

**Freedom of Information Act 2000 (FOIA)
Decision notice**

Date: 12 May 2023

Public Authority: Chief Constable of Lancashire Constabulary
Address: Police Headquarters
Saunders Lane Hutton
Lancashire
PR4 5SB

Decision (including any steps ordered)

1. The complainant has submitted a multi part request for information regarding speed cameras in a specific location. Lancashire Constabulary ("the Police") disclosed some information and relied on section 31(1)(a) and (b) of FOIA to withhold information for parts two, three, four and five of the request.
2. The Commissioner's decision is that the Police were entitled to rely on sections 31(1)(a) and (b) of FOIA to refuse to disclose the withheld information and the public interest favours maintaining the exemption.
3. No steps are required as a result of this decision.

Request and response

4. On 29 December 2022, the complainant wrote to the public authority and requested information in the following terms:

"I am kindly requesting you to disclose and communicate the answers, on my below questions that only relates to: A666 Barbara Castle Way, nr to Limbrick, BLACKBURN.

1.The date, month and year when the "yellow metal pole with 3 mounted surveillance speeding cameras", have been installed at the above location- A666 Barbara Castle Way, nr to Limbrick, BLACKBURN.

2.The total number of Notice of Intended Prosecution(NIP) issued for speeding on A666 Barbara Castle Way, nr to Limbrick, BLACKBURN, prior to the above mentioned CCTV cameras for speeding, being installed.

3.The total number of Notice of Intended Prosecutions(NIP)issued for speeding on the above location: A666 Barbara Castle Way, nr to Limbrick, BLACKBURN, post installation of the "yellow metal pole with 3 speeding cameras mounted on".

4.The total number of Notice of Intended Prosecution(NIP) issued for speeding on A666 Barbara Castle Way, nr to Limbrick, BLACKBURN, between January 2019- December 2019.

5. The total number of Notice of Intended Prosecution(NIP) issued for speeding on A666 Barbara Castle Way, nr to Limbrick, BLACKBURN, between January 2020-December 2022.

6. The total number of minor or serious accidents occurred [sic] on A666 Barbara Castle Way, BLACKBURN between January 2019- December 2019.

7. The total number of minor or serious accidents occurred [sic] on A666 Barbara Castle Way, BLACKBURN between January 2020- December 2022.

I would like to mention that nr in the brackets might have the meaning word 'near' ,therefore the metal pole I am reffering [sic] to, is near Limbrick Street, but placed on A666 Barbara Castle Way, nr to Limbrick, BLACKBURN

Note: The questions 7 and 8 refers [sic] to the entire road of A666 Barbara Castle Way, BLACKBURN."

5. On 18 January 2023 the Police responded answering each part in turn, explaining that the local authority held information requested for part one and that information was available via the links supplied for parts six and seven citing section 21. They cited section 31(1)(a) and (b) of FOIA for parts two, three, four and five and included the Public Interest Test (PIT).

6. The complainant replied on the 23 January 2023 and said:

"I am kindly requesting an internal review of the entire request, along the answers provided by the FOI Officer.

Note: For answers 6 and 7, the FOI Officer provided an Internal link (collisions [sic] statistics) of Lancashire County Council that provides information for the whole County, whereas I've asked for Barbara Castle way A666, in Blackburn. In fact, I've accessed the link provided, and I was not able to access a specific location (nor searching by year, area etc), as an username and password is required, and that isn't accessible [sic] by the public, it's actually an internal dashboard (statistics) for Lancashire County Police.

I will not add any comments on the rest of the answers given."

7. The Police upheld its original position with regard to section 31 at internal review on 14 February 2023 and reiterated their public interest arguments. They revoked their reliance on section 21 providing further information and explanation for parts six and seven.

