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Our Ref: IM-FOI-2022-1261
Date: 20th June 2022



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.

This is a freedom of information act request for the information identified in points 4/5 of the 'HADECS - frequently asked questions' document.

<https://www.theforthbridges.org/plan-your-journey/road-user-guide/hadecs-frequently-asked-questions>

Linked as part of the Transport Scotland news publication

<https://www.transport.gov.scot/news/m90-camera-system-to-be-introduced/>

Can I please request the calibration data, calibration method, testing data and testing methods for the HADECS system prior to its live operation?

I have asked Transport Scotland they identified you as the data owner:

"Calibration Data

Transport Scotland does not have the information you have asked for because all calibration certificates associated with safety cameras deployed in Scotland through the Scottish Safety Camera Programme are held by Police Scotland."

At the time of writing there are 4 cameras within the series of housings on this route, please find attached the calibration certificates and on-road speed test records held by Police Scotland for these cameras.

I must advise that it has been necessary to withhold some of the information requested, therefore, 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

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(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

Section 35(1)(a)&(b) – Law Enforcement
Section 38(1)(b) – Personal Information
Section 39(1) – Health, Safety and the Environment

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

In regards to the specific location of the cameras if we were to disclose this information it would give a clear indication of the area of enforcement currently covered by the HADECS speed enforcement system and furthermore would set a precedent for the disclosure of the same information at every speed camera site across Scotland, which would severely prejudice the prevention and detection of crime and the apprehension or prosecution of offenders.

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 the level of enforcement currently covered by the HADECS speed enforcement system and identify gaps in current coverage 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.

These exemptions are non-absolute and require the application of a public interest test.

Public Interest Test

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 nondisclosure of the information.

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

Section 38(1)(b) – Personal Information

Any information that could lead to the identification of individuals has been redacted. This is in accordance with Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – Personal Information.

This mainly relates to the name of persons who are outside Police Scotland and any staff member within Police Scotland of a more junior role (below the rank of Superintendent or Head of Department). Those of a more senior rank have been included as it is deemed within the public interest to do so.

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I have also redacted the statements given by the staff of third party providers within the on-road speed test records held as statements given by individuals is classed as their personal information.

As such, the processing would be unfair and unlawful in respect of the individuals concerned and would therefore be in breach of the first principle of the Data Protection Act 2018. This is an absolute exemption, which does not require a public interest test to be conducted.

In fairness and balancing the public interest in regards to the HADECs speed enforcement system, I have however provided a summary of the statements below.

The statements relate to tests conducted on particular dates and times where a marked police vehicle was driven by Police Scotland officers past the various cameras in the system. The speed of the police vehicle was measured and logged by a Video VBox Pro 20Hz GPS data logging system fitted to the vehicle. These tests were conducted in each lane of the carriageway and the data was then compared with records produced by the HADECS speed enforcement system.

I can confirm that no further information in regards to testing data, testing methods, calibration data or calibration method is held by Police Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

Whilst this information may be held by the company who supplied the cameras, the Act does not place an obligation on public bodies to request information that is not currently held.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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

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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.