



Home Office

Information Access Team

Information Management Service

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Mr Dennis Fallon
request-13840-
a2c31c5e@whatdotheyknow.com

Our Ref 12948
Your Ref
Date 15 March 2010

Dear Mr Fallon

Freedom of Information request (our ref. 12948): internal review

I am writing further to my e-mail of 1st December 2009, about your request for an internal review of the response to your Freedom of Information (Fol) request about Speed Cameras.

I have now completed the review. I have examined all the relevant papers, and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed and assessed the reasons behind the response that was issued to you. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My main conclusion is that the response issued to you was correct. However, in regard to question three this depended on the interpretation of your question. Please see paragraphs 13 and 14 for a full explanation.

I can also confirm that your request was answered within 20 working days and therefore the Home Office also did not breach Section 10(1) of the Act.

I would like to inform you that I am happy to talk to you about our conclusions if you wish to contact me.

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your Fol request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow



WORKING TOGETHER TO PROTECT THE PUBLIC

Cheshire SK9 5AF

Yours sincerely

Martin Riddle
Information Access Team

Annex A – Original request in full

Dear Mr Jegede, my new FOI is directly consequential to the failure to provide any substantive information to my original request(followup to T25719/8)which fortunately has been rectified by the attention of Mr Bragaglia after my appeal. As you know, I am concerned that ACPO have been providing false information to the Home Office to explain the issue of vehicles from the opposite direction causing false activations. The descriptions of `dummy cameras` and `directional settings` may be fabricated explanations. The possible production of false information needs to be investigated to avoid the Home Office and ACPO being brought into disrepute.

FOI T15687 9 POINT ONE.

The FOI disclosure, dated May 17th 2007,from ACPO Trevor Hall, identified the source of the dubious information. His reply responded to a serious query, from an emergency services driver, about perceived dangers of false flashes, yet contains unsupported comments regarding `dummy cameras` and `directional settings`. I believe his comments are completely fabricated and that a responsible Home Office would not simply accept the existence of alleged `dummy cameras` being allowed to flash into the faces of drivers. Also the Home Office would not have neglected to issue guidance about the alleged `directional settings` factor. Under FOI please provide a copy of subsequent communications to partnerships or interested parties which alerts them to these potentially dangerous features.

FOI T15687 9 POINT TWO.

The Home Office advise that `dummy cameras` exist and are allowed to flash into the faces of oncoming motorists. In my opinion this is unacceptably dangerous. Please provide disclosure of a document that authorises such `dummy cameras` to be used, or advise me who has provided permission.

FOI T15687 9 POINT THREE.

The Type Approval(TA)process has to be reliable and thorough. Under FOI please provide a copy of the TA pages that mention the `directional switches` and describes the sensitivity of the cameras from both directions.

FOI T15687 9 POINT FOUR.

Please provide a copy of payments made to ACPO or individual police forces for assessing the Type Approval of Gatso speed cameras.

Erratum. Apologies for an error in my original FOI dated January 2009.The `penalty`I received for activating the Bristol Road Camera was not `over £500`but was actually £335 plus 5 points(exclusive of costs of attending court).

Yours faithfully,

dennis fallon



-----Original Message-----

Reference : T15687/9

Thank you for your e-mail enquiry of 07/09/2009 11:20:46

A reply is attached.

Please use this email address for all replies to this request:
request-13840-a2c31c5e@whatdotheyknow.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<http://www.whatdotheyknow.com/help/about#officers>

If you find WhatDoTheyKnow useful as an FOI officer, please ask your web manager to suggest us on your organisation's FOI page.

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Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Dennis Fallon (reference 12948)

Responding Unit: Public Order Unit (POU)

Chronology

- Original Fol request: 09/09/09
- Acknowledgement: None
- Public Order unit response: 07/10/09
- Request for internal review: 30/11/09
- The applicant contacted the department to find out when the response was due on 30th September 2009 and 6th October 2009.

Subject of request

1. Mr Fallon requested the following information about speed cameras. He also provided a detailed background of his request history to date.

