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Your reference:  
Our reference: DFI/2017-0405

04 December 2017

Dear Sir or Madam,

You wrote to the Department on 06 November 2017 requesting an internal review of the handling of your Freedom of Information (FOI) request for information regarding RedSpeed enforcement equipment on the Springfield Road in Belfast, received in the Department on 09 October 2017. You had received a response to your request on 30 October 2017, from Mr. Roy Gordon, reference DFI/2017-0405.

An explanation of my role with regard to Internal Reviews and a summary of the correspondence are attached at **Annex A**.

I have examined the information relating to your request and completed my review. I can now inform you that, having reviewed the handling of your request, the Department did not fully meet its obligations under the Environmental Information Regulations 2004, but I do not believe that the response was incorrect, given our understanding of your request. I should like to explain my reasoning in this case.

The Environmental Information Regulations, in a similar manner to the Freedom of Information Act 2000 (FOI), established general public rights to environmental information held by public authorities. Environmental information is specifically excluded from the Freedom of Information Act, being exempted under s39.

However, with regard to what information will be captured under the legislation, EIR is identical to FOI, in that it relates to recorded information held by public authorities, albeit that EIR has a broader interpretation of how information may be considered to be held. Under EIR, for example, this means that for DfI where information is held by a third party, such as a contractor, in any way for the Department's purposes, it is considered to be held by the Department.

In general terms, it is better for those making requests to have them processed, where possible, under the Environmental Information Regulations. There is a greater presumption in favour of disclosure under EIR than under FOI, with public authorities obliged to engage in a test of the public interest in each case and with a greater level

of proof required to demonstrate why an exception from the general right of public access may be applied. Unlike the Freedom of Information Act, there are no class based exemptions that might allow for certain types of information to be withheld.

When Mr. Gordon advised you that the information was not held by the Department, he was making clear that neither the Department for Infrastructure, nor any agent, held information about the RedSpeed enforcement equipment, or more specifically any associated plan or specification of road markings, in any way for the Department's purposes. The Department was not in any way involved in their installation or calibration; nor does the Department have any responsibility for any road markings associated with the installation of the cameras.

The only enforcement cameras the Department for Infrastructure maintains or operates on the public road network in Belfast for enforcement of bus lane restrictions, while the Department does also have a network of cameras used to give real-time traffic congestion information. The Department does not use any RedSpeed manufactured enforcement cameras for either of these two purposes.

The Department for Infrastructure, therefore, as Mr. Gordon made clear in his original response, does not hold the specific information you had requested. I asked for information about the process associated with approval of road safety enforcement equipment in Northern Ireland and would like to take this opportunity to provide you with an explanation that may help to explain the extent of the information held by this Department.

As their name would suggest, the RedSpeed cameras, and any associated road markings, are used for improving road safety via enforcement of speed limits and compliance at signal junctions. Responsibility for the operation and maintenance of these cameras lies with the Northern Ireland Road Safety Partnership. Details, including contact details, of this body can be found at:

<https://www.nidirect.gov.uk/articles/ni-road-safety-partnership>.

The Department for Infrastructure is represented on the Board of the NI Road Safety Partnership by staff from DfI Roads and Safe and Sustainable Travel Division, but the Board represents a number of stakeholder organisations and is chaired and supported by PSNI.

If you click on the "types and locations of safety cameras" link on the Road Safety Partnership webpage, you will see the camera you have mentioned listed under the "Fixed safety camera" heading. This page also states that:

*All speed detection equipment operated by the Northern Ireland Road Safety Partnership is approved by the Department for Infrastructure (DFI) before it can be used for enforcement.*

*The equipment goes through rigorous testing to the standards set by the Home Office Scientific Development Branch, and there are a range of strict procedures for operating the equipment that further assures accuracy. Cameras are only used on specific roads which must meet strict criteria.*

Article 23 of the Road Traffic Offenders (NI) Order 1996 provides that evidence from a speed detection device is admissible in a prosecution for exceeding the speed limit only if the device is of a type approved by the Department (formerly the Department of the Environment, now the Department for Infrastructure).

To obtain approval, each speed detection device must meet specific technical requirements laid down by the Home Office Centre for Applied Science and Technology (formerly Home Office Scientific Development Branch).

If the PSNI or the Road Safety Partnership wish to use a specific speed detection device, they will approach this Department and request it to complete a type approval process for that specific device. They will provide the Department with a copy of the Approval Notice that is already in place in Great Britain. This Department relies on the Home Office type approval process in approving the same device for use in Northern Ireland. No additional testing is carried out in Northern Ireland. Officials will draft an Approval Notice, have it quality assured by Departmental Solicitors' Office before having it signed by a senior officer and sealed with the Official Seal of the Department. A copy of the Approval Notice is placed in the Belfast Gazette.

