

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

### **Decision notice**

**Date:** 22 December 2022

**Public Authority:** Leeds City Council

**Address:** PO Box 837

Leeds

LS1 9PZ

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

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1. The complainant requested various information about CCTV cameras installed within the Leeds area. Leeds City Council (the Council) provided some information but withheld the specific location of cameras under section 31(1)(a) (Law enforcement). The Commissioner's decision is that the Council correctly applied section 31(1)(a) to the request. However, in failing to respond to the request within 20 working days, the Commissioner finds that the Council breached sections 10 and 17 of the FOIA. The Commissioner does not require any steps to be taken.

### **Request and response**

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2. On 11 February 2022, the complainant wrote to the Council and requested information in the following terms:
  - "1. Please provide a breakdown of CCTV cameras installed in public spaces between July 2021 to January 2022. I would like to know the date of installation along with the location of each camera.
  2. I would also like a breakdown of how many cameras have been removed between July 2021 to January 2022, due to them not being effective and in line with GDPR and the councils internal DPIA documentation. Please provide the date the camera was originally installed, the location and the date it was removed.

3. Please provide a list of all public space CCTV cameras that have been installed for the last 10 years, which include:

- a. Date installed
- b. Location/Address of camera

4. Please provide the supporting DPIA documents regarding the below camera (80 Middleton Park Road). I would like to see the document supporting the installation and also the document supporting the removal of the camera.

80 Middleton Park Road, installed 21/4/2020, Removed 24/01/2021.

5. Please provide the supporting DPIA documents regarding the below CCTV camera (Netherfield Road). I would like to see the document supporting the installation and also the document supporting the removal of the camera.

Netherfield Road, Installed Pre 2019, Removed 10/10/2019”.

- 3. The Council provided some of the information requested but withheld details of the specific locations of CCTV cameras under section 31(1)(a) of the FOIA. This position was upheld at the internal review stage, however, the Council did provide the numbers of cameras installed in each Council ward area.

## **Reasons for decision**

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- 4. The following analysis sets out why the Commissioner has concluded that the public authority was entitled to rely on section 31(1)(a) of FOIA in this particular case.
- 5. Section 31(1)(a) of FOIA says that:
  - “Information .... is exempt information if its disclosure under this Act would, or would be likely to, prejudice-
  - (a) the prevention or detection of crime,”
- 6. The Council has argued that disclosure of the specific locations of CCTV cameras would be likely to prejudice the prevention and detection of crime as it would allow the development of intelligence of CCTV across the area. This intelligence could then be used by criminals to target their activities in particular ‘safe areas’ where they could operate undetected.

7. The Commissioner accepts that the potential prejudice described by the Council clearly relates to the interests which the exemption contained at section 31(1)(a) FOIA is designed to protect.
8. 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 the specific location of CCTV cameras would provide those intent on committing crimes with intelligence that could be used to target areas where their activities could go undetected.
9. Section 31(1)(a) is a qualified exemption. Therefore the Commissioner must consider whether, in all the circumstances of the case, the public interest in maintaining the exemption at section 31(1)(a) outweighs the public interest in disclosing the information.
10. The Council has explained that the data produced by its network of CCTV cameras is used to prevent and detect many serious crimes, including acts of terrorism. The Council considers that disclosure of the specific locations of the cameras would compromise its ability to detect and prevent such activities. The Council also pointed out that Leeds is a major city in West Yorkshire which, according to ONS statistics<sup>1</sup>, has one of the highest crime rates in England and Wales, outside of London.
11. The Council recognises that there is a public interest in knowing the location of CCTV cameras for the purposes of transparency. However, the Council considers that there is a stronger public interest in maintaining its ability to effectively gather intelligence to ensure the protection of public spaces and of the people in the Leeds area.
12. The Commissioner accepts that disclosure would help to increase openness and transparency in relation to how CCTV cameras are used by the Council. The Commissioner notes that, in its internal review the Council provided details of the numbers of CCTV cameras installed in each ward area. He considers that, to some extent, this goes some way to meeting the public interest.
13. However, the Commissioner also acknowledges that there is a very significant public interest in protecting society from the impacts of crime as this in turn prevents the criminal acts which adversely impact on the public's wellbeing and the public purse.

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<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/policeforceareadatatables>

14. In reaching a view on the public interest in this case, the Commissioner considers that there is a stronger public interest in avoiding any prejudice to the ability to prevent and detect crime. As such the Commissioner's conclusion is that the public interest in maintaining the exemption on this case outweighs the public interest in disclosure.

**Section 10/section 17 – timeliness of response**

15. Under section 10(1) a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of a request.
16. Under section 17(1) a public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a refusal notice.
17. In this case the request was submitted on 10 February 2022 and the Council did not provide a response, including a refusal to disclose some information, until 4 April 2022. The Council then disclosed some additional information at the time of its internal review. The Commissioner therefore finds that the Council breached sections 10(1) and 17(1) on this occasion.

## Right of appeal

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18. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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** .....

**Joanne Edwards**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**