

Our Ref: IM-FOI-2022-1290
Date: 29 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. Please accept my apologies for the delay in responding.

For ease of reference, your request is replicated below together with the response.

Whifflet Street, Coatbridge, near Broughton Place - I would like to ask for a Freedom of Information data on that camera. How many prosecutions,

I can advise you that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the role of the police in Scotland, in relation to crimes and offences, is to investigate the circumstances and where sufficient evidence exists to then report the matter to the relevant Procurator Fiscal. It is a matter for the Procurator Fiscal to decide on and to progress any prosecution through the courts. The disposal in relation to cases reported to the Procurator Fiscal is not routinely passed to the police, therefore, the Service do not hold the information requested in relation to prosecutions.

By way of assistance, I have listed below contact details for the Crown Office and Procurator Fiscals Service who may be able to assist you in this matter:

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA or via <http://www.copfs.gov.uk/>

how many errors on the camera.

I am unable to provide the information requested above as it 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. I consider the information requested to be exempt under the following exemptions:

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

If we were to disclose the requested information it 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. Further disclosures at different points in time would give a clear indication of whether a particular camera was active and as such 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 whether a particular camera was active 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.

Public Interest Test

On balance the public interest on this occasion favours retention of the information. 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.

To be of assistance, further information on safety cameras is held on the following Scottish Government website:

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

Should you require any further assistance please contact Information Management - Glasgow at – foi@scotland.police.uk – 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.

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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.

