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Our Ref: IM-FOI-2022-1005
Date: 01 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.

(1) In certain limited cases which are subject to strict criteria, an exemption for a speeding ticket is granted without an officer needing to submit an application. We understand you do not record a distinction between automatically granted and officer applied for exemptions, so we would be grateful if you could simply advise how many exemptions were provided to officers for speeding offences in 2020?

The number of detected speeding offences by Safety Cameras Scotland in 2020 in Scotland which resulted in a police exemption was 5,120.

(2) Under what circumstances would an exemption for a speeding offence be granted without an officer needing to submit an application?

The safety cameras capture an image of all vehicles exceeding the threshold speed. If it is clear that the vehicle is displaying blue emergency lights and is travelling within the emergency response speed threshold then there would be no requirement for an officer to apply for an exemption.

You will be aware that blue emergency lights flash intermittently, meaning that on occasion the safety camera will activate at a point when blue emergency lighting is not visible. At this point an officer would be required to apply for an exemption as it would be unclear from the outset that the vehicle was responding to an emergency call or not.

(3) What proportion of speeding offences by officers on-duty resulted in an exemption in 2020?

In response to your request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

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As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, in order to provide a proportion, a search would need to be undertaken to determine how many exemptions had been applied for, with this measured against the number granted.

The number of applications for exemption is not routinely recorded. As such a manual examination of all safety camera activation tickets for the year 2020 would need to be conducted to determine firstly if it related to a police vehicle and then if an exemption had been applied for. Whilst the exact scale of this task is unknown as we do not have an easy way to retrieve tickets issued to police vehicles specifically, Police Scotland issue tens of thousands of speeding tickets each year. At a conservative estimate of 2 minutes to check each record this would equate to thousands of hours of work to retrieve the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

I would normally suggest that a reduced timescale is considered to see if some data could be provided. In this case however, as a single year will vastly exceed the cost threshold, I do not believe any meaningful data could be provided in this case.

(3) 13,451 exemptions were applied for between 2019 and 22nd October 2021.

- (i) How many of these were granted?**
- (ii) How many in total were granted during this period, including those which were provided automatically without the need for application?**

In response to this question, I must advise that the information provided on the previous response FOI 22-0916 was incorrect. Between 2019 and 22 October 2021, 13,451 exemptions were granted not applied for. This figure includes all automatically granted exemptions.

(4) How many police officers were prosecuted in 2020 for speeding offences committed on duty?

A total of 17 Police Officers were prosecuted during 2020 for On Duty Speeding offences.

Should an officer's behaviour be assessed to breach the Standards of Professional Behaviour, a preliminary assessment will be carried out under Regulation 10 of the Police Service of Scotland (Conduct) Regulations 2014. These regulations can be found via the following link:

<https://www.legislation.gov.uk/ssi/2014/68/contents/made>

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct and intend to encourage a culture of learning and

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development for individuals and the organisation. Notwithstanding, disciplinary action undoubtedly has a part to play, should circumstances dictate that this is required.

Please note that this data is based on cases received 01/01/2020 – 31/12/2020 inclusive and the case received date may vary from the date of the offence. I would also point out that the term prosecuted refers to the initiation of proceedings and does not refer to the outcome of those proceedings.

(5) How exemptions for speeding offences were granted by OCCTU Dundee in 2020?

In response to your request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

As advised in the response to question 1 we granted 5,120 exemptions in 2020, in order to determine which were granted by OCCTU Dundee in 2020 a manual examination would need to take place to determine which department approved the exemption.

At a conservative estimate of 2 minutes to check each record, this equates to over 170 hours of work to obtain the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

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.