1. Under FOI please provide a copy of subsequent communications to partnerships or interested parties which alerts them to these potentially dangerous features.
2. Please provide disclosure of a document that authorises such `dummy cameras` to be used, or advise me who has provided permission.
3. Under FOI please provide a copy of the TA pages that mention the `directional switches` and describes the sensitivity of the cameras from both directions.
4. Please provide a copy of payments made to ACPO or individual police forces for assessing the Type Approval of Gatso speed cameras.

A copy of the full request can be found in Annex A.

The response by Public Order Unit

2. The response sent by the Public Order Unit (POU) on 7 September 2009 stated that the information was not held:

Question 1:

I can confirm that this information is not held by the Home Office. We have no reference to alerts of potentially dangerous features.

Question 2:

I can confirm that this information is not held by the Home Office. We have no information on dummy cameras. That is up to the forces or safety camera partnerships.

Question 3:

I can confirm that this information is not held by the Home Office. We do not have TA pages that refer to directional switches describing the sensitivity of cameras from both directions.

Question 4:

I can confirm that this information is not held by the Home Office. The police and ACPO are not paid for their type approval work, Home Office officials never receive costs from companies and the Home Office does not keep information on any such payments.

Mr. Dennis Fallon's request for an internal review

3. Mr Fallon asked for an internal review of the POU response in an email of 30 November. He raised the following points:

- I have posted my original FOI via this website and to continue the thread I would like my appeal dealt with in the same manner. My original FOI has been subject to massive delay and I would like an opinion on this failure to comply with the legal time-frame. THE FINAL REPLY from Sammy Jegede is unacceptable in many ways.
- POINT ONE. A Home Office FOI revealed that an emergency services driver reported concern about the DANGEROUS activation of Gatso Camera flashes ON APPROACH. I asked to see communications SUBSEQUENT to this concern and Mr Jegede reported NO ALERTS OR COMMUNICATIONS. I cannot believe the Home Office ignored this report of a potential danger, as this surely would be neglect of duty.
- POINT TWO. The Home Office apparently have no information or interest in `dummy cameras`. This again appears to be neglect of duty. I believe the concept of `dummy cameras` flashing is a fabrication by ACPO designed to mislead, and even if there was any truth how could there be no standards to control the level of blinding flash? There must be some standards for a potential dangerous hazard.
- POINT THREE. There is no information held on `directional switches`. There must be some information, because the non-existence of information points towards another fabrication by Gatso or ACPO.
- POINT FOUR. The Home Office say that the Police or ACPO are not paid for their Type Approval work. This is incomprehensible. If these people purport to do the Approval who actually funds the process, WHO has signed off the Approval of Gatsos, and WHO is accountable for the Approval process being defective and false activations being possible, as demonstrated on You Tube account denny174 ("Real evidence"). There must be an explanation to all of these issues and the Home Office, as the supervising Authority, cannot be claiming total ignorance and ignoring concerns.

Procedural issues

4. The original request was submitted on 9 September 2009 and a full response was issued on 7 October 2009. This, therefore, represents a period of 20 working days between receipt of the request and the final response being issued. This means that the response was within the target deadline of 20 working day deadline specified in section 10(1) of the Act. However, no acknowledgement letter was sent to Mr Fallon acknowledging receipt of the case and advising when the deadline was.

5. Mr Fallon wrote to the Home Office on two occasions to ask why he had not received a response. At the time of Mr Fallon's first email, his request was still within the time limit specified under Section 10(1) of the act.

6. Mr Fallon would not have needed to contact the Home Office if the caseworker had issued Mr Fallon

with an acknowledgement letter. The Home Office advice to caseworkers dealing with FOI is that all cases should be acknowledged with an acknowledgement letter advising the applicants that their requests have been received and specifying the response deadline date.

7. The 20 working day deadline is extendable by virtue of section 10(3) of the Act. Given that the response was issued within the time limit of 20 working days and that no qualified exemptions were engaged, this was not necessary.

