

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 27 January 2024

Public Authority: Transport for London
Address: 5 Endeavour Square
London E20 1JN

Decision (including any steps ordered)

1. The Commissioner's decision is that Transport for London is entitled to withhold the requested information about particular traffic cameras under regulation 12(5)(a) and regulation 12(5)(b) of the EIR. These exceptions concern public safety and the course of justice. No corrective steps are necessary.

Request and response

2. From 23 August 2023 to 18 September 2023, the complainant submitted five requests for information to Transport for London (TfL). The requests were for the make and model of "CCTV" "CCTV enforcement" and "parking enforcement" cameras in different locations.
3. TfL's final position in its internal review dated 11 October 2023 is that the information requested in each request is excepted from disclosure under regulation 12(5)(a), regulation 12(5)(b) and regulation 12(5)(e) of the EIR. Regulation 12(5)(e) concerns commercial information.

Reasons for decision

4. The Commissioner will explain why the information is environmental information and so covered by the EIR. His decision will then cover whether TfL is entitled to withhold the requested information under any or all of the exceptions it's cited.
5. This reasoning follows the reasoning in the Commissioner's decision in IC-262996-Q1D5¹ which concerned a request for similar information.

Why the information is environmental information

6. Regulation 2(1) of the EIR defines environmental information as being information "on" (a) the state of elements of the environment such as air and atmosphere, (b) factors such as emissions likely to affect the elements of the environment and (c) measures such as policies, plans, programmes and activities likely to affect the above elements and factors.
7. In its submission to the Commissioner, TfL referred to its reasoning on the matter of environmental information in IC-228374-W5Z4². It has explained that its enforcement cameras exist for the purposes of ensuring it's maximising the ability of traffic to move along the TfL Road Network in accordance with its duty under the Traffic Management Act 2004. In addition the purpose of the cameras is to enforce other road user charging schemes such as the Congestion Charge and Ultra Low Emission Zone (ULEZ).
8. The Commissioner is satisfied that the requested information is environmental information under regulation 2(1) of the EIR. The cameras form part of a policy, programme or activity likely to affect emissions and the state of London's air and atmosphere. The legislation under which to consider this request is therefore the EIR rather than FOIA.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4028098/ic-262996-q1d5.pdf>

² <https://ico.org.uk/media/action-weve-taken/decision-notice/2023/4025244/ic-228374-w5z4.pdf>

Background and context

9. TfL has provided the following background in order to explain and contextualise why it considers that this information shouldn't be disclosed.
10. The ULEZ was first introduced in 2019 to cover vehicles within central London, however poor air quality is impacting the health of all Londoners and it's mainly caused by polluting vehicles. To help clear London's air, the ULEZ expanded out to inner London in 2021 and then across all London boroughs on 29 August 2023. The ULEZ was introduced alongside existing schemes which had implemented Congestion Charge and Low Emissions Zones in 2003 and 2008, respectively. Together these are London's Road User Charging Schemes.
11. Although improvements are being made, air quality which is impacted by heavy road transport is the single biggest adverse contributor to the health and wellbeing of Londoners. It contributes to the premature death of thousands of Londoners every year. It's not just a central London problem. In fact, the greatest number of deaths related to air pollution occur in outer London areas. That's why the ULEZ has expanded across all London boroughs and more than nine out of 10 cars seen driving in outer London already meet the ULEZ emissions standards.
12. TfL is the charging authority for the ULEZ Charging Scheme as set out in the Greater London Low Emission Zone Charging Order 2006. In accordance with the scheme, charges are payable in respect of vehicles which don't meet the emissions standards imposed by the Scheme and are not otherwise exempt when they're used in areas covered by the ULEZ.
13. If you drive anywhere within the ULEZ, and your vehicle doesn't meet the emissions standards, drivers could face a daily charge of £12.50. This includes residents of the ULEZ zone. But drivers don't need to pay the ULEZ charge if their vehicle meets the emissions standards as they are 'exempt.' However, non-payment of the charges will usually result in a penalty charge notice being issued. This enforcement is carried out through the use of Automatic Number Plate Recognition cameras which are situated across the breadth of the charging zone, which broadly covers the entirety of Greater London.
14. TfL's general concern is that there has been significant opposition to the scheme being implemented from a vociferous minority. This has included a significant and sustained campaign of criminal damage to the camera network that enforces the ULEZ. It has also involved direct threats, abuse and harassment to personnel involved in operating and

enforcing the scheme. TfL has provided the Commissioner with a series of links to published news articles about incidents of camera vandalism.

