

Our Ref: IM-FOI-2015-1137



Sir Stephen House QPM
Chief Constable

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.

I am seeking data on the number fixed speed cameras in Tayside that were working, as of June 8th, 2015.

Could each fixed speed camera please be listed with its location clearly described, the exact date it was installed and a simple “yes” or “no” be placed next to it to show if it was working or not as of June 8th, 2015.

For each one that currently isn't in use or working, can you please detail what date it was last in working use or reported not to be working and if there is a date when it is expected to be back in use again.

In response to these questions, I regret to advise you that, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the information sought.

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.

The exemptions that I consider to be applicable to the information requested by you are as follows:

- **Section 35(1)(a)&(b) - Exempt Information (Law Enforcement)**

The information requested is considered exempt as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders. This is a prejudice-based non-absolute exemption which requires me to not only outline the harm in the disclosure of the information, but to also carry out a Public Interest Test (see below).

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- Section 39(1) - Exempt Information (Health, Safety and the Environment)

The information requested is considered exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual or individuals. This is a class-based non-absolute exemption which requires me to carry out a Public Interest Test (see below).

Harm in Disclosure

Were it to become public knowledge that a particular safety camera was broken (not operating), and was therefore not capable of detecting speeding offences, this would undoubtedly encourage some drivers to exceed the specified speed limit in that area in the knowledge that they would not be issued with Fixed Penalty Notices or reported to the Procurator Fiscal.

As a direct result, the provision of preventing and detecting crime and apprehending and prosecuting offenders is significantly reduced.

Speed is a key contributory factor to the seriousness of road accidents and the level of injury sustained. The siting of fixed speed cameras is closely linked to a casualty reduction programme and the approval for any particular camera site is based on accident data including the number of personal injury collisions (PIC) and the number of persons killed or seriously injured (KSI).

The mere presence of speed cameras has a significant impact on the safety of road users, as most motorists will adhere to the speed limit knowing there is a chance of any offending behaviour being detected.

There is a high level of public support for safety cameras and the outcomes achieved, and anything that is likely to reduce their effectiveness may damage that confidence or support and would not be in the public interest.

Public Interest Test

The exemptions contained in Sections 35 and 39 above are also subject to a Public Interest Test as outlined in Section 2 of the Freedom of Information (Scotland) Act 2002.

The key test when considering the public interest is to establish whether, in all circumstances of the case, the public interest in disclosing the information is not outweighed by that in maintaining the exemption(s).

The following outlines the public interest considerations I have included in arriving at my decision to refuse access to the information requested.

Supporting Disclosure

Accountability: There is a public interest in disclosing information to the public upon which they can assess whether safety cameras are being used in an effective and fair manner to prevent and detect speeding offences.

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Public Awareness and Debate: There is a public interest in highlighting to the public the road safety issues that underpin the location of speed cameras at specific sites, which would inform, and contribute to, the accuracy of the public debate on the issue of policing and road safety.

Supporting Non-Disclosure

Prevention and Detection of Crime: Driving in excess of the speed limit is a statutory offence which the police are charged with enforcing. There is no public interest in the release of information which is likely to lead to an increase in the number of speeding offences and reduce the likelihood of detection.

Health and Safety of Individuals: There is no public interest in releasing information that is likely to compromise the safety of road users, or which is likely to result in an increase in the number of injuries, or the severity of such injuries, to road users and pedestrians caused by speeding vehicles.

Public Confidence: There is no public interest in the disclosure of information that is likely to reduce the effectiveness of safety cameras, thus damaging the current high level of public confidence and support in this area.

Balancing Test

In balancing these competing factors, I consider that the decision must fall in favour of preventing crime and safeguarding the health and safety of the public, where the overriding public interest lies in keeping the roads safe and reducing both instances of speeding, and the number and severity of related injuries.

I assess these factors to carry more weight than those of public awareness and increasing accountability.

Accordingly, I have decided to maintain the exemptions and refuse to provide you with a breakdown of the information by location.

And finally, for each fixed camera could it please be detailed how much money has been spent to keep it maintained since it was built.

In response to this question, I regret to advise you that, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

By way of explanation, up until 2011/12, all fixed camera sites were maintained under an annual maintenance contract and, thereafter, when the cameras were upgraded to digital, the purchase cost at that time included 3 years warranty and maintenance.

As such, specific maintenance costs for each camera are not held.

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Should you require any further assistance concerning this matter please contact me directly on 01382 596657 quoting the reference number given.

If you are not satisfied 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 the decision. Should you wish to do so, contact details are; FOI Central Processing Unit, 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. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - 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.

Yours sincerely,

Claire Sturrock
Information Management