

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

### **Decision notice**

**Date:** 9 February 2024

**Public Authority:** Royal Borough of Greenwich  
**Address:** 35 Wellington Street  
Woolwich, London  
SE18 6HQ

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

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1. The complainant has requested the make and model of a bus lane CCTV camera within the public authority's district. The Royal Borough of Greenwich ("the Council") stated the information was not held.
2. The Commissioner's decision is that, on the balance of probabilities, the requested information is not held by the Council.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 13 July 2023, the complainant wrote to the Council and requested information in the following terms:

"There is a bus lane CCTV enforcement camera on Charlton Church Lane at the junction with Barney Close.

I would like to know the make and model of this camera please."
5. The Council responded on 7 August 2023 and provided the name of the company responsible for the camera, but not the make or model.
6. Following an internal review, the Council wrote to the complainant on 31 August 2023. It stated that it did not hold the information, nor is there any statutory obligation for them to do so.

## Reasons for decision

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7. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to them.
8. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).

### The complainant's view

9. The complainant believes the Council must hold the information because the CCTV cameras are purchased using public funds. The complainant has also stated this would mean the Council could not defend appealed penalty charges, as they would not be able to prove the relevant camera was of a certified make and model.

### The Council's view

10. In their internal review response, the Council stated to the complainant:

“We do not specify any of the individual component manufacturer(s?) to VideAlert, including the camera body, camera lens, camera housing, wireless backhaul or power connections nor do we collect that information. Our requirement is only that any camera they supply is compliant with their certification and that the DfT equally grant us approval where required.”

### The Commissioner's conclusion

11. The Commissioner acknowledges the complainant's concerns. In his assessment of this case, he has considered the arguments and the relevant legislation regarding certification of CCTV cameras for public use.

12. The DfT's guidance for local councils on the certification of traffic cameras<sup>1</sup> states systems should be documented in a Technical Construction File. Chapters three and four of the guidance advise on the minimum technical requirements for cameras to be certified, but do not specify any particular make or model.
13. The Council has stated they carried out searches of emails, shared drive and personal folders but found no evidence it holds this information, and as indicated by the DfT's guidance, are not required to hold it and have no business purpose for the information.
14. Ultimately, all a public authority can do is conduct appropriate and targeted searches for the information described by the request. The Commissioner is satisfied that the Council has carried out targeted and appropriate searches which would be likely to locate the requested information if it was held. The Commissioner is also satisfied that the Council do not have any reason to collect or hold this information.
15. Therefore, on the balance of probabilities, the Commissioner is satisfied that the Council does not hold any data on the make or model of the camera.

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<sup>1</sup> [Civil enforcement of road traffic contraventions: certification of approved devices \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/civil-enforcement-of-road-traffic-contraventions-certification-of-approved-devices.pdf)

## Right of appeal

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16. 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)

17. 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.
18. 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

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