The placement, calibration and maintenance of any enforcement equipment is a matter for the Northern Ireland Road Safety Partnership and the equipment manufacturer. In the case of the specific equipment on the Springfield Road, the Road Safety Partnership has published the Calibration Certificate for the camera, provided to that body by RedSpeed International Ltd., this identifies the camera as a SpeedCurb model

[https://www.nidirect.gov.uk/sites/default/files/publications/Springfield%20Road\\_issue\\_d05Oct16.pdf](https://www.nidirect.gov.uk/sites/default/files/publications/Springfield%20Road_issue_d05Oct16.pdf)).

The original Approval Notice for the SpeedCurb device was signed on 12 June 2003. At that time, it was manufactured by Monitron International Ltd. In 2004, this company went into liquidation and was taken over by RedSpeed International Ltd. This required the original Approval Notice to be replaced by one bearing the name of the new manufacturer. The new Approval Notice was subject to the same administrative process and was signed and sealed on 21 September 2005.

The Department understood your request to be for more detailed information regarding the RedSpeed enforcement equipment than simply the Home Office Type Approval and the Department for the Environment's Approval Notice for operation in Northern Ireland. As no technical information is held, and certainly nothing relating to plans or specifications of road markings, Mr. Gordon felt it appropriate to state that the information you had requested was not held.

The Department does, however, hold information regarding the camera in question, and we have been able to access other information that is already in the public domain. While the information we do hold is not what you had requested, I believe that it demonstrates why the Department does not hold the requested information, and I hope that you may find it useful.

The camera in question is configured to work in one of three modes and are identified as follows:

- RedGuard - a red traffic light camera;
- SpeedCurb - a roadside speed camera; and
- RedSpeed - a red light and speed camera at a signal junction.

A separate Approval Notice has been issued for each mode of use. Links to the Home Office Approval Notices for the three RedSpeed models (i.e. those issued following liquidation of Monitron Ltd) are listed below:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117104/redcurb.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117104/redcurb.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117105/redspeed.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117105/redspeed.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117103/redguard.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117103/redguard.pdf)

Copies of departmental correspondence representing material provided for approval of the device in 2003 is attached at **Annex B**. Similar material for approval of the device in 2005 is attached at **Annex C**.

If this information is what you were seeking, and our original interpretation of your request was incorrect, I must apologise. If, however, you are looking for technical details submitted for Type Approval of the equipment, you may wish to make an information request to the Home Office.

While the Environmental Information Regulations relate to rights to access environmental information held by public authorities, it also (Regulation 9) obliges public authorities to provide advice and assistance to those making requests. In this case, we could have provided you with an explanation of how we were interpreting your request and why it was that, on this understanding, no information was held. It would have been helpful to have informed you of the relationship between Home Office Type Approvals and DOE/DfI Approval Notices. I regret that, in this case, such advice and assistance was not provided.

I hope you find this helpful. If you are dissatisfied with my findings, you have the right to appeal to the Information Commissioner and may do so by writing to him at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

I am copying this letter to Mr. Gordon as he provided you with the initial response.

Yours sincerely,



**PAUL MCGRORY**  
Departmental Information Manager

## **Annex A**

### **My role as Departmental Information Manager**

As Departmental Information Manager, my role in carrying out an 'Internal Review' following a complaint or 'appeal', is pursuant to the Secretary of State for Constitutional Affairs' Code of Practice [which now comes under the responsibility of the Secretary of State for the Department of Justice] on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000 and, by extension, the Environmental Information Regulations. Section 39 of the Code of Practice requires "a fair and thorough review of the handling issues and of decisions taken pursuant to the [Freedom of Information] Act, including decisions taken about where the public interest lies in respect of exempt information." Under the Environmental Information Regulations, this review of the handling of your request for information is a "reconsideration", a public authority obligation contained within Regulation 11 (Representations and Reconsideration). I have no role or locus with regards to any issues arising out of the substance of any information sought or the resolution of complaints, which may be the subject matter of the information.

### **Summary of correspondence**

#### **Request - 09 October 2017**

FOI Request - RedSpeed Enforcement Camera Equipment - Springfield Road Belfast in 2014

Please provide copies of the material provided for approval of the above equipment, specifically any plan or specification of road markings to be placed on the visible road surface.

#### **Response - 30 October 2017**

The Department does not hold the information you have requested.

#### **Request for an internal review - 06 November 2017**

I am writing to request an internal review of Department for Infrastructure (Northern Ireland)'s handling of my FOI request 'RedSpeed Enforcement Equipment Springfield Road Belfast 2014'.

Details of RedSpeed Enforcement Equipment is presented to the Department for authorisation. I fail to comprehend why the information is not available. Is no copy retained? Are the Department indicating no material was presented for authorisation for this, or this type of enforcement equipment?