| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0042  Responded to: 1st February 2023 |
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Your recent request for information is replicated below, together with our response.

## Information including sight of any written or electronic communication detailing all reports of road surface defects on the Old Military Road, A939 from September 2021 to date.

## Information including sight of any written or electronic communication detailing any reported complaints in relation to the Old Military Road, A939 from September 2021 to date.

## Information including sight of any written or electronic communication detailing any reports of road traffic incidents occurring on the Old Military Road, A939 from September 2021 to date including type of vehicle involved and cause of the incident.

The table below provides the number of incidents recorded on Police Scotland’s incident recording system, Webstorm, on the A939 between Ballater and Nairn, from 1st September 2021 to 31st December 2022.

| **Final Incident Type** | **2021** | **2022** |
| --- | --- | --- |
| Road Traffic Collision | 20 | 80 |
| Road Traffic Matter | 52 | 101 |
| **Total** | **72** | **181** |

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 25/1/2023.

The table below provides the number of road traffic collisions recorded on Police Scotland’s road traffic collision recording system, CRaSH, on the A939 between Ballater and Nairn, broken down by collision severity. This data is from 1st September 2021 to 31st December 2022

| **Collision Severity** | **2021** | **2022** |
| --- | --- | --- |
| Serious | 0 | 5 |
| Slight | 1 | 0 |
| **Total** | **1** | **5** |

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 25/1/2023.

On the 12th June 2019, CRaSH was implemented within D Division. On the 3rd July 2019,

CRaSH was implemented across the other Police Divisions within Police Scotland. CRaSH replaced the existing procedures for recording Road Traffic Collisions.

Please note that a reportable collision is defined under Section 170 of the Road Traffic Act

1988 and describes the legal responsibility on those drivers involved to report the matter to the police. Where those involved exchange personal details, there is no legal requirement to report a collision to the police and this applies particularly to non-injury collisions.

As such, there may have been other collisions within the location of your request, which were not reported to Police Scotland, nor which required a collision report to be created, and will therefore not be included within the statistics.

## Confirmation of the mapping reference system used to record incidents and road defects on the Old Military Road, A939 from September 2021 to date.

WEB GIS Mapping is a mapping system which is built into the incident recording system used by Police Scotland, Webstorm.

This system uses a recognised easting and northing co-ordinate system to record where an incident has occurred. The location or co-ordinates are selected by a controller based on the information provided to them by the call giver or from any correspondence should that be email, letter or caller to a public office.

## Any photographs taken in relation to complaints or incidents concerning the Old Military Road, A939 from September 2021 to date.

## Information including all written and electronic communications between Police Scotland and Highland Council where reference is made to the A939, specifically the stretch of road within ten miles to the north of Grantown-on-Spey and ten miles to the south-east of Grantown-on-Spey.

In response to these questions, I regret to inform 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 2002where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, photographs obtained in relation to complaints, reports or incidents can be obtained by officers using their mobile devices when attending, which are then retained on Pronto and can be linked to the Webstorm reference.

Photographs could potentially also be emailed to the Police Scotland ‘Contact Us’ mailbox by members of the public in relation to any complaint, report or incident. These emails would be retained by the Service Centre and archived with an incident number attached to them.

To confirm if a photograph has been obtained in relation to any complaint, report or incident, case by case assessment of every Webstorm incident would have to be carried out to confirm if photographs were obtained, and check with officers who attended to confirm if they have taken photographs that were not linked to the Webstorm reference on Pronto.

Similarly, any correspondence is not held in a retrievable format – for example, in a central correspondence file. As such, to identify and gather all correspondence which may be held between Police Scotland and Highland Council regarding A939, a manual search would have to be carried out.

These are exercises which I estimate would far exceed the cost limit set out in the Fees Regulations.

## Information including all written and electronic communication in relation to a road traffic incident on 24 October 2022 on the A939 approximately six miles south-west of Grantown-on-Spey with police reference 928785/KO.

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

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

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

- 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, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested third party personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act

Please see the Provision of Reports section on the Police Scotland website which may be of some interest to you:-

[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.