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Our Ref: IM-FOI-2022-0720
Date: 20 April 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.

How many times has information attained by ANPR cameras situated on the M8 motorway been used by Police Scotland.

First of all, Police Scotland cannot confirm or deny the existence of a *Police Scotland ANPR camera* at any given location. In that regard, section 18 of the Act is engaged given the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

The overwhelming public interest lies in maintaining the tactical integrity of ANPR as an invaluable policing tool. It is accepted that there is significant interest in policing tactics which arguably infringe on the right to privacy, however, it cannot be in the public interest to confirm whether or not information is held when to do so would render any cameras ineffective by voiding their covert nature.

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, the following exemptions are assessed to apply:

Section 31(1) - National Security and Defence
Section 35(1)(a)&(b) - Law Enforcement
Section 39(1) - Health Safety and the Environment

Information that could assist in the planning and commission of acts of terrorism and/or criminality should clearly never be disclosed.

Disclosure of ANPR camera locations would highlight which locations are (and consequently are not) monitored by ANPR, allowing criminals/ terrorists to plan routes accordingly to avoid police detection.

Revealing specific locations would therefore substantially weaken the effective use of ANPR as a tool in the fight against terrorism and other criminality on a local and national scale.

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The technology can also be useful in the reduction of death and injury on the roads.

ANPR is an internationally recognised tool that can significantly reduce volume crime, increase detection rates, tackle cross-border crime and provide vital intelligence for use in counter terrorist and serious crime work.

Taking all of the above into account, section 18 of the Act is engaged and Police Scotland cannot confirm or deny the existence of a *Police Scotland* ANPR camera on the M8 motorway.

Notwithstanding the above, we are conscious that Transport Scotland has [published](#) the fact that *they* operate an ANPR camera system on parts of the trunk road network - currently comprising 26 cameras at 15 locations, including the M8.

If your intention was to ask about the Transport Scotland ANPR camera(s) on the M8 then you would need to confirm that and we would need to know what you mean by both *information* and *used* in more detail in order to progress a request on that basis.

For example, are you looking to establish whether or not Police Scotland has requested and been provided with data from Transport Scotland ANPR cameras in relation to the investigation of crime etc?

There is some information available via the web link above in relation to how the information is *used* by Transport Scotland themselves that you might find of interest.

I also request all correspondence and information including but not limited to documents, reports, calls logged, notes of meetings and emails relating to ANPR cameras between Police Scotland and Transport Scotland

I regret to advise you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations. As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

Your request is incredibly wide in scope and there could be correspondence etc mentioning ANPR between any Police Scotland officer or staff member in a variety of contexts.

Police Scotland is a vast organisation with over 23,000 officers and staff working across a range of business areas.

It is simply inconceivable to be able to conduct any kind of meaningful research for your request for less than £600 given all force departments/ business areas etc would have to be individually contacted.

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Furthermore, in the absence of a time period to the contrary, your request covers the period since April 2013 when Police Scotland was first created up to the present time.

Clearly that further exacerbates the problem of attempting any reasonable searches for the information sought within the £600 cost limit.

You may wish to consider whether a shorter time period might be of interest but that in itself would unlikely be sufficient in terms of minimising costs.

You may also therefore wish to consider whether or not your request could be meaningfully refined to either specific business areas and/ or specific topics.

You may, for example be interested in information held by our colleagues in Roads Policing and/ or our ANPR project team.

You may also be interested in particular geographic areas/ particular roads etc and/ or particular projects.

Should you require any further assistance please contact Information Management 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 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 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.