

Our ref: FOI 101358

Highways England
Dart Charge
5 St Phillips Place
Colmore Row
Birmingham
B3 2PW

Via Email

14 September 2020

Dear

Thank you for your correspondence dated 19 August 2020 received under the terms of the Freedom of Information Act 2000. The specific details of your request have been extracted from your email and are highlighted in bold within the body of this letter.

Please would you let me know how much is currently outstanding as unpaid toll charges (Dartford Crossing) by country of the original vehicle.

I can confirm that whilst we do hold the information, under section 36(2)(C) of the Freedom of Information Act 2000, we are not required to provide this information due to it being prejudicial to the effective conduct of public affairs. Releasing the data of PCNs issued to overseas drivers and the amount of monies collected by debt agencies in Europe could encourage non-payment for the charge by non-UK drivers.

We believe, therefore, that the exemption in section 36(2)(c) is engaged as releasing the information requested could otherwise prejudice the effective conduct of public affairs by adversely affecting the ability of Highways England to collect the Dartford Crossing road user charge and pass these charges due to the Department for Transport.

Before applying the exemption in section 36(2) (c) of the FOI Act, Highways England sought the opinion of Parliamentary Under-Secretary of State for the Department for Transport Baroness Vere as a 'qualified person'. Baroness Vere confirmed that, in her reasonable opinion, the disclosure of the total sterling amount owed by drivers of overseas registered vehicles could prejudice the effective conduct of public affairs; and that Section 36(2) (c) of the FOI Act was therefore engaged.

We are also of the view that the exemption in section 31(1) (d) is engaged as releasing this information could prejudice our ability to collect the road user charge and encourage drivers of non-UK vehicles to purposely avoid payment of the charge.

In considering this FOI request Highways England undertook a full Public Interest Test to determine whether the exemptions applied. This is enclosed below.

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at:

<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. You should contact me if you wish to complain. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number FOI 101358.

Yours sincerely

Freedom of Information Team

Request for information regarding the number of foreign registered vehicles that have not paid the road user charge

FOIA Exemption S36 (2)(c) (Prejudice to effective conduct of public affairs)

Factors supporting disclosure

- That it might add value to information which has already been released;
- The desirability of citizens being confident that decisions are taken on the basis of the best available information;
- The response to new policy initiatives may improve, and government generally may become 'better';
- The substance of the information relates closely to a matter of public importance about which public debate could be informed by its disclosure.
- The FOIA is designed to make the government more accountable

Factors supporting non-disclosure

- Releasing details of the number of vehicles that have not paid the road user charge may encourage further non-compliance for vehicles registered overseas and at home
- Releasing details of the number of registered vehicles that have not paid the road user charge may result in the ability of Highways England to collect the road user charge and the passing of such charges due to the Secretary of State for Transport being adversely affected
- Releasing data of the monies collected by debt agencies may encourage further non-compliance for vehicles.
- Increased non-compliance may strongly inhibit the ability of Highways England, and companies working on our behalf, to recover debt due to the Department for Transport. Collection of the road user charge is in the public interest as it helps to reduce congestion by managing demand for the Dartford Crossing and income collected from the charge is used to fund transport improvements in accordance with the Transport Act 2000.
- Overall compliance with the scheme is good but that may fall following disclosure of the requested information.
- We believe that the diversion of resources needed to manage the effects of the disclosure could also place a significant burden both on Highways England staff and the staff of companies working on our behalf
- Releasing information on vehicles that are consistently non-compliant may misrepresent the extent of the effectiveness of the scheme in collection of the road user charge.

FOIA Exemption S31 (1) (d) (information if its disclosure under this Act would, or would be likely to, prejudice the assessment or collection of any tax or duty or of any imposition on of a similar nature)

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| <ul style="list-style-type: none">• That it might add value to information which has already been released;• The desirability of citizens being confident that decisions are taken on the basis of the best available information;• The response to new policy initiatives may improve, and government generally may become 'better';• The substance of the information relates closely to a matter of public importance about which public debate could be informed by its disclosure.• The FOIA is designed to make the government more accountable | <ul style="list-style-type: none">• Releasing details of the number of foreign registered vehicles that have not paid the road user charge may encourage further non-compliance for vehicles registered overseas and at home• Releasing details of the number of foreign registered vehicle that have not paid the road user charge may result in the ability of Highways England to collect the road user charge and the passing of such charges due to the Secretary of State for Transport being adversely affected• Releasing data of the monies collected by debt agencies in Europe may encourage further non-compliance for vehicles registered overseas.• Increased non-compliance may strongly inhibit the ability of Highways England, and companies working on our behalf, to recover debt due to the Department for Transport. Collection of the road user charge is in the public interest as it helps to reduce congestion by managing demand for the Dartford Crossing and income collected from the charge is used to fund transport improvements in accordance with the Transport Act 2000.• Overall compliance with the scheme is good but that may fall following disclosure of the requested information.• We believe that the diversion of resources needed to manage the effects of the disclosure could also place a significant burden both on Highways England staff and the staff of companies working on our behalf• The non-disclosure of this information has helped Dart Charge to improve foreign compliance and disclosing details of the number of foreign registered vehicle that have not paid the road user charge may encourage further non-compliance for vehicles registered overseas and at home |
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Conclusion: There are compelling arguments which support withholding the information which outweigh those supporting release.

PIT Members:

Date of PIT: 07/09/2020