15. To minimise the threat and reduce the damage to its camera network, which has been and continues to be under repeat attack, TfL says it has been refusing to disclose the locations of these ULEZ enforcement cameras across dozens of individual requests. However, this has meant that some of those interested in the location of the cameras have been adopting various tactics to try to circumvent this position. They have done this by submitting requests for indirectly related information which, when combined with other information, would be of value in determining what is and isn't a ULEZ camera.
16. An example of this has been requests made for information about TfL's traffic lights as a means of attempting to access information about likely ULEZ camera locations. This is because it was known at the time that a large proportion of the enforcement cameras were placed on traffic lights. They had previously received a refusal for a request directly asking for the ULEZ camera locations, as well as piecemeal requests about individual cameras and other forms of infrastructure presented without reference to ULEZ. However clearly there was an intent to establish where ULEZ cameras and other related infrastructure is operating.
17. TfL says it's already public knowledge, through previous FOIA/EIR disclosures TfL has made, that the make and model of ULEZ cameras are Siemens 'Sicore II' automatic number plate recognition (ANPR) cameras. It's therefore apparent, TfL says, that providing the make and model of specific cameras (where they aren't Siemens 'Sicore II' cameras) across London would allow somebody to immediately determine whether the camera exists for the purposes of enforcing the ULEZ.
18. TfL has advised the Commissioner that it's had at least 51 requests for the make and model of individual cameras since 23 August 2023 that have come from the complainant or others acting in concert with them alone. Additionally, TfL has processed at least another 116 requests since April 2023 that directly reference ULEZ cameras, the majority of which focus on attempting to ascertain their location. It continues to receive requests from the complainant's associates and the wider public, seeking to obtain this same information about the camera network, albeit at separate individual locations.
19. TfL has gone on to address an argument of the complainant's; that in response to one of their previous requests dated 7 July 2023 they had been provided with the requested information. TfL says it had considered that request in isolation and within the specific context in

which the request was framed. However, it took the decision to adopt a different approach following both an increase in the prevalence of criminal damage being done to cameras across its network and an increase in the volume of requests about its camera network (including from the complainant). These factors meant the mosaic effect of continuing to disclose information about TfL's camera network began to present concerns, even if it were the case that a request concerned a camera which isn't part of the ULEZ enforcement network.

20. TfL has confirmed that it doesn't consider that a previous disclosure in any way diminishes the arguments it has in support of the exceptions it considers apply in the current climate.
21. By confirming the make and model of any camera, TfL says it would effectively be publicly confirming whether it's a ULEZ camera or not. As discussed, this is because only one type of camera is used for the purposes of ULEZ camera enforcement, which is information TfL has already put into the public domain. In this specific example, answering the complainant's requests would confirm whether or not certain cameras on the road network were or weren't ULEZ enforcement cameras and this would go some way to helping people to compile ULEZ camera information for nefarious purposes. It's apparent to TfL that providing this information would lead to further requests being made for the same information, as well as requests that will eventually cover ULEZ cameras. As previously mentioned, disclosing information regarding all cameras and only exempting requests that cover ULEZ cameras would in itself reveal whether a camera is a ULEZ camera.
22. Significant effort has been made by campaign groups to identify and compile information about the location of ULEZ cameras. This often appears to be for two purposes – first to facilitate attempts to circumvent the ULEZ charge by planning journeys which avoid the cameras and second, to identify cameras to be targeted for criminal damage. TfL has provided the Commissioner with an example of this being discussed on social media.
23. This has resulted in a database of information being compiled by members of the public of suspected ULEZ cameras with live tracking information (a link to which TfL has provided to the Commissioner). This includes the perceived status of each camera, as well as any damage or defacement that has occurred to it.
24. One example from the tracking database (provided to the Commissioner) shows that one camera has been listed as being 'cut' [wires cut] on 29 August 2023, live on 7 October, 'blind' [covered/obscured deliberately] on 15 October, live on 22 October, 'melted' on 1 November, covered with stickers to obscure the camera on

