

Dear

Freedom of Information Request

Thank you for your e-mail dated 23 October requesting information under the terms of the Freedom of Information Act 2000 (FOIA).

You asked for the following information:

1 - The number of drivers with Oxfordshire addresses who have 12 or more points on their driving licence and have not been banned.

2 - If possible please list each driver and the number of points each has on his/her licence. If it is not possible to name each driver please provide a list of licences which have more than 12 points, listing how many points are on each licence. If neither of these options are possible please say what the highest number of points on a licence in Oxfordshire is.

3 - The number of drivers with Oxfordshire addresses who are currently banned from driving.

4 - The number of people with Oxfordshire addresses who currently hold driving licences and who are not banned from driving.

In all of the above please split the licence figures into provisional and full if possible.

The attached spreadsheet provides information for the OX postcode areas and the figures reflect the position as at 24 October 2015. You asked in Question 2, if possible, for the names of each driver but that information is considered to be personal information of third parties and therefore exempt from disclosure under section 40(2) of the FOIA. It would not be fair or lawful to disclose the names of individuals into the public domain as a result a FOI request. To do so, DVLA would be breaching the Data Protection Act 1998.

DVLA's drivers database changes constantly as the Agency receives driving licence applications and other information that updates the records of individual drivers. Therefore, it is possible only to provide a snapshot of the state of the record at the time of any request. It should be noted that there can be a delay between the notification of penalty points and of the sentence imposed by the Court. These can update the driver record separately.

Whilst DVLA maintains a record of all GB fixed penalties and Court ordered endorsements, the Agency has no responsibility for or influence on Court imposed sentences.

In England and Wales, the Magistrates Courts Sentencing Guidelines produced by the Sentencing Council provide a framework setting out how to establish the seriousness of each case and the most appropriate way of dealing with it. This helps the Magistrates Courts ensure that any penalty reflects the seriousness of the offence and the personal circumstances of the offender.

In Scotland, Sentencers determine each case on its merits and give full consideration to the most appropriate way of dealing with it. The penalty imposed reflects the seriousness of the offence and the personal circumstances of the offender.

The statistics provided are likely to include cases where drivers have received court sentences including disqualification, supervision orders, community punishment orders or imprisonment. Where sentences have been imposed other than through the totting up process, the penalty points follow standard periods of validity according to the offences concerned. Following the period of disqualification imposed, drivers can re-apply for their licence meaning that they can have a high number of valid penalty points and current entitlement to drive, even though the sentence of the court has been served.

In a small percentage of cases where the driver has accumulated 12 or more penalty points, the Agency understands that a Court can exercise its discretion and not disqualify the driver. In the majority of these cases, Magistrates or Sentencers may have decided to allow drivers to retain their entitlement to drive where it is considered that disqualification would cause exceptional hardship.

DVLA checks with courts when a driver's 12 current penalty point threshold is met or exceeded but where a disqualification is not imposed at the time of the conviction. The Agency takes this action to confirm that this is the intention of the Court and to help ensure DVLA records motoring convictions and sentences as accurately as possible.

The information which follows concerns the procedures for making any complaint you might have about the reply. Please quote the reference number of this letter in any future communications about it.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Toft', written over a rectangular stamp or box.

ppRobert Toft
Head of Data Sharing Policy & Freedom of Information Team

Your right to complain to DVLA and the Information Commissioner

If you are not happy with the reply to your request, you can ask DVLA to re-consider the response you received by writing (within two calendar months of receiving this response) to either foi@dvla.gsi.gov.uk or DVLA Freedom of Information Team, DSPG/FOI, D16, DVLA, Swansea SA6 7JL.

DVLA will acknowledge and consider your request, re-visiting the response provided. This is known as an Internal Review and will be considered by a staff member not involved with the original reply.

If you disagree with the outcome of the Internal Review, you can complain to the Information Commissioner's Office. Further information can be found via: <https://ico.org.uk/concerns/getting/> Alternatively you may wish to write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.