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Website : [www.westyorkshire.police.uk](http://www.westyorkshire.police.uk)

Wednesday 07 September 2011

Dear Mr Fallon

FOI Reference No: Our ref: FOI-20111/224480

Thank you for your request for information received by West Yorkshire Police on 26 August 2011.

You requested the following information:

Subject : Freedom of Information request - Gatso Calibration and Training

Body : Dear West Yorkshire Police,

I would like to request a FOI disclosure which is basically to

understand the annual money payments to Serco and Gatso for the calibration and maintenance of cameras, staff training, and how the speed is calculated as part of the secondary check.

Q1. How many fixed post Gatso (FPG) and Gatso Red Light(GRL) cameras were in use, on an annual basis, by your partnership in the past three financial years?

Q2.For these cameras, for the past three financial years, what were the total cost amounts paid(TCAP) for the annual calibration of these cameras, identifying the TCAP to intermediate agents such as

Serco

and the company Gatsometer B.V, and the additional amounts of

V.A.T added ?

Q3.Please confirm

if the partnership have ownership of these cameras,  
paid in full, or any other arrangement.

Q4.Please

confirm if the calibration contracts (CC) have been agreed for a fixed term with break penalty clauses or negotiated

annually, if the CC are inclusive of a greater contract regarding maintenance, and who signed the contracts on behalf of the partnership.

Q5.After the cameras have been returned following calibration

please confirm if, apart from the calibration certificate,

Gatsometer B.V provide a report on any faults detected and items replaced and, if so, please identify the items, including

batteries, that have required replacement.

Q6 After calibration, please confirm if the cameras are returned

with a shutter speed of two photographs at intervals of 0.5

seconds, and if your Camera Enforcement Officers make any adjustments to the shutter speed or flash setting prior to reinstallation

and, if so, what are the setting adjustments?.

Q7.Regarding the secondary check viewing, please advise how the

viewing staff are trained for their task, who does the training,

are certificates of completion provided, and are the staff given post training assessments or hard copy reference documentation. Is the work of the viewing staff audited or reviewed at intervals?

Q8. For FPG please confirm the distance between the calibration lines on the road which are part of the secondary check, so that one can calculate the speed if five lines are passed.

West Yorkshire Police can neither confirm nor deny that we hold the information you have requested.

The service of a Notice of Intended Prosecution is the first stage in the prosecution process for an alleged offence of exceeding the speed limit. West Yorkshire Police and the Camera Safety Partnership operate its Mobile and Fixed speed check points in accordance with National Guidance and adhere to all the manufacturers operating procedures. This would automatically ensure that all equipment is correctly calibrated and that checks on the equipment are carried out on a daily basis both before and after checks take place to ensure the equipment is operating to the calibration criteria.

Following advice, we are led to understand that it is normal practice for people exploring a defence to an alleged offence to register their wish to proceed to trial and then obtain the type of information you seek under the normal court disclosure rules as part of the pre trial process. This is because the Freedom of Information Act should not be seen as an alternative avenue for seeking information that would normally be dealt with as part of the judicial process. You are entitled to request this information yourself or via your solicitor.

Should you wish to contact the West Yorkshire Casualty Reduction Partnership, please see the following website:  
<http://www.safetycameraswestyorkshire.co.uk/>

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

Please see Appendix A for the full legislative explanation as to why West Yorkshire Police can neither confirm nor deny whether any information is held.

Please accept our apologies of the delay in dealing with your request.

## COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided, please read the advice notice attached to this letter. If you do wish to take up your right of complaint, please remember to quote the reference number above in any future correspondence.

Yours sincerely

Bronwen Salmon  
Freedom Of Information

pp  
Steven Harding  
Head of Information Management

The West Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, West Yorkshire Police Headquarters, PO Box 9, Laburnum Road, Wakefield WF1 3QP.

Appendix A  
Our ref: FOI-20111/224480

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

## DECISION

Your request for information has been considered and I regret to inform you that West Yorkshire Police cannot comply. This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant 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.

## REASONS FOR DECISION

The West Yorkshire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

### Section 40(5) - Personal Information

To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve disclosure of exempt information, therefore under Section 17(4), no explanation can be given. West Yorkshire Police have determined that in all circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not the information is held.

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

## ADVICE AND ASSISTANCE

Under Section 16 of the Freedom of Information Act 2000, my duty to provide advice and assistance to persons who have made request for information, you may find the following information of use:

The service of a Notice of Intended Prosecution is the first stage in the prosecution process for an alleged offence of exceeding the speed limit. West Yorkshire Police and the Camera Safety Partnership operate its Mobile and Fixed speed check points in accordance with National Guidance and adhere to all the manufacturers operating procedures. This would automatically ensure that all equipment is correctly calibrated and that checks on the equipment are carried out on a daily basis both before and after checks take place to ensure the equipment is operating to the calibration criteria.

Following advice, we are led to understand that it is normal practice for people exploring a defence to an alleged offence to register their wish to proceed to trial and then obtain the type of information

you seek under the normal court disclosure rules as part of the pre trial process.

This is because the Freedom of Information Act should not be seen as an alternative avenue for seeking information that would normally be dealt with as part of the judicial process. You are entitled to request this information yourself or via your solicitor.

Should you wish to contact the West Yorkshire Casualty Reduction Partnership, please see the following

website:

<http://www.safetycameraswestyorkshire.co.uk/>

Please note that police forces do not use generic systems or identical procedures for capturing the data. For these reasons this response to your questions should not be used for comparison purposes with responses you may receive from other police forces.

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## COMPLAINT RIGHTS

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1. Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require West Yorkshire Police to review their decision. Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

2. Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a complaint to have the decision reviewed.

A West Yorkshire Police independent review panel, which will be made up of a Senior Police Officer and a representative from the Force Solicitor's Office, will deal with this appeal in the first instance. Both are fully trained in interpreting the Freedom of Information legislation and neither person on the Appeals Review Panel will ever have been involved in dealing with your initial request.

Complaints should include the FOI reference number, be made in writing or email and addressed to:

xxx@xxxxxxxxxxxxx.xxx.xxxxxx.xx

or

West Yorkshire Police  
FOI Appeals Panel  
PO Box 9  
Laburnum Road  
Wakefield  
WF1 3QP

In all possible circumstances West Yorkshire Police will aim to respond to your complaint within three months.

#### 4. The Information Commissioner

If you are still dissatisfied with the decision after the review by the West Yorkshire Police Appeals Panel, you may then make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.gov.uk](http://www.ico.gov.uk).

Alternatively, phone or write to:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Phone: 01625 545 700