29 November, repaired on 24 December, covered with stickers to obscure the camera again on 29 December and then cleaned up on 2 January 2024. It's highly likely that the camera will be targeted again, aided by the tracking information provided by this site.

25. This database is not verified by or affiliated in any way with TfL and is entirely the work of anti-ULEZ campaigners. Due to the significant and direct threat to its infrastructure, and especially cameras, it's vital, TfL says, that it restricts the amount of information placed into the public domain to limit the credibility and accuracy of databases such as this.
26. TfL says that if it were to provide information about particular cameras at precise locations in London, even if the camera is not ULEZ related, it would be ultimately providing valuable information to those who seek to damage and disrupt the ULEZ scheme through criminal means. This is because it would help to improve the accuracy of the information they're collating to support this activity. If TfL were only to refuse to provide information that related only to ULEZ cameras, but disclose information about all other cameras, this approach would reveal or confirm, or both, that the camera was ULEZ related and therefore defeat the purpose of the exception. For that reason, TfL considers it proportionate and appropriate to consider the wider harms of disclosure about the camera network in London in this context.
27. All requests TfL receives are individually assessed on a case-by-case basis, taking into account any mitigating factors that may be applicable at the time the request is received. TfL says it would be unduly restrictive for it not to consider the future impact that a disclosure in response to this request would have, particularly in the context of providing this specific information into the public domain. Indeed, the effect of disclosure is critical in determining whether an exception should be applied, particularly in the context of the prejudice test. The prejudice test isn't limited to the adverse effect / harm that could be caused by the requested information on its own. Account can be taken of any adverse effect / harm likely to arise if the requested information were put together with other information already available in the public domain. This is commonly known as the 'mosaic effect.' The mosaic effect considers the prejudice that would be caused if the requested information were combined with other information already available to the public.
28. It's through this mosaic effect, created by a highly motivated and organised group of activists who have already caused significant damage to its infrastructure, that TfL's concerns arise. In TfL's view, adopting an approach in which it only refuses camera information where it relates to ULEZ but provides information on all other cameras would, in effect, reveal which cameras are and are not ULEZ related. It would therefore

lead to the harms TfL describes above and below from placing information into the public domain regarding ULEZ cameras. To support this point TfL has provided the Commissioner with information which he doesn't intend to reproduce in this notice.

29. Should the information requested be disclosed, it would lead to further continued requests concerning cameras at other precise locations. This would be for the purposes of confirming whether or not it exists for ULEZ enforcement purposes. This would enable others to build up a working knowledge of the disruption that can be caused through acts of vandalism. TfL considers that there's a very real adverse risk that disclosure would increase the confidence of anyone inclined to commit criminal damage on its network, even if that confidence were to be misguided. The result of this would be increased criminal damage to TfL's cameras and supporting infrastructure.
30. In its submission, TfL has gone on to discuss each exception individually.

Regulation 12(5)(a) – national security or public safety

31. Under regulation 12(5)(a) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect international relations, defence, national security or public safety.
32. TfL has explained that the damage being caused to cameras ranges from scaling heights to place stickers over the camera lens, cutting the wires on the camera, cutting the pole on which the camera is mounted, setting fire to the camera and, in an even more concerning recent case, using an improvised explosive device to 'blow up' the camera.
33. As well as the very obvious threats to public safety from the latter examples, the cameras being targeted have a live electricity supply to them. Lives can be endangered by individuals tampering with the wiring, as well as the potential danger to individuals from falling from equipment or being involved in road traffic accidents whilst carrying out these activities. TfL believes that there's good reason to conclude that releasing the requested information would lead to an increase in incidents of vandalism to its cameras by helping to facilitate the flow of information about the ULEZ camera network. This, in turn, is used to encourage individuals to continue to commit the types of dangerous criminal activities described above and therefore there's a very real and evident risk to the health and safety of individuals.
34. In relation to the improvised explosive device example, two arrests have since been made on suspicion of "conspiracy to cause an explosion likely to endanger life or property, contrary to section two of the Explosive

Substances Act 1883." TfL has provided the Commissioner with a link to a news article about that matter.

