

Our Ref: IM-FOI-2022-0273
Date: 22 February 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.

All information on the number of motorists detected by fixed to the ground speed cameras in Scotland in 2017, 2018, 2019, 2020 and 2021.

I must first advise you that as the information provided below is taken from a live database, the information is subject to change as further details are updated. The information is therefore correct as at 02/02/2022.

For clarity, the term 'fixed to the ground speed cameras' has been interpreted to refer to fixed Gatso Cameras, Average Speed Cameras and Dual Purpose Cameras.

In terms of the timescale requested, I must advise you that in line with the [retention policy](#) of Police Scotland, the information held relates to the last three years and the current year only. As such, the information requested for the period 2017 and 2018 is not held and Section 17 of the Freedom of Information (Scotland) Act 2002, has been applied.

This should be broken down into number for each camera's location and regulated speed at the location, plus each illegal speed recorded.

The purpose of the Safety Camera Programme is to contribute to Scotland's road safety vision and road safety targets, realised through targeted camera enforcement and improving driver behaviour. This vision is namely "A steady reduction in the numbers of those killed and those seriously injured, with the ultimate vision of a future where no-one is killed on Scotland's roads, and the injury rate is much reduced".

Information concerning the universal speed threshold is considered to be exempt in terms of the Act as disclosure of exact speed tolerances would allow drivers to speculate on the possibility of being detected. For comparable reasons, a link between individual speed cameras and the number of offences detected at that location, is also considered exempt in terms of the Act.

Section 16 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:

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

In terms of the link between location and detection, if we were to disclose the number of offences detected by individual cameras, this would give a clear indication of the level of enforcement at that locality. As a consequence, this would substantially prejudice the prevention and detection of crime and the apprehension or prosecution of offenders.

Furthermore, speed thresholds are maintained in line with guidelines issued by the Lord Advocate. If there are particular issues of road safety, the guidelines allow for downward variation of thresholds for action by local agreement between Area Procurators Fiscal and the Chief Constable. It would therefore be misleading to motorists if normal thresholds were published, since these local agreements allow for enforcement at lower speeds.

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

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

It is well recognised that excessive speed is a danger to road users and often a contributory factor in road crashes.

Disclosure of information relating to speed thresholds would encourage drivers to travel up to these limits, increasing the risk to the safety of all road users. Thus, disclosure would, or would be likely to endanger the physical health or safety of an individual.

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

Public Interest Test

Road traffic laws are formulated with the purpose of ensuring the safety of all road users. I would argue that there has to be the perception that the likelihood of detection is high and the only sure way to avoid prosecution in terms of dedicated speed is to remain within the statutory speed limits.

To inform the public of the level of enforcement at a specific location would indicate the likelihood of being detected at this locus. The effectiveness of speed cameras is based on the perception that they may be active at any time and there must be the perception that the chance of being detected and recorded is high at *all* sites.

Although it could be argued that public awareness and accountability would favour disclosure, any disclosure would confirm the rationale that it is 'safe' or 'permissible' to drive at a certain speed above the max limit without fear of prosecution. Accordingly, the public interest in disclosing this data is outweighed by the potential consequences to law enforcement and the impact such a release would have on road safety measures.

On that basis the information is provided in the tables attached – Data 0273 refers.

OFFICIAL

Please note that detected speeds have been grouped together into 'speed ranges' to protect the threshold limit.

If the number of motorists subsequently found liable for an offence is less than 90 per cent of the total actually recorded, please provide the number fined.

All speeding offences detected by fixed to the ground speed cameras are recorded and progressed in the first instance via a Conditional Offer of Fixed Penalty Notice (COFPN) as an alternative to prosecution.

Further information can be found via the link below:

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

If you require further assistance or 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.

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.