Reasons for decision

Section 31 – Law enforcement

8. The following analysis sets out why the Commissioner has concluded that the Police were entitled to rely on section 31(1)(a) of FOIA in this particular case.
9. Section 31(1)(a) of FOIA allows a public authority to withhold information if its disclosure under the Act would, or would be likely to, prejudice the prevention or detection of crime.
10. The Police explained that the exemption had been applied to withhold the information as any disclosure under Freedom of Information must be treated as a disclosure to the world rather than to a particular applicant.

11. It also argued that: "What might be considered by some as harmless information released under the FOIA, when incorporated with other available information could be analysed to create a detailed intelligence picture and could be used by those engaged in criminal activity to disrupt the prevention and detection of crime."
12. The Police further explained that: "If we were to disclose the number of Fixed Penalty Notices issued as a result of speeding vehicles being captured by the above mentioned camera, the information could then potentially be amalgamated with other similar requests to reveal which cameras are more prevalent at catching speeding motorists. This would then make these sites a target for criminals' intent on damaging the equipment or provide information enabling motorists to avoid these locations and instead commit speeding offences on other routes. Disclosure of the information would therefore undermine Lancashire Constabulary's aim of reducing road traffic related casualties and have a negative impact on road safety.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved must be the overriding consideration."

13. The Commissioner accepts that the potential prejudice described by the Police clearly relates to the interests which the exemption contained at section 31(1)(a) of FOIA is designed to protect.
14. The Commissioner is also satisfied that the prejudice being claimed is "real, actual or of substance", and that there is a causal link between disclosure and the prejudice claimed. It is clearly logical to argue that the disclosure of information associated with a specific area, is an easy way to identify this. The Commissioner therefore considers that the exemption is engaged.
15. Having considered the circumstances of this case, the Commissioner has therefore decided that section 31(1)(a), with subsection 31(1)(b) is engaged. He has gone on to consider the public interest.

Public Interest Test

16. Section 31(1)(a) is a qualified exemption and is subject to the public interest test set out in section 2(2)(b) of FOIA. The Commissioner has considered whether, in all the circumstances of the case, the public

interest in maintaining the exemption outweighs the public interest in disclosure.

17. In balancing the public interest arguments, the Commissioner accepts that disclosure would to some extent help to increase openness and transparency of the Police's measures in relation to speeding offences. Disclosure would also inform the public that speed cameras are doing a job that they are designed to do. However, the Commissioner also acknowledges that there is a clear public interest in road safety for road users and pedestrians and protecting society from the impact of crime, as this helps prevent the criminal acts which adversely impact on the public's wellbeing and on the public purse.
18. The Commissioner recognises that information relating to the implementation and use of speed cameras as a deterrent and enforcement measure, is of interest to the complainant as it could help in assessing what information the Police holds and is sharing. It could possibly indicate the corporate approach to the scale of an issue. However, as mentioned above, disclosure under FOIA is disclosure to the world at large and not just the requester in this case. The Commissioner is not able to take into account the private interests of the complainant in his decision. He must therefore consider whether the information is suitable for disclosure to everyone.
19. Disclosing information regarding specific cameras within an area, could provide a tactical advantage to offenders which could negatively impact on road safety and undermine the policing purpose, and be likely to prejudice any current or future investigation or deterrent and therefore the potential detection and prevention of crime. Having found the exemption is engaged as disclosure would be likely to result in prejudice to the prevention or detection of crime, the Commissioner believes that this outcome would be counter to the public interest.

The Commissioner's view

20. The Commissioner has reviewed both the complainant's requests and the public authorities' responses. The Commissioner is satisfied that disclosure of the withheld information within scope of parts two, three, four and five of the request, would be likely to prejudice the prevention or detection of crime.
21. The Commissioner also concludes that the public interest in maintaining the exemption outweighs the public interest in disclosure.
22. Therefore, the Commissioner's decision, is that the exemption provided by section 31(1)(a) and (b) of FOIA was applied correctly.

Right of appeal

23. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

24. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Joanna Marshall
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF