| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2370  Responded to: 12 October 2023 |
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Your recent request for information is replicated below, together with our response.

I’d like to find out exactly where police officers were sat running speedchecks on the a96 huntly to Inverurie near wedderburn,they they were driving in a Volvo unmarked police unit.  
Following clarification with you regarding the time frame of your request, you advised:

## Sunday 10th of September 2023

## A96 Between huntly and Inverurie

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

In this case I believe that Section 35(a) and (b) Law Enforcement and Section 39(1) Health, Safety and the Environment apply.

**Section 35(a) and (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.

One of the main purposes of the Police Service is to prevent crime but to release information relating to strategy and detection tactics, including common areas used for speed checks would be contrary to that purpose.

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

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

The disclosure of the information requested has the potential to increase the number of offences against members of the public.

Disclosure of the requested information can present a risk to an individual’s personal safety. To disclose the location of common speed check areas, has the potential to encourage drivers to slow down to pass a specific area only to dangerously increase their speed once they have passed the specified area, rather than driving consistently at a speed suitable to the road and its conditions.

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

**Public Interest Test**

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

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.