

Our Ref: IM-FOI-2017-2383
Date: 15 November 2017



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Please can you provide the following data for the last 36 months prior to the latest recording available, if possible broken down into 12 month blocks.

1) Accidents where no headlights or tail lights was a contributory factor.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information requested in this question.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

The information you are seeking is available on the Transport Scotland website, via the following link: <https://www.transport.gov.scot/publication/reported-road-casualties-scotland-2016-datasets/>

2) Drivers that were stopped and issued FPN for having no lights on.

Having considered this question in terms of the Act, I regret to inform you that I am unable to provide you with all the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, this type of offence is recorded under the offence: Lighting Offences Motor Vehicles. The offence is usually dealt with by a Fixed Penalty ticket, however in some circumstances a crime report will be raised.

Furthermore, in some divisions of Police Scotland, the same functionality within the crime recording system is also used to record the issue of a Vehicle Defect Rectification Scheme notice.

On that basis, each record (several thousand reports) would each have to be checked individually to establish whether or not it related to the issue of a Fixed Penalty Notice.

Should you require any further assistance concerning this matter please contact Information Management - Dundee on 01382 596657 quoting the reference number given.

If you are dissatisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of our actions and decisions.

Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. You can raise an appeal using the online service at www.itspublicknowledge.info/Appeal or by writing to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, or via email at enquiries@itspublicknowledge.info.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.