

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

Information Access Team  
Berkeley House  
Croydon Street  
Bristol  
BS5 0DA

Tel: 0300 123 9000  
Fax: 0117 954 2546

Our Ref: **F0002963**

Date: 16<sup>th</sup> November 2010

Dear

## **FREEDOM OF INFORMATION ACT 2000**

I refer to your correspondence of 2<sup>nd</sup> November 2010 requesting information, which we have dealt with under the terms of the Freedom of Information Act 2000.

You asked for, "the number of vehicles (Vehicle Registration Marks) in respect of which the latest MOT test certificate issued DOES NOT display a higher mileage than that recorded upon a previous certificate i.e. whose test history indicates that the mileage associated with the VRM may have been 'clocked'."

VOSA has conducted a search of its MOT Computerisation database of all valid, completed tests conducted between 01/04/2009 and 31/03/2010 and can confirm that the following numbers of tests were recorded with a mileage lower than the previous completed test.

<b>Test Class</b>	<b>Total No. of Tests Recorded</b>	<b>No. of Tests with Lower Mileage</b>
1&2	948,254	26,512
3&4	26,047,520	669,127
5	49,453	1,428
7	563,829	19,224
<b>Total</b>	<b>27,609,056</b>	<b>716,291</b>

Please note that this do not necessarily indicate that any of these vehicles have been 'clocked'. When recording the MOT test results the Nominated Tester is only required to enter the odometer reading displayed on the vehicle at the time of test.

There are a number of legitimate reasons for differences in odometer readings in consecutive tests. These include, but are not limited to, input error by Nominated Tester conducting the test, an inoperative odometer, the replacement of an odometer using either a second hand or new instrument or automatic reset or restart of the odometer when

maximum figure exceeded. In respect of Class V or Class VII vehicles it could be explained by installation and/or replacement of a tachograph instrument (if required to be fitted for specific use).

In regards to your request for the list of the VRM's identified in the figures above, the Information Commissioner considers Vehicle Registration Marks to be the personal data of the vehicle owner and as such is protected by the Data Protection Act 1998. VOSA is therefore withholding this information under section 40(2)&(3)(a)(i) of the Freedom of Information Act 2000. The relevant section of the act is copied below;

*Section 40(2) Any information to which a request for information relates is also exempt information if –*

- (a) it constitutes personal data which do not fall within subsection (1), and*
- (b) either the first or the second condition below is satisfied.*

*(3) the first condition is –*

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene –*

- (i) any of the data protection principles*

It is considered that disclosure of this information is likely to be unfair to the individuals and therefore in breach of the first principle of the Data Protection Act. This is because they are unlikely to expect that such personal data about them would be made public.

If you have any queries about this letter, please contact us, quoting reference **F0002963**.

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](mailto: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](http://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