



Vehicle & Operator Services Agency

From: Information Access
inform@vosa.gov.uk

Information Access Team
Berkeley House
Croydon Street
BRISTOL
BS5 0DA

Our ref: **F0001805**

Tel: 0300 123 9000
Fax: 0117 954 2546

Date: 30 April 2009

Dear

FREEDOM OF INFORMATION ACT 2000

I refer to your e-mail of 31 March 2009, requesting the first quarter figures for non code recalls for 2009.

In providing this information we should like to draw to your attention that the requested information needs to be seen and interpreted in a proper context. This is important, because, if misinterpreted, it could potentially be viewed as prejudicial to the commercial interests of the manufacturers to whom the information relates.

With this in mind we would like to reiterate to you the explanation of the difference between 'Code recalls' and non-Code recalls.

As you may know, a manufacturer would be expected to take appropriate action to remove or reduce the risk posed by a product when safety defects are identified. This normally means recall action in the case of automotive products.

In the case of automotive products, the definition of a 'safety defect' - and also the criteria for action - are set out very clearly in the 'Code of Practice on Vehicle Safety Defects'. The Code defines a safety defect as 'a feature of design or construction liable to cause significant risk of personal injury or death'. The Code recommends that action should be taken when evidence indicates the existence of a safety defect in the unit; and the defect appears to be common to a number of units; and units are available for supply'.

In the case of the list of non-Code Recalls you requested - which is attached for your information - VOSA had, after careful consideration and discussion with the relevant manufacturers at the time, concluded that there was no evidence of a 'safety defect. However, in certain cases such as these VOSA will agree to provide access to vehicle keeper information held by DVLA. Such information is normally only made available to help ensure that manufacturers have the most up-to-date vehicle keeper information in the context of formal vehicle recall campaigns.

For your information VOSA will normally agree to access to DVLA vehicle keeper information in the context of non-Code recalls where doing so:

- will assist manufacturers to improve the roadworthiness of vehicles generally; and,
- will better enable a decision to be reached about a potential recall action.

However, we obviously consider each request for vehicle keeper information on its merits.

We should also like to make you aware of the fact that, in certain cases, non-Code recall information merely records information which a manufacturer has provided to VOSA as a matter of courtesy about an improvement to their product.

We should therefore be very grateful if you would kindly receive the information in the context I have sought to outline here.

I must advise you that requests for information of this nature will be considered on a case by case basis in order to ensure compliance with relevant legislation.

In response to your question asking why you were unable to find your past history in relation to FOI disclosures when looking at VOSA's website, I can advise that we are currently in the process of updating our disclosure log and it is intended that the relevant disclosures will be published in the near future.

If you have any queries about this letter, please do not hesitate to contact us, quoting reference F0001805.

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 Team

*An executive agency of the
Department for
Transport*

 *Saving lives, safer roads, cutting crime, protecting the environment*