8. Section 10(1) of the Act was not breached as Mr Fallon was provided with a prompt response.

Consideration of the response

9. The response, sent to Mr Fallon on 7 October 2009, informed him that the Home Office did not have any information relevant to answering his request. Each answer to his four questions specified that the information was not held by the Home Office and offered a brief explanation as to why.

10. I have re-examined the original case and carried out my own independent searches of the information held by the Home Office.

Question 1

11. After a thorough examination of the Home Office holdings, I can confirm that no subsequent information is held. The Home Office does not hold the communications that Mr Fallon is referring to in his Freedom of Information request. At the present time there are no particular rules that govern the Dummy Cameras that Police forces use. Dummy Cameras are not subject to the type approval process and therefore the Home Office has no involvement in them. The information Mr Fallon is interested in, if it is held, would be held by his local police force. It is my understanding that their use is an operational decision of the Chief Constable of the local police force.

Question 2

12. I can confirm that the Home office does not hold this information. Dummy cameras are deployed and operated by the local police forces. The Home Office is not involved in their set-up or deployment. The Home Office, ACPO and the Police Forces are only required to type approve official speed cameras for use. Dummy Cameras are not categorised as such and therefore are not required to go through the type approval process. Dummy Cameras operate in the same way as the Gatso speed camera and fit in the same housings but as they do not record the speed of vehicles do not require type approval testing. As such the Home Office under law has no requirement to be involved in their use and deployment.

Question 3

13. Again I can confirm that the specific Type Approval information requested is not held. The only type approval documents the Home Office holds are the type approval certificate and the type approval agreement made between the HO and the manufacturer's agent. These do not refer to "directional switches" or the sensitivity of the cameras from either direction. The technical documentation is supplied for the purpose of obtaining type approval and the HO gives an undertaking in the type approval agreement signed with the manufacturer to protect its confidentiality.

14. However the Home Office does hold some information within the operator's manual of the Gatso Camera regarding the directional switches and the sensitivity of the cameras from both directions that Mr Fallon refers to in his request, supplied by the manufacturer at the time of the Type Approval process. I have included with this internal review response copies of the specific pages that make



reference to these directional switches and the sensitivity of the camera. I can confirm that this is the only information the Home Office holds relating to the 'directional switches' and the sensitivity of the cameras from both directions. The Dummy Cameras mentioned by Mr Fallon in the rest of the request do not use cameras in their make up and so do not contain or require directional switches. As stated previously as Dummy Cameras do not require type approval, the Home Office does not hold any information on them as it is not responsible for their set-up and deployment.

Question 4

15. The Home Office does not hold any information relating to payments made to ACPO or individual police forces for assessing the type approval of Gatso Speed Camera's. The reason for this is that the Home Office, ACPO and the Police carry out the type approval process as part of standard practice. These bodies are public authorities and are required to carry out this process as part of their operational expenses. As a result the works that these authorities perform on the type approval process is funded from their yearly budgets and no parties charge or are paid for carrying out this responsibility.

16. Finally, in Mr Fallon's request for an internal review he asks a question which, in fact, could be classed as a new request under the FoI Act. In the interests of completeness, I have provided the response in my report. The question posed by Mr Fallon was as follows:-

"WHO has signed off the Approval of Gatsos, and WHO is accountable for the Approval process"

17. The answer to this question is that all Home Office type approved devices are signed off by a Minister of State in the Home Office. The testing of speed camera devices is carried out by a number of organisations including independent test houses, the police and the Home Office Scientific Development Branch. When they are satisfied that devices are fit for purpose they are then passed to the Home Office Road Crime section for the preparation of the legal documents for a Minister to then sign.

Conclusion

18. Section 10(1) was not breached as the reply was issued within the 20 working day deadline.
19. Section 1(1)(a) was not breached in response to questions 1,2 and 4 as the reply did state that the precise information requested is not held.
20. Section 1(1)(a) was breached in response to question 3 as the Home Office did hold some information. This information has been provided in my report.

Information Access Team
Home Office
12/01/10