



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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1st March 2023

Further to your information request FOI/EIR 22/23-350 please find your question and our response below.

Request:

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 6th September 2022 and 26th January 2023 within your council.

Response:

East Cambridgeshire District Council has previously provided vehicle registration numbers in response to FOI requests; however, the Council has recently taken guidance from the ICO Decision Notice: <https://ico.org.uk/media/action-weve-taken/decision-notice/2019/2614512/fs50793373.pdf> where the ICO state that Councils should not provide taxi vehicle registration numbers, for either previously or currently licensed vehicles.

Please find attached a spreadsheet containing information requested, excluding registration numbers. Registration numbers are being withheld under FOI exemptions Section 31(1)(a) and Section 40(2).

Please see below.

In respect of those requests that are answered in full, partially or the total refused, please take this as notice under FOIA, that we:

- a) Consider the information as exempt from disclosure under the Act;
- b) Claim exempt under sections of the Act:

Section 31(1)(a) – Law Enforcement

- c) State why the exemption applies:

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime

As Section 31 is a qualified exemption, we, the authority, must consider the balance of public interest in the circumstances of the request.

Arguments in favour of disclosing the information:

- There is public interest in being able to access information on vehicles formerly used as taxis.

Arguments in favour of withholding the information:

- The provision of this data would make it easier for criminals to use this data, together with other information already in the public domain, for purposes such as: cloning vehicles and avoidance of traffic violation fines.
- Individuals who complete the taxi registration application form would not expect that their details would subsequently be published, unless the council informed them that this would be the case. East Cambridgeshire District Council do not publish registration numbers on their public register.

In respect of those requests that are answered in full, partially or the total refused, please take this as notice under FOIA, that we:

- a) Consider the information as exempt from disclosure under the Act;
- b) Claim exempt under sections of the Act:

Section 40 (1) – Personal Information (ABSOLUTE)

c) State why the exemption applies:

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

**(2) Any information to which a request for information relates is also exempt information if—
(a) it constitutes personal data which does not fall within subsection (1)**

As Section 40 is an Absolute exemption, it does not involve a public interest test. However, to further explain our decision, the Data Protection Act 2018 defines personal data as 'any information relating to an individual or identifiable living individual'. In points 16-24 of the ICO decision notice, it confirms that vehicle registration numbers do fall within the definition of personal data. The ICO conclude by stating 'the legitimate interests of the requestor, and of the public as a whole, do not outweigh the rights and interests of the individual given their lack of expectation that this may occur, and the likely and potential impact of such a disclosure.' In conclusion, provision of vehicle registration numbers would be providing personal data and therefore be in breach of the Data Protection Act 2018.

Review Request:

Please can I ask for a review. The registration numbers have been supplied previously. The reg numbers being withheld helps criminals, this is fact. The decision was in 2019 so will you be contacting all the taxi/phv owners with regards to the change of stance and the breach of GDPR.

Review Response:

East Cambridgeshire District Council has previously provided vehicle registration numbers in response to FOI requests; however, the Council has recently taken guidance from the ICO Decision Notice linked above (and attached in full to this review response) where the ICO state that Councils should not provide taxi vehicle registration numbers, for either previously or currently licensed vehicles.

In the ICO Decision Notice, they state that the FOI exemptions Section 31(1)(a) – Prevention and Detection of Crime, and Section 40 – Personal Information, apply to this information and the Council wish to follow the ICO's guidance.

With regard to FOI exemption Section 31(1)(a) – Prevention and Detection of Crime:

The provision of this data would make it easier for criminals to use this data, together with other information already in the public domain, for purposes such as: cloning vehicles and avoidance of traffic violation fines.

With regard to FOI exemption Section 40 – Personal Information:

The Data Protection Act 2018 defines personal data as 'any information relating to an individual or identifiable living individual'. In points 16-24 of the attached ICO decision notice, it confirms that vehicle registration numbers do fall within the definition of personal data. The disclosure of vehicle registration numbers for vehicles which could now be being used for private purposes, and would therefore potentially disclose personal data relating to individuals who have never been taxi drivers or private hire vehicles drivers. The ICO conclude by stating 'the legitimate interests of the requestor, and of the public as a whole, do not outweigh the rights and interests of the individual given their lack of expectation that this may occur, and the likely and potential impact of such a disclosure.'

In conclusion, provision of vehicle registration numbers would be providing personal data and therefore be in breach of the Data Protection Act 2018.

Our review of your FOI response upholds the original decision to withhold the vehicle registration numbers.

This concludes your request FOI/EIR 22/23-350

If information has been refused please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.