



Response to Request for Information

Reference FOI 002174
Date 12 April 2018

Private Hire Driver Applicants

Request:

I would respectfully like to make a request under the freedom of information act for a complete list of the questions and correct answers for all categories on the most recent knowledge test for new private hire driver applicants. As part of this request I would also like information pertaining to the previous date these questions were updated and the next date they are due to be updated, if known.

Your request for information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

Section 38 – Endangering Health & Safety

Section 38 of the Freedom of Information Act states that:

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to –
 - (a) Endanger the physical or mental health of any individual, or
 - (b) Endanger the safety of any individual

The Council considers that the information you have requested, which we have identified above, is exempt from disclosure under Section 38(1)(b) of the Freedom of Information Act. Section 38 of the Act permits the Council to withhold information if its disclosure would, or would be likely to, endanger the health and safety of any individuals.

We should explain that, under Section 38 of the Freedom of Information Act 2000,

the Council considers that to disclose the information you have requested, at this stage, would be likely to endanger the health and safety of individuals.

In line with the terms of this exemption in the Freedom of Information Act, we have also considered whether it would be in the public interest for us to provide you with the information, despite the exemption being applicable. In this case, we have concluded that the public interest favours withholding the information.

You can also find more information by reading the full text of the Act, available at <https://ico.org.uk/media/for-organisations/documents/1624339/health-and-safety-section-38-foia.pdf>

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

The Council is required to undertake the Public Interest Test, to weigh the harm that is identified against the wider public interest that may be served by disclosure.

The Council recognises that the release of such information would facilitate and promote transparency and would enable the public to have an increased understanding of the Council by bringing into the public domain information affecting public health and safety, and as a consequence the public would have an understanding of the safety mechanisms in place (and is therefore of benefit to the community). This in turn would generate confidence in the Council's safety measures to protect the public, staff and it's visitors to the City.

Public interest considerations favouring withholding the information

The Council however considers that releasing the information pertaining to complete list of the questions and correct answers for all categories on the most recent knowledge test for new private hire driver applicants would potentially jeopardise public safety.

The test is intended to be a test of knowledge and skill. It will prejudice the process if some or all of the drivers for a particular subject have seen the questions beforehand. For drivers that see the questions in advance, the focus would be on studying only for those questions, not to absorb the broader knowledge that the test provides. Also, release under the Freedom of Information Act, while to the general public, would not necessarily mean that all drivers would see the questions. As such, an unfair advantage would be given to the drivers who had seen the questions, which would undermine and harm the process further.

Therefore in conclusion, the Council can confirm that it has considered the arguments for both release and exemption, and has reached the decision that in this instance the potential risk posed to the public, staff and visitors to the City by the release of the information requested is greater than the public interest and benefit that would be served by releasing the information (as a result of the potential consequences that the release of the information may have), and as such the information is being withheld under section 38 of the Freedom of Information Act.