

Our Ref: IM-FOI-2022-1988
Date: 19th October 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.

Please could you tell me the number of drivers caught speeding on the A96 between Aberdeen and Keith, the exact location of this and the speed recorded. Can this be given for the last three years and broken down by year please

The table below provides the number of drivers caught speeding on the A96 between Aberdeen and Keith. This information relates only to speeding offences detected by Safety Cameras Scotland and **not** by police officers at the roadside.

The information is taken from a live database and is correct as at 3 October 2022 and is subject to change as updates are received.

Safety Cameras Scotland has two core sites on the A96 between Keith and Aberdeen. The first being near Bainshole which went live in June 2021 and the second being near Williamston, Colpy which was live at the beginning of the requested period.

Year	Location	Detected Offences per Speed Range			
		41mph - 60mph	61mph - 80mph	81mph- 100mph	100mph+
October 19 to September 20	A96 near Williamston Colpy	21	160	22	3
October 20 to September 21	A96 near Bainshole	25	195	4	0
October 20 to September 21	A96 near Williamston Colpy	25	149	23	0
October 21 to September 22	A96 near Bainshole	14	210	7	0
October 21 to September 22	A96 near Williamston Colpy	6	101	12	0

Please note that I am unable to provide you with the exact speeds drivers were detected at as this information 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.

Section 35 – Law Enforcement

If we were to disclose the information requested above 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 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 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 also requires the application of a public interest test.

Both of the exemptions are non-absolute exemptions 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 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.

The table below provides the number of speeding offences between Aberdeen and Keith A96 from 1st January 2019 to 31st August 2022 which are recorded on Police Scotland’s crime recording system.

Offence	2019	2020	2021	2022
Speeding in Restricted Areas	0	2	0	1
Other Speeding Offences	172	75	84	21
Total	172	77	84	22

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All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 5th October 2022.

The Recorded Crimes are extracted using the Date Raised, and then mapping the records to the specified location using GIS mapping (based on the Grid East and Grid North recorded). Records between King Street/East North Street in Aberdeen and Keith (along the A96) were selected.

Please note that the only way to establish the speed range for these offences would be to carry out case by case assessment of each report.

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.

Should you require any further assistance please contact Information Management Dundee, 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.

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.