35. In TfL's view there's a clear and direct causal link between disclosing information which helps people to compile information about the locations of ULEZ enforcement cameras and very serious risks and threats to public health and safety. This is evidenced by the above examples of criminality which have already occurred at locations in which ULEZ enforcement cameras had been identified.
36. The Commissioner has considered the wider circumstances and TfL's reasoning. He accepts that, although innocuous on the face of it, the requested information, if disclosed, could be pieced together with other information in the public domain by those so minded, and used to compile information about ULEZ cameras. The Commissioner also accepts that there's a real and significant risk that those so inclined could endanger themselves and others through vandalising and damaging ULEZ cameras newly identified as well as ULEZ cameras the locations of which are already known. The safety of individuals involved in the ULEZ scheme is also at risk from anti-ULEZ activists if the location of further ULEZ cameras were known. The Commissioner therefore considers that all the requested information engages the exception under regulation 12(5)(a). Despite this, the Commissioner will also consider TfL's application of regulation 12(5)(b) to the same information.
37. The public interest test associated with regulation 12(5)(a) is discussed below.

Regulation 12(5)(b) - the course of justice

38. Under regulation 12(5)(b) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.
39. TfL says that the Metropolitan Police is investigating almost 1,000 incidents of theft and vandalism of ULEZ cameras and this number continues to rise. Alongside this, arrests, charges and convictions have been brought against individuals who have been behind this spate of criminal damage.
40. TfL's position is that disclosing this information would be useful when combined with other information in mapping out the ULEZ enforcement camera network. This information is then used by individuals intent on causing criminal damage and other forms of vandalism. As such, TfL

considers that disclosing this information would prejudice the prevention of crime and therefore adversely affect the course of justice. The Metropolitan Police has confirmed publicly that it's dedicating a significant amount of resource to ULEZ camera crime. TfL considers any information that aids and assists current and future offenders, including through the creation of additional crimes, would also inhibit the Metropolitan Police's ability to investigate as thoroughly as possible into this and other individual criminal acts and would make it easier for these criminals to carry out their crimes.

41. TfL considers that preventing crime is intrinsically linked to the administration of justice. It logically follows that disclosing information that it considers would contribute towards increased criminality has an adverse effect on the general course of justice.
42. As noted, the Commissioner has considered the wider circumstances and TfL's reasoning. He's accepted that the information in this case, if disclosed, could be used to compile information about ULEZ cameras for nefarious purposes. The Commissioner also accepts that disclosing the information would benefit those intent on causing criminal damage to ULEZ cameras and associated infrastructure. This would potentially encourage further vandalism and cause the Metropolitan Police to have to devote further resources on combating crimes related to ULEZ cameras. In addition, this police resource wouldn't therefore be available to direct on other areas of law enforcement and public protection. The Commissioner therefore considers that all the requested information also engages the exception under regulation 12(5)(b) of the EIR.
43. The public interest test associated with regulation 12(5)(b) is also discussed below.

Public interest test

44. In their complaint to the Commissioner the complainant has noted two parking appeals that TfL has lost before the parking adjudicator. They say that in the absence of any factual evidence one way or the other, if TfL says its camera device is authorised and it produces a certificate issued by the Secretary of State, the adjudicator won't "entrench" any challenge to the camera's approval status. The complainant says that they've requested this information about cameras under FOIA/EIR to reduce the risk of parking appeals being wrongly decided on the basis of incomplete evidence.
45. In its submission TfL has addressed this argument. It has acknowledged that there's a wider public interest in transparency around the issuing of Penalty Charge Notices (PCN) and the enforcement process that supports this. In particular, where this relates to confirming the validity

of PCNs that are issued to members of the public and the perception that this information is of value in appealing PCNs. TfL considers that perception to be misguided and inaccurate.

