

Our Ref: IM-FOI-22-2287  
Date: 21 November 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.

### **1. The number of drivers who have been caught speeding and fined by the average A9 speed cameras in the Badenoch and Strathspey area for the past 12 months and for the past five years please.**

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 maintaining the integrity of average speed cameras as an invaluable policing tool.

- 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 35 (1)(a)&(b) - Law enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

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

It is accepted that there is significant interest in policing tactics, but it cannot be in the public interest to confirm whether or not information is held when to do so would render the use of such cameras ineffective.

Moreover there is no public interest in the release of site specific information which is likely to lead to an increase in the number of speeding offences and reduce the likelihood of detection.

- Section 39(1) – Health, safety and the environment

The release of this information would circumvent the efficient and effective provision of law enforcement by the police service for the reasons described above. This would in turn increase the risk to the personal safety of individuals and to the safety of the police officers responding to incidents.

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

It is public knowledge that not all cameras will be live at any one time.

Accordingly, publication of offences detected at individual sites/locations would disclose the enforcement regime, enabling drivers to predict when a camera might not be live leading some to endanger public safety and break the law by speeding when the camera is believed to be inactive.

**2. The number of drivers who have been caught speeding and fined by the average A9 speed cameras along the entire road covered by the average A9 speed cameras:**

**i) For the past 12 months.**

There were 1,522 detected speeding offences by average speed cameras on the A9 from 26<sup>th</sup> October 2021 to 25<sup>th</sup> October 2022.

The number of fines issued by Safety Cameras Scotland for offences detected on the A9 from 26<sup>th</sup> October 2021 to 25<sup>th</sup> October 2022 is 727.

**ii) And for the past five years please.**

There were 14,999 detected speeding offences by average speed cameras on the A9 from 1<sup>st</sup> January 2019 to 25<sup>th</sup> October 2022.

The number of fines issued by Safety Cameras Scotland for offences detected on the A9 from 1<sup>st</sup> January 2019 to 25<sup>th</sup> October 2022 is 10,059.

Data for the period prior to 2019 is no longer held and in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

<https://www.scotland.police.uk/spa-media/nhoby5i/record-retention-sop.pdf> sets out the criteria by which the retention periods for data held by Police Scotland will be determined.

Of note not all detected offences are issued with a fine. As an example, some offences are referred to the courts for prosecution and consequently the *total* number of fines issued is not held. To clarify, the number of fines issued by the courts for such referrals are not provided to Police Scotland, and again Section 17 – information not held will apply.

**3. The highest recorded speeds of those drivers captured by the average A9 speed cameras:**

**i) in Badenoch and Strathspey.**

I am again refusing to confirm or deny whether the information sought exists or is held by Police Scotland – see the full response to Q1 above.

**ii) and also along the entire road covered by the average A9 speed cameras for the past 12 months and for the past five years please.**

The highest detected speed on the A9 by average speed cameras from 26<sup>th</sup> October 2021 to 25<sup>th</sup> October 2022 is 106mph.

The highest detected speed on the A9 by average speed cameras from 1<sup>st</sup> January 2019 to 25<sup>th</sup> October 2022 is 127mph.

Please note this response is also limited in terms of the record retention policy – see link above.

If you require further assistance or 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.police.uk](mailto:foi@scotland.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](mailto: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.