| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0002  Responded to: 31st January 2023 |
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Your recent request for information is replicated below, together with our response.

**I would like to get some information for the specs3 average speed camera located on old Dalkeith road Edinburgh site AV02.**

**What I would like are**

**1 any calibration certificates from**

**May 2017 until it's most recent one taking to the end of 2022.**

Please find the requested certificates attached.

I must advise that it has been necessary to withhold some of the information requested, therefore, 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:

* states that it holds the information,
* states that it is claiming an exemption,
* specifies the exemption in question and
* states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

## Section 38(1)(b) – Personal Information

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met.

The only potentially applicable condition is set out at Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

On that basis, it is my view that disclosure of the information sought would be unlawful.

In this case the exemption has been applied to the names of those involved in testing/calibrating the cameras.

**2 the calibration certificates of the correvit L350 optical sensor used in the calibration of the mentioned camera for the periods May 2017 until it's most recent one taking to the end of 2022.**

Police Scotland do not hold this information as it would be held by the company who provided the calibration certificates provided for question 1, as such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

**3 the records of any baseline measurements carried out May 2017 until it's most recent one taking to the end of 2022.**

In relation to the baseline length, Police Scotland do not hold this information as it would be held by the company who conducted the initial calibration procedures and is noted on the calibration certificates. In this instance it is the same company as noted on the calibration certificates provided. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In relation to the baseline speed and collision data for the road itself, we do hold this information but it is from 2012-2014 and therefore out of scope of your request.

**4 the number of times the cameras were triggered during the period 7/10/21 and 14/10/21 listed on a daily count**

Please find the requested information below:

07/10/2021 - 4

08/10/2021 - 2

09/10/2021 - 4

10/10/2021 - 7

11/10/2021 - 7

12/10/2021 - 3

13/10/2021 - 6

14/10/2021 - 10

**5 any maintenance visits to the site AV02 between May 2017 until it's most recent one taking to the end of 2022.**

Police Scotland do not hold this information as the company Jenoptic carry out maintenance and visits. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

**6 a copy of the traffic order setting out the speed limit of the site.**

I can confirm that no specific traffic order is held or required for this site. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation, the Road Traffic Regulation Act (1984) as amended provides a 30mph limit to any road in a built up area that has a system of street lighting, therefore there is no Traffic Order in our files for the 30mph limit on Old Dalkeith Road.

I have provided a link below to the relevant section and would direct you to point 82(1)(b).

[Road Traffic Regulation Act 1984 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1984/27/section/82)

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.