

Our Ref: IM-FOI-2018-1360
Date: 2nd July 2018



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.

- 1) I would like to know how many motorists in total have been caught by the Dual Speed/Red light camera on Bartiebeth Road at Wellhouse Road from 01/05/2017-01/05/2018.**
- 2) If possible, the total figure broken down into red light and speeding offences.**
- 3) The calibration certificate for this safety camera - most recent.**

All permanently sited camera operations (Fixed, Dual, Red-light, Average Speed), camera housings are continuously and visibly present at specific locations, however, the cameras within these are not necessarily operational at all times. Although the general public are aware that cameras may not always be active, details of the periods for which the cameras are active are not in the public domain. Therefore, with permanent cameras, their effectiveness in deterring motorists from speeding is based on the perception that they may be active at any time and for camera enforcement to be effective in the interests of road safety and the law, there must be the perception that the chance of being detected and recorded is high at all sites.

Safety cameras in Scotland are operated under the rules and guidelines of the Scottish Safety Camera Programme, a personal injury crash/casualty reduction initiative funded by the Scottish Government. The purpose of safety cameras in Scotland is to provide a highly visible deterrent to drivers who may otherwise be inclined to speed at locations with a history of personal injury crashes, together with evidence of speeding, and thereby reduce the number of people injured because of these actions.

All safety cameras sites are published, have warning signage in place on the road and all enforcement equipment has high visibility marking to make drivers aware of the presence of the cameras. For effective deterrence, drivers must believe that speeding in the vicinity of these cameras will always be detected and recorded by the equipment, leading to fines and penalty points.

The offences recorded at these specific fixed and average speed cameras in Scotland I contend should be withheld, and will be subject of the exemptions engaged further in this response.

To explain, it is the case in practice that not all fixed and average camera sites will be live at any one time. Some camera systems are based on a lesser number of actual cameras being deployed across a much larger number of camera housings on a rotational basis. Publication of data at individual sites would disclose the enforcement regime enabling drivers to predict when a camera might not be live, thereby leading some to endanger public

safety and break the law by speeding when the camera is believed to be inactive. This would be seen by the absence of any offenders for periods of time.

The camera systems are also subject to external influences that may render a particular site inoperable for considerable periods of time – damage to equipment within road surface; remedial environmental works that require planning permission; awaiting Home Office Approval in respect of necessary upgrades in technology etc.

Again, with the above, the effect of publishing offender information for individual sites will identify where equipment may not be operational and a highly visible piece of deterrent equipment is negated as a road safety intervention by encouraging those who would wish to do so, to take risks with impunity.

Conversely, the camera installations have not infrequently been subject to attack and vandalism to put them out of action. Publication of individual site offence data which shows the location of cameras that may be detecting higher numbers of offenders could lead to these sites being targeted.

Taking into account the information articulated above I am unable to provide the information requested above as it is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided. I consider the information requested to be exempt under the following exemptions:

Section 35 (1) (a) & (b) – Law Enforcement

If we were to disclose the information requested above it would give a clear indication of whether a particular camera was active and furthermore would set a precedent for the disclosure of the same information at every site across the area, which would severely prejudice the prevention and detection of crime and the apprehension or prosecution of offenders. Accordingly, the information you have requested is exempt.

This is a non-absolute exemption which requires a public interest test.

Section 39 (1) – Health, Safety and the Environment

This information is exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual. If the above information was disclosed it would indicate whether a particular camera was active at a specific site and show any patterns or trends in the use of the equipment and speed detection which would encourage road users to commit offences, thereby endangering other road users and pedestrians and render the safety camera ineffective as a road safety measure.

This is a non-absolute exemption and also requires the application of a public interest test.

Public Interest Test

On balance the public interest on this occasion favours retention of the information. It could be argued that public awareness and safety camera partnership accountability would favour disclosure. That said, the application of the exemptions listed above, the efficient/effective conduct of Police Scotland and overall public safety favour non-disclosure of the information.

On balance it is considered that the public interest in disclosing site-specific data is outweighed by the potential consequences to law enforcement and the impact such a release would have on road safety measures.

To be of assistance, further information on safety cameras is held on the following Scottish Government website:

<http://safetycameras.gov.scot/>

Should you require any further assistance concerning this matter please contact Information Management - Stirling on 01786 456321 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.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.