



Northamptonshire Fire and Rescue Service

28 September 2023

Northamptonshire Fire and Rescue Service FOI 5817/23 - Fleet and Recently Sold

Request:

Please can you supply me with the following information?

Registration number:

Make:

Model:

of all vehicles currently on your fleet list and all vehicles sold between 14/11/2022 - 05/09/2023

Response:

Your request for information has now been considered. Northamptonshire Fire and Rescue Service is not obliged to provide the information that you have requested under the Freedom of Information Act 2000. Please take this letter as a Refusal Notice to your request.

Section 17 of the Freedom of Information Act 2000 requires that, Northamptonshire Fire and Rescue Service, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice which:

- a) States that fact
- b) Specifies the exemption(s) in question and
- c) States (if that would not otherwise be apparent) why the exemptions apply.

In relation to your request, the following exemptions apply:

- Section 21 - Information accessible to the applicant by other means
- Section 40(2) - (Third Party) Personal Information

Section 21 - Information accessible to the applicant by other means - is an absolute class-based exemption and is therefore not subject to a harm or public interest test.





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A full fleet list can be seen here: <https://www.northantsfire.gov.uk/our-fleet/> and includes the following details:

- Fleet No.
- Vehicle registration number
- Class
- Fuel Type
- Area
- Department
- Reg Date
- In Service date

Section 40 is a class-based exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. However, as Section 40(2) is engaged and in order to make the exemption absolute we need to evidence that a data protection principle would be breached by disclosure.

To comply with DPA 2018 and GDPR, we must ensure that any disclosures of personal data, however obtained, are fair and lawful.

Northamptonshire Fire and Rescue Service believe the disclosure of the information requested would lead to identifying living individuals and constitutes personal data which would, if released, be in breach of the rights provided by the Data Protection Act 2018 and General Data Protection Regulations.

One of the main differences between the Data Protection Act (DPA) and the Freedom of Information Act (FOIA) is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third party personal data, is exempted unless there is a strong public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional, or business life.





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It has been established that a disclosure of any VRM data which refers to vehicles which have since been sold on to private individuals would also be a disclosure of personal data, relating to the new owner of the vehicle. A motivated individual with access to the VRM number of a vehicle would be able to take steps to identify the current owner of that vehicle.

The ICO has also previously issued a number of decisions finding that a disclosure of VRM's without any other identifiers is a disclosure of personal data for the purposes of the DPA as information on the registered owner of the vehicle.

In the context of the requested information, it would provide information from which a specific individual, the owner, can be identified, and provide biographical information about that individual; primarily that they own that vehicle, that their vehicle used to be owned by a fire service and that the vehicle was not brand new when it was purchased by that individual.

It is for these reasons outlined above, that I feel that the Section 40 exemption applies. I am not obliged to consider any further principle in my arguments. This is an absolute, class-based exemption and, as such, there is no requirement to consider the public interest test.

APPEAL RIGHTS

If you are unhappy with how your request has been handled or you do not think the decision is correct, you have the right to ask for a review of the decision.

Prior to lodging a formal appeal you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer. That person will be able to discuss the decision, explain any issues and assist with any problems.

Appeal

If you are dissatisfied with the handling procedures or the decision that the Service have made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge an appeal to have the decision reviewed.

Northamptonshire Fire and Rescue Service
Service Headquarters
Darby House
Darby Close
Park Farm Industrial Estate
Wellingborough
NN8 6GS
w. www.northantsfire.gov.uk
t. 01604 797000





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Appeals should be made in writing within 20 days of receipt of your reply and either emailed to freedomofinformation@northants.police.uk or addressed to:

**Freedom of Information Manager
Information Unit
Northamptonshire Police Headquarters
Wootton Hall
Northampton
NN4 0JQ**

Where possible the Service will aim to respond to your appeal within 20 working days. However meeting this time scale will depend upon the circumstances and complexity of the issue.

The Information Commissioner

After lodging an appeal with the Service, if you are still dissatisfied with the decision, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.ico.org.uk Alternatively, telephone or write to:

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

Phone: 0303 123 1113

