

Request for Internal Review (received 17 January 2023) - Reference: DFI/2022-0400

As I have had no response to my follow up dated 19th December 2022 to my original Fol request I wish to request an internal review of the decision not to answer my Fol be carried out.

I also would still like a response to my 19th December 2022 follow up (below) which asked for rough estimates.

As stated previously:

- I am extremely surprised that you do not hold the information I requested or similar information in relation to processing times for licence applications as I would have thought that this would be used as key performance indicators for issuing licences.
- If the information is held on a database that is exportable then I do not think it would be that hard to analyse quickly, which is what I had thought you would already be doing (so I disagree with the cost suggestions).

Please confirm receipt of this appeal of the original decision.

Email of 19 December 2022

I am responding in relation to a Fol request I made with your reference of "Our Reference: DFI/2022-0400".

I am extremely surprised that you do not hold the information I requested or similar information in relation to processing times for licence applications as I would have thought that this would be used as key performance indicators for issuing licences.

If the information is held on a database that is exportable then I do not think it would be that hard to analyse quickly, which is what I had thought you would already be doing.

However, I am content if you can just provide me with an estimate (without any formal calculation) from working experience in the area of:

- a) How long it usually takes from receiving a provisional application for lorry (or bus) to determine whether further medical investigation is required?
- b) How long it usually takes to carry out the further medical investigation after it has been determined that it is required?
- c) How long it usually takes to issue the licence to the applicant after parts a) and / or b) have been completed?

d) How long it usually takes from receiving a provisional application for lorry (or bus) to the issue of the licence to the applicant?

I am just looking for a rough estimate from working experience for the above for applications in 2022.

Response (issued 14 February 2023)

You wrote to me on 17 January 2023 requesting an internal review of the handling of your Freedom of Information Act 2000 (FOI)/Environmental Information Regulations 2004 (EIR) request for information regarding average processing times for new provisional bus and lorry driving licences, received in the Department on 17 November 2022. You had received a response to your request on 14 December 2022, from Mr. Jeremy Logan, reference DFI/2022-0400.

As Departmental Information Manager, my role in carrying out an 'Internal Review' following a complaint or 'appeal', is pursuant to the Secretary of State for Constitutional Affairs' Code of Practice [which now comes under the responsibility of the Secretary of State for the Department of Justice] on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000 and, by extension, the Environmental Information Regulations. Section 39 of the Code of Practice requires "a fair and thorough review of the handling issues and of decisions taken pursuant to the [Freedom of Information] Act, including decisions taken about where the public interest lies in respect of exempt information." Under the Environmental Information Regulations, this review of the handling of your request for information is a "reconsideration", a public authority obligation contained within Regulation 11 (Representations and Reconsideration). I have no role or locus with regards to any issues arising out of the substance of any information sought or the resolution of complaints, which may be the subject matter of the information.

I have examined the information relating to your request and completed my review. I can now inform you that, having reviewed the handling of your request, the Department did fulfil its obligation under the Freedom of Information Act 2000. I would like to take this opportunity to explain my decision.

The Freedom of Information Act established for the public, general rights of access to recorded information held by public authorities. Requests made for the opinion of staff about, or explanations of, a particular issue will not fall under the aegis of this Act. The recorded information may be held in any format.

The legislation does not require public authorities to create new records when responding to an information request. However, as you indicated you understood in your email of 19 December 2022, where the building blocks of the information requested are readily accessible in an easily manipulated format, e.g., in a database or spreadsheet, creation of a new record would be appropriate.

However, in this case, the information that you are seeking is not held in a format that would allow for easy manipulation of the data to provide you with the specific information you had requested. Mr. Logan explained the reasons why the Department would be unable to comply with your request within the appropriate limit established under s12 of the Freedom of Information Act. It is clear that the number of records that would require individual checks to be carried out in order to meet your information needs is significant. The amount of staff time that would be diverted from other work to processing a response for your request clearly exceeds the 24 hours than the legislation expects of public authorities.

Having considered the amount of staff resources that would have to be diverted in order to provide you with the information you had requested, I am entirely satisfied that the Department's use of s12 was correct, as it is clear that compliance with your request would have significantly exceeded the appropriate limit established by the legislation.

Following the Department's response to your request, you then requested that the Department provide you with "*an estimate (without any formal calculation) from working experience*", of:

- e) *How long it usually takes from receiving a provisional application for lorry (or bus) to determine whether further medical investigation is required?*
- f) *How long it usually takes to carry out the further medical investigation after it has been determined that it is required?*
- g) *How long it usually takes to issue the licence to the applicant after parts a) and / or b) have been completed?*
- h) *How long it usually takes from receiving a provisional application for lorry (or bus) to the issue of the licence to the applicant?*

You made clear that you were seeking only a rough estimate, based upon the experience of those involved in processing these applications. I must first stress that, as what you were not asking for recorded information that the Department might be expected to hold, this follow up request was treated as normal correspondence.

In response, the Department informed you that it was not in a position to provide you with what you had requested, as "providing a realistic estimate" of what constituted the usual time

taken for each of the situations you had outlined “would require similar time and cost in accessing records”. I would like to place this response in some context.

In your two requests to the Department, you asked first for the “average processing time” of applications received for provisional lorry and bus driving licences and then for “how long it usually takes” for the Department to complete various elements of this processing.

Even though this follow up request falls outside the scope of Freedom of Information legislation, and the way in which the request was does not, therefore, form part of my internal review of the handling of your Freedom of Information Act request, I think I should attempt to provide some additional context that may help you better understand the reasoning for the response.

All Northern Ireland driving licence applications are processed by a single team within the Driver and Vehicle Agency. Each member of the team processes applications as they arrive. There is no separate team, or staff member, that is specifically focussed on processing provisional bus or lorry driving applications.

The Driver and Vehicle Agency’s Driver Licensing Unit is a very busy unit within the Department, and staff within it deal with all applications for driving licences, for all classes of vehicle.

It is not possible, therefore, for any one person, or the Driver Licensing Unit collectively, to provide even a rough estimate how long each stage of the application processing will take for those applying for bus and lorry provisional driving licences. As a result, regardless of how requests are worded, the Department would have been obliged to engage in exactly the same kind of search of its records.

While the information about the times taken when processing driving licences is held by the Department, it is not easily accessible and would require an extensive diversion of staff resources to identify information that seems to be of limited wider public interest. As a result, just as I am satisfied that the Department’s decision in relation to your original request was appropriate, I am satisfied that it was also appropriate to refuse, on the same grounds, your revised query.

I hope you find this helpful.