

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 December 2012

**Public Authority:** Chief Constable of Durham Constabulary  
**Address:** Police Headquarters  
Aykley Heads  
Durham  
DH1 5TT

#### **Decision (including any steps ordered)**

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1. The complainant has requested data held on CCTV or ANPR police road cameras on a particular section of the A66 road on 2 February 2011. During the Commissioner's investigation the complainant modified her complaint to only being concerned with the CCTV aspect of it. The public authority's response, that it did not hold CCTV information, was found to be correct by the Commissioner.

#### **Request and response**

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2. On 14 May 2012 the complainant requested from Durham Police data information held on CCTV or ANPR police road cameras on a particular section (the scene of a fatal accident) of the A66 road on 2 February 2011.
3. On 25 May 2012 Durham Constabulary responded by refusing to confirm or deny that it held the requested information. The complainant requested an internal review. Durham Constabulary sent the outcome of its internal review on 16 August 2012. It upheld its original position.

#### **Scope of the case**

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4. On or about 18 August 2012 the complainant contacted the Commissioner to complain about the way her request for information had been handled.

5. The complainant, after discussions with the Commissioner's staff, agreed that the Commissioner limit his investigation to her request for the CCTV information. The Commissioner informed Durham Police of this on 10 October 2012.
6. On 16 October 2012 Durham Police informed the complainant that there were no CCTV cameras near the scene of the fatal accident and therefore it did not hold the requested information.

### **Reasons for decision**

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7. Section 1 of FOIA provides that any person making a request for information to a public authority is entitled to be informed in writing whether it holds information of the description specified in the request, and if that is the case, to have that information communicated to him.
8. The normal standard of proof to apply in determining whether a public authority does hold any requested information is the civil standard of 'on the balance of probabilities'.
9. The Commissioner has considered the websites of Durham Police, Durham Council and of the Highways Agency and has not been able to discern evidence that contradicts the assertion of Durham Police that there are or were no CCTV cameras near the location in question. On the balance of probabilities he therefore finds that Durham Police does not hold the CCTV information as requested by the complainant.

## Right of appeal

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10. 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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

11. 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.
12. 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 .....**

**Alexander Ganotis**  
**Group Manager – Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**