46. TfL says it ensures that it provides a copy of its 'Approved Device' certificate issued by the Vehicle Certification Agency in each PCN appeal as evidence. This is so that the appellant is already equipped with all the information they need to be satisfied the PCN was issued using an approved device. As explained above, this certificate, which is provided alongside every PCN, confirms unambiguously that the PCN has been generated through use of an approved device. As such the certificate already meets the complainant's stated purpose behind the request, namely, to confirm that certification and approval is in place. As a result, TfL says, there's very limited additional value in providing this information for the specific purpose the complainant has stated because, through the 'Approved Device' certificate, information would already be available that address the concern they've raised about PCNs.
47. However, TfL has gone on to provide further public interest arguments that it considers support its view that the exceptions should be maintained.
48. Given that the primary purpose of the request is already met by the certificate that is already issued with each PCN, TfL says it's not aware of any additional circumstance or public benefit to provision of this information that is sufficient to overcome the significant public interest in protecting its wider infrastructure and preventing the mosaic effect of information being combined for the purposes of mapping the ULEZ camera enforcement network
49. In respect of both exceptions, TfL says that it recognises that there's an inherent public interest in openness and in particular, where this relates to the installation and maintenance of public assets and the effective use of public funds. In this instance TfL appreciates that disclosure would satisfy a local interest about the traffic management systems in place.
50. However, TfL says it doesn't consider there to be any significant wider public interest in the information TfL holds, either about these specific cameras, or anything especially unique about these specific cameras, that's sufficient to outweigh the significant public interest in protecting its wider infrastructure and preventing the mosaic effect of information being combined for the purposes of mapping the ULEZ camera enforcement network.
51. In fulfilling its transparency and fairness obligations under data protection legislation, TfL says it has made extensive information publicly available, including directly to affected data subjects, about the

processing of personal data collected by the cameras used for the operation of ULEZ. TfL doesn't consider that there's any further aspect of those obligations which would be met by providing the information requested in this case.

52. In respect of regulation 12(5)(a), TfL says it has demonstrated that anti-ULEZ activists have gone to extreme lengths to disrupt the camera network. This has included harassing, abusing and threatening individuals involved in the enforcement of the scheme and setting of explosive devices which have the very real potential to result in a loss of life. It's plainly in the public interest that TfL takes measures to prevent any recurrence of incidents such as this and therefore the overwhelming public interest favours protecting its staff and the general public's safety.
53. In respect of regulation 12(5)(b), TfL considers that it's clearly in the public interest to ensure the ability to deter and prevent criminal activity is unhindered and one way of doing this is to restrict access to information which can be used to aid and assist with the consideration and preparation of such criminal activity.

The balance of the public interest

54. The Commissioner has found that disclosing the requested information would adversely affect public safety and would adversely affect the course of justice.
55. The Commissioner recognises the EIR's presumption in favour of disclosure under regulation 12(2). However, he considers that the public interest in disclosing the requested information here would need to be significant to warrant the effects of disclosing it. The Commissioner notes why the information is of interest to the complainant but, as TfL has noted, disclosure under the EIR is to the wider world and not just to the applicant.
56. The Commissioner does not find there to be a public interest argument sufficiently compelling to justify disclosing the information. He's satisfied that there's greater public interest in TfL withholding the information in order to protect the public and those involved in the ULEZ scheme, and in order not to impede the city's police service.
57. The Commissioner has found that the requested information engages regulation 12(5)(a) and regulation 12(5)(b) of the EIR and that, for each exception, the public interest favours withholding the information. As such it's not necessary for the Commissioner to consider TfL's application of regulation 12(5)(e) to the same information.

Right of appeal

58. 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

59. 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.
60. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF