

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 September 2023

Public Authority: Vale of White Horse District Council

Address: Abbey House
Abbey Close
Abingdon
OX14 3JE

Decision (including any steps ordered)

1. The complainant requested information about the location of CCTV cameras in a given area. Vale of White Horse District Council ("the council") refused the request on the basis that section 31(1)(a) of FOIA applied (prevention and detection of crime).
2. The Commissioner's decision is that the council was correct to apply section 31(1)(a) of FOIA to withhold the information.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 1 June 2023, the complainant wrote to the council and requested information in the following terms:

"Please could you provide the locations of the CCTV cameras operated by the council in Abingdon and Wantage town centres as part of the scheme detailed at <https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/community-help-and-safety/cctv/>

If possible, please could you reference the locations against the camera numbers used in the six monthly reports."

5. The council responded on 5 June 2023. It applied section 31(1)(a) of FOIA to refuse the request for information.
6. In his internal review request, dated 5 June 2023, the complainant requested: *"Please could you instead provide the data in the form of a statistical analysis, using the lowest level of geographical abstraction that you believe would preserve "the ability to ensure the protection of the people using the town centres and the town centres themselves" - for example a count of cameras by postcode."*
7. Following its internal review, the council wrote to the complainant on 23 June 2023. It upheld its decision that the exemption is applicable.
8. The complainant wrote back arguing that the information could be provided if the council widened the geographic areas under which it reported the information.
9. The council responded stating that it had now completed its review and that it would not look at his request again.

Scope of the case

10. The complainant contacted the Commissioner on 27 June 2023 to complain about the way their request for information had been handled.
11. He disagrees with the council's application of section 31(1)(a). He argues that the council could provide the requested information if it used wider geographic areas with which to break down the information.
12. This decision notice therefore analyses whether the council was correct to apply section 31(1)(a) to withhold the information from disclosure.

Reasons for decision

Section 31(1)(a) – the prevention or detection of crime

13. 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,”

14. The council argued that a disclosure of the requested information would be likely to prejudice the prevention and detection of crime because disclosing the specific locations of CCTV cameras would allow criminals to build up a map of the CCTV coverage across the area. This intelligence could then be used to target their activities in particular ‘safe areas’, where they could operate undetected.

15. It argued that a breakdown by postcode, or even by ward area, would still allow this intelligence to be gathered, even if the information were to be disclosed as a statistical analysis. It provided an explanation as to why this would be the case. The Commissioner has been persuaded by this argument.

16. The Commissioner therefore 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; the prevention and detection of crime.

17. 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 location and coverage of CCTV cameras would provide those intent on committing crimes with intelligence that could be used to target areas where their activities would be less likely to be detected.

18. The Commissioner is therefore satisfied that section 31(1)(a) was correctly engaged by the council.

19. 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.

The public interest

20. The council explained that the disclosure of the specific locations of the cameras would compromise its ability to prevent and detect crime, even when disclosed in a wider geographical area, such as by postcode or ward level.
21. It recognised that there is a public interest in creating greater transparency about its use of CCTV to monitor areas. However, it argues that there is a greater public interest in protecting its ability to prevent and detect crime, and to monitor areas to ensure that public spaces are protected.
22. The Commissioner accepts that disclosure would help to increase openness and transparency in relation to how CCTV cameras are used by the council, both from the point of view of the safety of the public, (i.e., is the network coverage sufficient), and from the point of view of allowing the scrutiny of its surveillance activities (i.e., is the network coverage too intrusive for the function it is intended to carry out).
23. However, the Commissioner has a duty to consider the broader public interest and he acknowledges that there is a very significant public interest in protecting society from crime, and from the impacts of crime; criminal acts affect public safety, wellbeing, and the public purse. Disclosing camera locations to the extent that areas free from CCTV coverage could be determined would undermine the council's efforts in this respect.
24. The Commissioner has therefore decided 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 in section 31(1)(a) in this case outweighs the public interest in disclosure.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Ian Walley
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Cheshire
SK9 5AF