| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-0156Responded to: 11 February 2025 |
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Your recent request for information is replicated below, together with our response.

**Since the installation of a fixed speed camera on the A944 near Kingswells detecting Eastbound traffic travelling towards Aberdeen, the average speed between the two roundabouts this camera has been placed has INCREASED, cars now aware the fixed camera is there and not a pop up mobile camera are now driving faster up until the fixed camera, slowing to 40 then slightly increasing after the road calibration markings. I am aware Police Scotland did not support the Local Councils decision to reduce the speed from 50 MPH down to 40 MPH, having been driving on that stretch of road daily for 35 years in all the roads guises, single carriage way, now dual carriage way, 70 mph limit (probably to fast) down to 50 mph (probably the right limit) down to 40 mph (not supported by Police Scotland) this latest fixed camera placement in my experience of this roads speed is a mistake and the average speed along that stretch has increased. P lease forward to me under Freedom of Information the document that justified placing the fixed camera there, the camera could have been placed perhaps nearer Hazlehead Academy to have a greater impact on road safety.** **Please also advise if placement was driven by a Local Councilor or by close resident pressure.**

I have attached separately a copy of the document *Proposed New Site - ABC-591514 - A944 Kingswells b.* This lays out the decision-making process for the speed camera in question.

As you will note some information has been redacted. The redacted information is 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.

The exemptions that I consider to be applicable to the information requested by you are:

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

Disclosure would give a clear indication as to the operation of the camera system, which would substantially 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**

Disclosure of camera specific information would encourage drivers to speed and 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 a 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 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.

**Section 38(1)(b) - Personal Data**

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’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’*

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.

Regarding placement of the fixed camera, this was agreed by Police Scotland, Transport Scotland and local road authority.

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 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 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.