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Our Ref: IM-FOI-2022-2140
Date: 04 November 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

For the combined total of the 2020/21 and 2021/22 financial years please tell me which two automatic camera sites in your area recorded the most drivers going through red lights? By which I mean which two set of traffic lights in your area had the highest total of offenders for going through a red light in that two year period.

For both sites please state: (a) the location of the traffic lights (b) how many activations the camera/mechanism detected in total of vehicles going through a red light, and (c) how many of these activations resulted in a notice of intended prosecution being sent out.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information regarding the location of which camera sites have the highest level of activations. 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
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I have identified the following exemptions below which I consider relevant.

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

The total number of safety camera sites and their location throughout the area covered by Safety Cameras Scotland is widely publicised. If however, we were to disclose information in relation to a specific fixed camera it would give a clear indication of the level of enforcement of a particular camera and furthermore would set a precedent for the disclosure of the same information at every site we enforce, 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 and requires the application of the 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 the level of enforcement at a specific site and show any patterns or trends in the use of the equipment 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 requires the application of the 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. 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.

With respect to the number of offences detected and the number of Notice of Intended Prosecution (NIP) issued please see the table below.

	Offences	NIP Issued
Camera 1	1596	510
Camera 2	1295	1105

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.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.