2023 and 31st March 2024 within your Council.



(2) RESPONSES

SF68 HTP	Ford Tourneo
PF21 VWB	Volkswagen Passat
LS15 XXG	Mercedes-Benz E220
CK67 GVR	Toyota RAV4
VU68 ZUD	Toyota RAV4
	Lexus RX450H
	Toyota Avensis
	Mercedes-Benz E220
	Ssangyong Rodius
	Mercedes-Benz C220
	Volkswagen Sharan
	Toyota Prius Plus
	Toyota Prius
	Volkswagen Passat
	Volkswagen Sharan
	Mercedes-Benz V250
	Seat Alhambra
	Mercedes-Benz E220
	Toyota Corolla
	Mercedes-Benz E220
	Mercedes-Benz E220
	Mercedes-Benz E220
	Mercedes-Benz Vito
	Volkswagen Passat
	Ford Galaxy
	Mercedes-Benz E220
	Volkswagen Sharan
	Mercedes-Benz V250
	Mercedes-Benz C220
	Ford Galaxy
	Seat Alhambra
	Ford Mondeo
	Mercedes-Benz Vito
	Mercedes-Benz E220
	Seat Alhambra
	Mercedes-Benz E220
	Seat Alhambra
	Seat Alhambra
	Toyota Avensis
	Skoda Superb
	Mercedes-Benz E220
	Skoda Octavia
	Volkswagen Sharan
	Mercedes-Benz E220
	Mercedes-Benz E220

	Land Rover
	Ford Galaxy
	Mercedes-Benz V Class
	Mercedes-Benz E220
	Skoda Octavia
	Mercedes-Benz S350
	Skoda Octavia
	Seat Alhambra
	Skoda Octavia
	Volkswagen Passat
	Volkswagen Passat
	Hyundai i800
	Mercedes-Benz E220
	Volkswagen Passat
	Audi A4
	Toyota Verso
	Toyota Prius Plus
	Mercedes-Benz E220
	Mercedes-Benz Vito
	Mercedes-Benz E220
	Mercedes-Benz C200
	Ford Galaxy
	Mercedes-Benz E220
	Mercedes-Benz E220
	Mercedes-Benz Viano
	Toyota Auris
	Lexus RX450H
	Toyota RAV4
	Mercedes-Benz E220
	Volkswagen Sharan
	Mercedes-Benz E220
	Ford S-Max
	Mitsubishi Outlander
	Volkswagen Arteon
	Seat Alhambra
	Toyota Auris
	Toyota Prius
	Toyota Prius Plus
	Peugeot 308
	Ford Tourneo
	MG ZS
	Peugeot Premier
	Mercedes-Benz E220
	Ford Mondeo
	Mercedes-Benz E220

In accordance with section 17 of the Freedom of Information Act 2000 this document and its enclosures acts as a Refusal Notice in respect of the part(s) of your request that has(have) been refused. The enclosed sheet details the exemption(s) which apply to the information requested.

Further information explaining the Council's process for responding to information requests is available on our website at www.dacorum.gov.uk/foi

Should you have any further queries or information needs, or if you are unhappy about the way your request has been handled, then please do not hesitate to contact me, or our Legal & Corporate Services department at foi@dacorum.gov.uk, quoting reference **DBC\FOI\10518**.

Pursuant to section 50 of the Freedom of Information Act, you may apply to the Information Commissioner for a decision whether, in any specified respect, your request for information has been dealt with in accordance with the requirements of Part 1 of the Act. The Commissioner would of course make a decision on any application unless certain circumstances apply, one of which is that the relevant public authority's complaints procedure has not been exhausted. I would confirm the Information Commissioner's contact details are as follows:-

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Helpline: 0303 123 1113
Website: www.ico.org.uk
Email: casework@ico.org.uk

If you need further assistance, do please contact me or the information service, as indicated above.

