| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0456  Responded to: 20 February 2024 |
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Your recent request for information is replicated below, together with our response.

**I was wondering if it would be possible to get a record of speeds of vehicles transversing along a road from a speed camera? (For all vehicles, not just those speeding).**

**Specifically, I was interested in procuring this data from the fixed speed camera located on A697 Road, Hatchednize, Scottish Borders.**

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 interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in maintaining the integrity of roads policing measures 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.

Section 39(1) - Health, Safety and the Environment

It is public knowledge that the police are continually making operation decisions regarding how to stop drivers speeding and positively influence driver behaviour across Scotland.

Accordingly, publication of speed data, regardless of location or a timeframe would disclose any perceived enforcement regime, enabling drivers to rightly or wrongly try to predict when targeted action is planned leading some to endanger public safety and break the law by speeding.

In addition, in camera operations, camera housings are continuously and visibly present at specific locations but the cameras within these are not necessarily operational at all times.

Although the public are aware that cameras may not always be active, details of the periods for which the cameras are active are not in the public domain. Therefore, with speed cameras, their effectiveness in deterring motorists is based on the perception that they may be active at any time. For camera enforcement to be effective in the interests of road safety and the law, there must be the perception that the chance of being detected and recorded is high at all sites.

In addition to this, camera installations have been subject to attack and vandalism to put them out of action. Publication of individual site offence data which shows specific camera operations could lead to these sites being targeted. Where such attacks have occurred, this has led to cameras being out of commission for several months awaiting repair which has an obvious detrimental effect on road safety and deterrent capability at these sites.

Public Interest Considerations Favouring Disclosure

There is a public interest in disclosing information to the public upon which they can assess whether safety cameras are being used in an effective and fair manner to prevent and detect speeding offences.

There is a public interest in highlighting to the public the road safety issues that underpin the location of speed cameras at specific sites, which would inform, and contribute to, the accuracy of the public debate on the issue of policing and road safety.

Public Interest Considerations Favouring Non-Disclosure

Driving in excess of the speed limit is a statutory offence which the police enforce. 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.

There is no public interest in releasing information that is likely to compromise the safety of road users, or which is likely to result in an increase in the number of injuries, or the severity of such injuries, to road users and pedestrians caused by speeding vehicles.

There is no public interest in the disclosure of information that is likely to reduce the effectiveness of safety cameras, thus damaging the current high level of public confidence and support in this area.

Public Interest Balancing Test

In balancing these competing factors, I consider that the decision must fall in favour of preventing crime and safeguarding the health and safety of the public, where the over-riding public interest lies in keeping the roads safe and reducing both instances of speeding, and the number and severity of related injuries.

I assess these factors to carry more weight than those of public awareness and increasing accountability. Accordingly, I have decided to maintain the exemptions and refuse to provide you with location specific data.

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.