

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 March 2024

Public Authority: Chief Constable of Lancashire Constabulary
Address: Police Headquarters
Saunders Lane Hutton
Lancashire
PR4 5SB

Decision (including any steps ordered)

1. The complainant requested from Lancashire Constabulary (the Constabulary) information relating to speed cameras on the A682 between March 2022 and May 2023. The Constabulary provided some information relating to the request but refused to disclose a breakdown of the information, and withheld this under sections 31(1)(a) and (b) (law enforcement) of FOIA.
2. The Commissioner's decision is the Constabulary was entitled to rely on sections 31(1)(a) and (b) of FOIA to refuse to provide some of the information requested. The Commissioner does not require the Constabulary to take any steps as a result of this decision.

Request and response

3. On 29 June 2023 the complainant wrote to the Constabulary and requested information in the following terms:

"I am writing on behalf of Blacko Parish Council.
In April last year you kindly gave us a number of detections on the A682 between the dates June 2018 when the average speed Cameras were operational to February 2022.

Can we please request the same information for between the dates March 2022 and May 2023."

4. On 13 July 2023 the Constabulary responded and provided the complainant with the information. This included full route detections on the specific Average Speed route and between the dates in question.

5. On 31 July 2023 the complainant asked the Constabulary an additional question relating to their request:

“Of the 1003 detections between March 2022 and May 2023, can you break down the information to Detections within the 30mph zone and the national speed limit zone.”

6. On 5 September 2023 the Constabulary responded to the complainant’s additional question. It confirmed the information requested is held but refused to provide it under sections 31(1)(a)(b) (law enforcement) of FOIA. The Constabulary advised the complainant that it can “only disclose the number of speeding offences across the entire A682 average speed route, and as explained above, to break this down into specific areas or sections is exempt from disclosure.” The Constabulary informed the complainant that this information was supplied to her under its FOI responses to her previous requests for information.

7. On 5 October 2023 the complainant asked for an internal review, and also reiterated her request:

“...we requested a breakdown of the number of vehicles caught speeding in the 30mph speed limit area, as this is the village of Blacko, the rest of the A682 is open countryside and the speed limit increases to 50mph.”

8. On 19 October 2023 the Constabulary provided its review response and maintained its original position to rely on the exemptions cited.

Reasons for decision

9. This reasoning covers why the Constabulary was entitled to rely on sections 31(1)(a) and (b) of FOIA to refuse to provide information (“a breakdown of the information”) relating to the request.

Section 31 – law enforcement

10. Section 31(1) of FOIA states that:

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) the prevention or detection of crime,

- (b) the apprehension or prosecution of offenders.
11. The Constabulary explained to the complainant that disclosing details of specific areas along an average speed route, would indicate when the cameras have and have not been operational. It would also inform the public when speeding offences at this location are more or less likely to be detected. The Constabulary informed the complainant that the safety cameras are not always active, and the Constabulary rely on the perception by drivers that cameras could be active. Therefore, the cameras would act as a deterrent to excess speed offences, to assist with its aim of reducing road traffic related casualties. The Constabulary stated that disclosure of this information would undermine this objective and have a negative impact on road safety. It said disclosure would diminish the effectiveness of the cameras along an average speed route and undermine law enforcement. It would also require an increased police presence which would put an unnecessary strain on its resources.
 12. The Constabulary identified further evidence of harm in providing a specific breakdown of the average speed route along the A682, also with the number of offences between the 30mph and the national speed limit sections. The Constabulary explained that information incorporated with other available information could be analysed to create a detailed intelligence picture, and could be used by those engaged in criminal activity to disrupt the prevention and detection of crime. Disclosure, the Constabulary said, could potentially be amalgamated with other similar requests to reveal which cameras are more prevalent at capturing speeding motorists.
 13. The Constabulary said that these sites would be a target for criminals intent on damaging the equipment, or provide information enabling motorists to avoid these locations and instead, to commit speeding offences on other routes. The Constabulary is of the view that disclosure of the information would have a negative impact on road safety, as it would undermine its aim of reducing road traffic related casualties.
 14. The Constabulary stated "the prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved must be the overriding consideration."
 15. The Commissioner accepts that the potential prejudice described by the Constabulary, clearly relates to the interests which sections 31(1)(a) and (b) exemption is designed to protect.

