| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2798  Responded to: 17 November 2023 |
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Your recent request for information is replicated below, together with our response.

## Please could you provide footage from a road traffic camera. A minor traffic collision occurred between a Black Audi [ ] and a Blue Skoda [ ], travelling from Barrack Street onto Atholl Street.

## If video footage of the incident is not available, please provide multiple still images.

## I am the legal owner of the vehicle.

An FOI response is a *public disclosure* and so it is not usually possible to disclose information about particular individuals, properties, or related investigations.

In terms of section 18 of the Act, I am therefore refusing to confirm or deny whether the information sought is held by Police Scotland.

The public interest overwhelmingly lies in protecting individuals’ right to privacy and honouring their expectation of confidentiality. Furthermore, third party personal data - where it is assessed that disclosure would contravene the data protection principles as defined in the Act, is exempt from disclosure in terms of section 38(1)(b) of the Act.

I can further advise that Section 34(1)(b) – Investigations would also apply.

Information is exempt if it is held for the purposes of an investigation which in the circumstances may lead to a decision to report a matter to the Procurator Fiscal.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

Public awareness would favour disclosure as it would contribute to the public debate surrounding the police handling of an enquiry.

I would, however, contend that the efficient/ effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement.

Accordingly, at this time the public interest lies in protecting the integrity of investigative and criminal justice procedures by refusing to provide the information sought.

I appreciate that there is a public interest in relation to police investigations. That said, it is essential that neither the investigation nor the potential for proceedings to be brought against an individual are put at risk.

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.

If you were directly involved in this matter, you may wish to consider applying for any information that we hold about you. Further information regarding submitting a Subject Access Request is available on our website: [Subject Access Requests - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests/).

If the matter was reported to the police and you need information to support an insurance claim, please visit our website for further information including the relevant fees:

[Provision of Reports - Police Scotland](https://www.scotland.police.uk/access-to-information/provision-of-reports/)

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.