

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 December 2013

Public Authority: The Chief Constable of Thames Valley Police
Address: Thames Valley Police HQ
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

Decision (including any steps ordered)

1. The complainant has requested information about the management of speed detection devices in the Thames Valley area. Thames Valley Police provided some general information about its speed enforcement arrangements but stated that it did not hold any other relevant recorded information. The Commissioner's decision is that, on the balance of probabilities, Thames Valley Police does not hold any further information within the scope of the request. Therefore, he does not require any steps to be taken.

Request and response

2. On 16 March 2013, the complainant wrote to Thames Valley Police ("TVP") and requested the following information about speed detection devices in the Thames Valley area:

"1. Copies of current policies and/or risk assessment criteria used in respect of determining the establishment and removal of speed detection on devices at a given location.

*2. A list of **all** performance measures and targets used in the operation of speed detection devices."*

3. TVP responded on 28 March 2013. In respect of the first part of the request it provided a brief description of its holistic approach to speed enforcement. It also provided a link to ACPO's Guide for the Operational Use of Speed and Red-Light Offence Detection Technology, which it said it adhered to. With regard to the second part of the request, it stated that there were no performance measures or targets used in the operation of its speed detection devices.
4. The complainant requested an internal review on 29 March 2013. With regard to the first part of the request he explained that he required the specific criteria used in the assessment of the deployment/removal of speed detection devices. In respect of the second part, he explained that he considered TVP's response to conflict with previous responses it had supplied under the FOIA, which he believed implied that it did hold performance measure and target data. He did not clarify what responses he was referring to.
5. TVP sent the complainant the outcome of its internal review on 25 April 2013. It stated that it held no further information it could supply in respect of either part of the request. As a point of assistance, it provided a link to information on its website which included a data sheet for every fixed camera site detailing the number of prosecutions for 2011, collision history, casualty history and any available speed data.

Scope of the case

6. The complainant contacted the Commissioner on 11 August 2013 to complain about the way his request for information had been handled. His complaint focussed on TVP's response to the second part of the request.
7. He made statements about TVP's speed detection enforcement which are not applicable for consideration under FOIA and so are not covered in this notice.
8. The Commissioner has considered whether, on the balance of probabilities, any other relevant information is held by TVP.

Reasons for decision

Section 1

9. Section 1 of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

10. The task for the Commissioner here is to determine whether, on the balance of probabilities, TVP holds any information relevant to the request which it has not already disclosed to the complainant.
11. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and argument. He will also consider the actions taken by the public authority to check whether the information is held and he will consider any other reasons offered by the public authority to explain why the information is not held. He will also consider any reason why it is inherently likely or unlikely that information is not held.
12. For clarity, the Commissioner is not expected to prove categorically whether the information was held; he is only required to make a judgement on whether the information was held on the civil standard of the balance of probabilities. Applying the civil test of the balance of probabilities is in line with the approach taken by the Information Tribunal when it has considered the issue of whether information is held in past cases.
13. The Commissioner asked TVP for its reasons for believing that that it did not hold any further information and details of any searches it had conducted.
14. With regard to the first part of the request, TVP stated that it held no recorded information other than what it had already supplied to the complainant. The Commissioner asked TVP to clarify whether it held any policies or guidance governing the deployment or removal of speed detection devices and it said that it did not. The Commissioner asked how decisions about the deployment of speed detection devices were made in the absence of policy or guidance. TVP explained that it would consider the number of accidents at a particular location together with other available intelligence that suggested that speeding was a problem there. In terms of deciding to remove a device, it would consider the level of any reduction in speeding achieved by the device together with whether it could be better used at another location. It was a common sense, intuitive approach based on a number of factors.
15. With regard to the second point of the request, TVP said that, as a matter of procedure, it had liaised with the business lead for the relevant department about the request, and they had confirmed that no relevant information was held.

16. TVP stated that it was aware of the perception amongst some members of the public that speed detection devices are used by police forces as a tool for revenue raising, but that this was categorically not the case. It insisted that TVP do not use performance measures and targets for monitoring speed detection devices.

"Speed cameras are in place as a deterrent and we are not in the business of targeting speeding motorists in order to meet any performance regime."

17. It explained that the value of the devices lies in the calming effect they have on overall road speed levels. Driver awareness of speed camera locations leads to a reduction in driving speeds in areas where drivers know or suspect devices are operating. For this reason TVP publicises the location of its speed detection devices with ample signage and also on its website, which it had referred the complainant to.

Conclusion

18. The task for the Commissioner is to determine whether, on the balance of probabilities, TVP holds any information relevant to the request which it has not already disclosed to the complainant.
19. With regard to the first part of the request, TVP says that it holds no relevant recorded information, there being no guidance or policy governing how it manages the deployment of speed detection devices. It is therefore legitimate for the Commissioner to question how it manages the devices in the absence of recorded guidance or policy.
20. In response to this question, TVP has given a clear and reasoned description of how it approaches this aspect of its work. It is not the Commissioner's role to assess the efficiency and effectiveness of TVP's speed enforcement arrangements. He must merely satisfy himself as to whether, on the balance of probabilities, any other relevant information is held. The complainant has submitted no evidence or arguments which contradict TVP's explanation. The Commissioner therefore has no reason to disbelieve TVP when it says it does not hold any further information in this regard.
21. Turning to the second part of the request, at the heart of this there seems to be some disagreement between the complainant and TVP as to the purpose of the speed detection devices. TVP has given the ICO categorical assurances that deployment of the devices is governed by an intention to reduce general road speed levels and that it is not a tool for generating revenue by fining offenders. It argues that this explains why it holds no information about performance measures and targets.

22. For his part, the complainant has submitted no evidence or arguments to suggest that further information is held. In fact, the Commissioner notes that he seems to have accepted TVP's statement that it does not hold policy or guidance on the deployment of the devices. In his letter of complaint to the ICO he stated that the Police and Crime Commissioner with responsibility for TVP had confirmed to him that TVP's speed detection devices operate "*...with no performance measures, or targets being set at either a strategic or operational level*". The Commissioner notes that the complainant did not challenge this statement and that he went on to make a series of observations predicated on it, to the effect that TVP's speed detection arrangements are not fit for purpose. The Commissioner understands from correspondence that the complainant has placed online, that this forms part of wider criticism that the complainant has of TVP's speed enforcement arrangements.
23. In the circumstances, the Commissioner does not consider that there is any evidence that would justify refusing to accept TVP's position that it does not hold information relevant to this part of the request.
24. Taking the request as a whole, the Commissioner is therefore satisfied that, on the balance of probabilities, the information described in the complainant's request is not held by TVP. Accordingly, he does not consider that there was any breach of section 1 of the FOIA.

Right of appeal

25. 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: GRC@hmcts.gsi.gov.uk

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

26. 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.
27. 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

Jon Manners
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Wycliffe House
Water Lane
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