| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1962  Responded to: 08 August 2023 |
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Your recent request for information is replicated below, together with our response.

I would stress that as you have submitted what is effectively a written request for access to information, we have treated the questions below as a Freedom of Information request.

Please liaise directly with our Safety Camera Unit as regards the Notice of Intended Prosecution.

## The name on the NOTICE/Complaint/Citation is altered to [ ] in that exact format.

## Full disclosure is required relating to my client, THE CESTUI QUE VIE ACT,

## Registration Process and use of ALL CAPS/TITLED NAMES.

## Who is the trustee of his estate?

## Who is the beneficiary of his estate?

## Is [ ] and MR [ ] the same entity?

## Where is the injured party?

In terms of section 14(1) of the Freedom of Information (Scotland) Act 2002, I am refusing to respond to your request on the basis that I consider it to be ‘vexatious’.

‘Vexatious’ is not defined in the Act but I would refer to the following factors as set out in the Commissioner’s guidance:

1. It would impose a significant burden on the public authority
2. It does not have a serious purpose or value
3. It is designed to cause disruption or annoyance to the public authority
4. It has the effect of harassing the public authority
5. It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.

Furthermore, an authority can reasonably conclude that a particular request represents the continuation of a pattern of behaviour.

It might, in those circumstances, decide the request can be refused as the continuation of the pattern of behaviour makes the latest request vexatious.

This may arise, for example, where a requester has an on-going grievance against a public authority, or could reasonably be described as conducting an extended campaign to the point that their behaviour can be described as obsessive.

It is my assessment that this request has no serious purpose or value.

It follows an increasingly familiar ‘template’ style letter sent to Police Scotland (mostly in terms of FOI) seeking to challenge our legitimacy, particularly as regards the policing of road traffic matters.

FOI is not a forum for philosophical debate regarding those matters.

The purpose of FOI is to provide a right of access to recorded information and we respond to thousands of requests each year which seek to exercise that right.

We are committed to the principles of openness and accountability and that means focusing on those requests whereby individuals are genuinely motivated by accessing the information we hold.

It is my assessment that overall, your request has no serious purpose or value and in the opinion of a reasonable person, would be considered to be manifestly unreasonable or disproportionate.

I can confirm that your request has the effect of harassing Police Scotland in the circumstances and is both a burden and significant waste of resources.

Notwithstanding the above, and in terms of our section 15 duty to advise and assist applicants, I can advise as follows.

Police Scotland is a public authority, established on 1 April 2013 by the Police and Fire Reform (Scotland) Act 2012:

[Police and Fire Reform (Scotland) Act 2012 (legislation.gov.uk)](https://www.legislation.gov.uk/asp/2012/8/contents)

[About Us - Police Scotland](https://www.scotland.police.uk/about-us/)

Further information as regards the Road Traffic Act 1988 can be found online:

[Road Traffic Act 1988 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1988/52/contents)

Further information as regards the operation of safety cameras can be found online:

[Q & A — Safety Cameras Scotland](https://www.safetycameras.gov.scot/question-and-answers/)

## Provide Legal definition of fraud.

Please refer to the following link:

[scottish-crime-recording-standard-crime-recording-and-counting-rules](https://www.scotland.police.uk/spa-media/p0nfjj2c/scottish-crime-recording-standard-crime-recording-and-counting-rules-april-2021.pdf?view=Standard)

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.