

Our Ref: IM-FOI-2022-1394  
Date: 28 July 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 state how many sites you have where there are fixed position cameras in operation for the detection of speeding motorists as of 1<sup>st</sup> April 2022?**

**NB: If you have more than one camera at a site to detect speeding using average speeds across a set distance please count this as one site.**

In response to this question, please be advised this information is publicly available.

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

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) - information otherwise accessible.

All operational fixed and average speed camera are available on the Safety Cameras Scotland website- <https://www.safetycameras.gov.scot/cameras/>

**For each of the last five financial years (17/18), (18/19), (19/20), (20/21) and (21/22) please state how many notifications of an intended prosecution were issued by you for the fixed position speed cameras that you had in operation?**

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**For each of the last five financial years (17/18), (18/19), (19/20), (20/21) and (21/22) please state how many (a) fixed penalty notices were issued, and (b) speed awareness courses were carried out as a result of people being caught in the fixed position speed cameras that you had in operation?**

In response to these questions, please find below the relevant data. In line with Police Scotland's retention policy we only hold information for the last three years plus current year thus are unable to provide all of the information requested. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 applies and this represents a notice that information prior to 2018 is not held by Police Scotland.

	Fixed Speed, Average Speed and Dual Sites			
Financial Year	2018-19	2019-20	2020-21	2021-22
<b>Notice of Intended Prosecutions Issued</b>	34659	40585	24409	37062
<b>Fixed Penalty Notices Issued</b>	23634	25369	16424	25377

Please note that speed awareness courses are not currently available in Scotland.

**In relation to the last financial year (21/22) which fixed position camera site was responsible for issuing the most notices of intended prosecution? Could you please state the position of the camera and the number of notices of intended prosecution issued.**

Regarding the specific camera location, I regret to advise you that, 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
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the Exemptions that I consider to be applicable to the information requested by you are Section 35(1)(a)&(b) - Law Enforcement and Section 39(1) - Health, Safety and the Environment

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

The information requested is considered exempt as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

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

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The information requested is considered exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual or individuals.

To explain, in camera operations, camera housings are continuously and visibly present at specific locations but the cameras within these are not necessarily operational at all times. Although the public are aware that cameras may not always be active, details of the periods for which the cameras are active are not in the public domain. Therefore, with speed cameras, their effectiveness in deterring motorists is based on the perception that they may be active at any time. For camera enforcement to be effective in the interests of road safety and the law, there must be the perception that the chance of being detected and recorded is high at all sites.

In addition to this, camera installations have been subject to attack and vandalism to put them out of action. Publication of individual site offence data which shows specific camera operations could lead to these sites being targeted. Where such attacks have occurred this has led to cameras being out of commission for several months awaiting repair which has an obvious detrimental effect on road safety and deterrent capability at these sites.

### Public Interest Considerations Favouring Disclosure

There is a public interest in disclosing information to the public upon which they can assess whether safety cameras are being used in an effective and fair manner to prevent and detect speeding offences.

There is a public interest in highlighting to the public the road safety issues that underpin the location of speed cameras at specific sites, which would inform, and contribute to, the accuracy of the public debate on the issue of policing and road safety.

### Public Interest Considerations Favouring Non-Disclosure

Driving in excess of the speed limit is a statutory offence which the police enforce. There is no public interest in the release of site specific information which is likely to lead to an increase in the number of speeding offences and reduce the likelihood of detection.

There is no public interest in releasing information that is likely to compromise the safety of road users, or which is likely to result in an increase in the number of injuries, or the severity of such injuries, to road users and pedestrians caused by speeding vehicles.

There is no public interest in the disclosure of information that is likely to reduce the effectiveness of safety cameras, thus damaging the current high level of public confidence and support in this area.

### Public Interest Balancing Test

In balancing these competing factors, I consider that the decision must fall in favour of preventing crime and safeguarding the health and safety of the public, where the overriding public interest lies in keeping the roads safe and reducing both instances of speeding, and the number and severity of related injuries.

I assess these factors to carry more weight than those of public awareness and increasing accountability. Accordingly, I have decided to maintain the exemptions and refuse to provide you with location specific data.

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To be of some assistance, I can provide that the specific camera had 10,000 notices of intended prosecution issued.

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.pnn.police.uk](mailto: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](mailto: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.

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