Yours sincerely



Sally McDonald
Licensing Manager
Legal & Democratic Services

Enc: Refusal Notice explanation sheet for **DBC\FOI\10518**



Refusal Notice explanation sheet for DBC\FOI\10518

The following exemptions have been applied to the FOI information request submitted to Dacorum Borough Council:

Exemption Number:	Section 40(2)(3) Freedom of Information Act 2000
Exemption Title:	Data Protection
Explanation Of Why The Exemption Has Been Applied:	
<p>Disclosure of the information will disclose the identity of third party personal data. Section 40 of the Act sets out an exemption from the right to know if the information requested is personal information protected by the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 ('DPA'). Section 40 applies to two distinct types of requests for information:</p> <ul style="list-style-type: none">a) If a request asks for the personal data of the applicant himself, the information is exempt; andb) If a request asks for the personal data of someone else, then that information will be exempt if its disclosure would contravene any of the principles in the GDPR / DPA. <p><i>Personal data is defined in the GDPR as "means any information relating to an identified or identifiable natural person ('data subject')"</i></p> <p>FOIA section 40(2) provides an exemption when the requester is asking for someone else's personal data – in this case personal data relating to the registration details of licensed vehicles.</p> <p>Is a Vehicle registration number Personal Data?</p> <p>A recent ICO Decision (Ref: FS50755384) North Herts District Council provides a little more clarity in respect of this matter.</p> <p>The request asked for vehicle registration mark data for vehicles licensed by the North Hertfordshire District Council for use as hackney carriages or for private hire.</p> <p>The Commissioner's decision is that the vehicle registration mark of a vehicle whose registered keeper is a living individual is personal data and that the North Hertfordshire District Council correctly relied on the section 40(2) FOIA exemption to refuse the request for those vehicle registration marks.</p>	

The two main elements of personal data are that the information must 'relate' to a living person and that the person must be identifiable from it. In previous matters and decision notices, the Commissioner has decided that a VRM is personal data, for example the decision in case reference FS50689632

Where the registered keeper is a living individual then the VRM will clearly relate to that individual (although not if the registered keeper is a registered company). Where the registered keeper is not a living individual, the VRM is not personal information

The exemption is engaged when a condition in section 40(2) or 40(3) applies; most commonly, this means situations under section 40(3) (a) (i) when disclosing the information would contravene one of the GDPR principles set out in Article 5 of the legislation. This is an absolute exemption; unlike qualified exemptions it does not require a public interest test, but it may involve balancing the rights and freedoms of the employees with any legitimate interest in disclosure.

When a request is for personal data about a Third Party other than that of the requester, it is exempt under section 40(2) and section 40(3) (a) (i) if it would contravene any of the GDPR / data protection principles to disclose it.

The principle that is most likely to be relevant is the first principle; Article 5(1) (a) "*processed lawfully, fairly and in a transparent manner in relation to the data subject*" the processing (in this case the disclosure) must be fair.

If disclosure would not be fair, then it would contravene the first GDPR principle, and the information is exempt under FOIA section 40(3).

Finally, in order to satisfy the first GDPR principle, the disclosure must also be lawful. Therefore, the first question to answer in deciding whether employee information is exempt under section 40(3) is, would it be fair to disclose it?

In this case, as the information has been recorded in order for the local authority to regulate the Hackney Carriage and Private Hire Vehicles it licenses, it is considered that it would not be fair and lawful to licensees (the data subjects in this case) to process this information as part of a request made under the FOIA.

Lawfulness and Fairness

Disclosure is unlikely to be fair if it would have unjustified adverse effects on the third parties. Although license holders may regard the disclosure of personal information about them as an intrusion into their privacy, this may often not be a persuasive factor on its own, particularly if the information relates to their licensee role rather than their private life. If an authority wishes to claim that disclosure would be unfair because of the adverse consequences on the employees concerned, it must be able to put forward some justification for this claim.

The request is asking for the registration details of the licensed vehicles holders, and to supply this, the Council has no reasonable valid lawful basis to process this information to the requestor, and would be acting unfairly in that the license holder has a reasonable expectation of privacy in respect of his / her personal data.

The Council therefore consider this information exempt from disclosure