16. The Commissioner is also satisfied that the prejudice being claimed is “real, actual or of substance”, and there is a causal link between disclosure and the prejudice claimed. It is clearly logical to argue that the disclosure of information associated with a specific area, is an easy way to identify this.
17. Having considered all the circumstances of this case, the Commissioner finds sections 31(1)(a) and (b) of FOIA are engaged. He has therefore gone on to consider the public interest test.

Public interest test

18. The Commissioner has considered whether the public interest in maintaining the exemption outweighs the public interest in disclosing the withheld information.

Public interest arguments in favour of disclosure

19. The Constabulary recognises its duty for the force to be open and transparent, especially as it is funded by the public. The Constabulary said that disclosing the requested information would provide a better understanding, and a more informed public debate regarding its measures in relation to speeding offences. Also, it said that disclosure would inform the public that speed cameras are doing a job that they are designed to do.

Public interest arguments in favour of maintaining the exemption

20. The Constabulary argued that disclosure of information relating to a specific part of an average speed route, a breakdown of the 30mph and national speed limit sections, would compromise the operational purpose of the average speed route. It explained that speed cameras are in place to help and improve road safety for road users and pedestrians. The release of this specific information, the Constabulary said, would provide a tactical advantage to offenders. This would negatively impact on road safety and undermine the policing purpose. It would enable those involved in committing offences to alter their habits or plans to evade detection. The Constabulary stated that this would impact on its resources, leading to more crime being committed and members of the public being placed at risk.
21. The Constabulary further argued that when paired with information already in the public domain, or if further requests were to be submitted for similar information within the force area, disclosure would enable offenders to identify which cameras are most prolific. This would compromise their operations purpose. If individuals know where the speed cameras are based, those intent on criminal behaviour could attempt to vandalise them and cause damage.

Balance of the public interest arguments

22. In balancing the public interest arguments, the Commissioner accepts the public interest in transparency, and that disclosing the information would provide a better understanding about measures relating to speeding offences. It would also inform the public that speed cameras are doing what they are designed to do.
23. The Commissioner understands that there is public interest in road safety for road users and pedestrians, and in protecting society from the impact of crime. He recognises the complainant's concern which is the number of speeding vehicles through the village. Also, he acknowledges that the information relating to the number of vehicles speeding within the 30mph zone is of interest to the complainant, and that they are seeking this to try to ensure the safety of the children and pedestrians along the road in question.
24. The complainant stated that they are not asking for dates and times but just the number of vehicles speeding so they can then "act on this information to try and work with other agencies to make Blacko a safer place." However, the Commissioner considers it is not in the public interest to disclose information that may compromise the Constabulary's ability to accomplish its core function of law enforcement.
25. Disclosure of the information under FOIA is disclosure to the world at large, therefore, the Commissioner is not able to take into account the private interests of the complainant in his decision. He must consider whether the information is suitable for disclosure to everyone. In this case, releasing the breakdown information would give individuals with intent, the intelligence required to vandalise the speed cameras and cause damage.
26. The Commissioner acknowledges that disclosing the detection rate for the specific stretch of road running through the village would potentially indicate when the separate cameras have and have not been operational. It would inform the public when speeding offences at this location are more or less likely to be detected. He also accepts disclosing the number of vehicles speeding within the 30mph zone, would reveal the percentage that were caught in this zone and this could help drivers to know when they are likely to get caught from 60mph zone to 30mph zone. This could provide a tactical advantage to offenders, leading to a negative impact on road safety and undermining the policing purpose. This would be likely to prejudice any current or future investigation or deterrent and therefore, the potential detection and prevention of crime.

27. The Commissioner considers there is a strong public interest in protecting the law enforcement capabilities of a police service, and that appropriate weight must be given to the public interest fundamental in the exemptions. The public interest is in avoiding prejudice to the preventions or detection of crime and the apprehension of prosecution of offenders.
28. The Commissioner finds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Conclusion

29. The Commissioner concludes sections 31(1)(a) and (b) of FOIA are engaged and the Constabulary was entitled to refuse to disclose the requested information.

Right of appeal

30. 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

31. 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.
32. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Joanna Marshall
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