



Vehicle & Operator Services Agency

From: **Information Access**
inform@vosa.gsi.gov.uk

Information Access Team
Berkeley House
Croydon Street
Bristol
BS5 0DA

BY E-MAIL

Tel: 0117 954 2545
Fax: 0117 954 2546

Your ref:
Our Ref: **F0003556**

Date: 31st August 2011

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your letter dated 22nd August 2011. You have asked if any correspondence passed between VOSA and Iveco and, if it did, have VOSA retained copies of it which could be supplied to yourselves. You have also asked for copies of any 3 monthly updates from Iveco to VOSA on the status of the recall campaign. This was detailed in a letter dated 22nd July 2005 from VOSA to Iveco and copied to you along with a letter from our Vehicle Safety Branch, dated 17 August 2011.

It is the belief of VOSA that any information held in relation to any investigations undertaken is exempt from release by virtue of Section 44(a) – (Prohibitions on Disclosure) of the Freedom of Information Act 2000. The relevant section of the act is copied below;

Section 44(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it –

(a) is prohibited by or under any enactment

VOSA believes that the Enterprise Act 2002 prohibits the disclosure of the requested information. The following should explain the application of this Act:

Under the General Product Safety Regulations 2005 (GPSR), producers shall not place a product on the market unless it is safe and distributors shall monitor the safety of a product placed on the market. In addition, distributors shall cooperate with the enforcement authority to avoid risks. Failing to meet these duties is a criminal offence. As the authority responsible for vehicle safety, VOSA is considered an “enforcement authority” under these Regulations.

Based on the above, it is considered that information passed to VOSA by a producer for the purposes of any investigation into a potential safety defect has come to VOSA in connection with the functions it has by virtue of the GPSR. Information which comes to a public authority in connection with such a function constitutes “specified information” for the purposes of the Enterprise Act 2002. This is laid out in section 238(1) of the Enterprise Act.

The Enterprise Act (Section 237) makes it an offence to disclose specified information which relates to the affairs of an individual or the business of an undertaking whilst that individual/undertaking continues in existence.

You have also asked if VOSA has recall guides that are earlier than the August 2006 guide which has already been supplied to you. You also were seeking clarification about whether or not there was a revised Code of Practice in force between January 1992 to November 2005 and between November 2005 and August 2006. If there was, you asked if a copy of these codes could be sent to you.

The Guide, which has already been sent to you, is the oldest version that VOSA has. The earlier versions were in paper format and no copies of these are retained by us. The Guide, which was sent to you, had been typed up in order for VOSA to have a copy that could be emailed, but the only changes made to it were to update the version information for the Code of Practice and the telephone numbers. None of the wording changed at all in 2006. Changes were made to the Guide in 2007 and 2011, when they were rewritten and reordered, but this is outside of the period which is of interest to you.

The Codes of Practice, in 2004, were made into a version that could be emailed. When they were typed-up no changes were made to them. The Codes were updated in 2005 following the introduction of the General Product Safety Regulations 2005. There was only a minor change to them and this was to quote the legislation. Prior to 2004 there were paper copies that went back to 1992 but VOSA no longer retains these. This is in line with our retention and disposal policy.

If you have any queries about this letter, please contact us, quoting reference **F0003556**.

If you are unhappy with the response provided, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,
Berkeley House,
Croydon Street,
Bristol,
BS5 0DA

or email vosa.corporateoffice@vosa.gsi.gov.uk

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner (www.informationcommissioner.gov.uk). The Information Commissioner is an independent official appointed by the Crown to

oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

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

Yours sincerely

VOSA Information Access