

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 9 July 2024

Public Authority: Transport for London
Address: 5 Endeavour Square
London
E20 1JN

Decision (including any steps ordered)

1. The complainant has requested information about the installation of a ULEZ traffic camera in a specific location. Transport for London (TfL) withheld the information under regulations 12(5)(a), 12(5)(b) and 12(5)(e) EIR.
2. The Commissioner's decision is that the information engages both the exceptions at regulation 12(5)(a) and (b) and the public interest favours maintaining the exceptions and withholding the information.
3. The Commissioner does not require any steps.

Request and response

4. On 30 December 2023, the complainant wrote to TfL and requested information in the following terms:

"I was somewhat alarmed and distressed to see you have erected a ULEZ expansion camera, mounting pole and box in the heart of the historic Harrow on the Hill Conservation Area (near the Hill Shop, Bursar and Vaughan Library) (adjacent to a pinch point).

Under the Freedom of Information Act, kindly supply all permissions, emails (e.g. discussions with heritage experts, Harrow School, Harrow

Council etc.), designs and so on related to the deployment of this equipment.”

5. TfL responded on 23 January 2024 and refused the request citing regulations 12(5(a), (b) and (e) of EIR. TfL pointed the complainant to a response to a previous information request that explained the reasoning.
6. Following an internal review TfL upheld its position on 6 February 2024.

Scope of the case

7. The complainant contacted the Commissioner on 6 February 2024 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to be to determine if TfL has correctly withheld the requested information under any of the cited exceptions under the EIR.

Reasons for decision

9. TfL has relied heavily on arguments it presented to the Commissioner in relation to a previous information request and subsequent decision notice IC-262996-Q1D5¹.
10. In that case the request related to specific traffic cameras at a location and asked for any information held relating to the purpose of the cameras, their use and installation. There are clear similarities between that request and this. Another request IC-274392-K9K7² was the subject of a decision notice following the same logic as IC-262996-Q1D5 although this request focused solely on asking for the make and model of a specific camera in a particular location.
11. In the earlier case and this case TfL’s concern was about the wider camera network, specifically cameras that enable it to operate London’s ULEZ, rather than the camera(a) specific to the request, and the mosaic effect of placing information into the public domain that would help

¹ [ic-262996-q1d5.pdf \(ico.org.uk\)](#)

² [Microsoft Word - IC-274392-K9K7 DN for website \(ico.org.uk\)](#)

people to work out which cameras are used to support and enforce the ULEZ.

12. TfL's arguments focus on the idea that disclosing information, such as asked for and held in this case, may increase the risk of vandalism – an argument the complainant dismisses as the location of cameras is clearly known already. TfL provided background to explain and put into context why the information shouldn't be disclosed. This is included in detail in the earlier decision notices and has therefore not been detailed in full here.

Regulation 12(5)(a) – national security or public safety

13. Under regulation 12(5)(a) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect international relations, defence, national security or public safety.
14. Again, TfL has relied on the same arguments as in the earlier decision notices and full detail can be found there. In summary, TfL has provided examples of damage to cameras and how some cases involved tampering with live electricity wires leading to obvious threats to public safety. The Commissioner accepted in the earlier cases there was a clear and direct causal link between disclosing information disclosing information which helps people to compile information about the locations of ULEZ enforcement cameras and very serious risks and threats to public health and safety and that TfL had evidenced this. He sees no reason to change his view in this case.
15. He accepts that on the face of it the requested information seems fairly innocuous, asking for details of discussions about the deployment of the camera equipment. The Commissioner has viewed the withheld information and notes it contains design and installation drawings, showing exact locations and capture zones of the cameras along with technical information. This information could be used by those so minded to endanger themselves and others through vandalising and damaging ULEZ cameras newly identified as well as ULEZ cameras the locations of which are already known. The safety of individuals involved in the ULEZ scheme is also at risk from anti-ULEZ activists if the location of further ULEZ cameras were known. The Commissioner therefore considers that all the requested information engages the exception under regulation 12(5)(a). Despite this, the Commissioner will also consider TfL's application of regulation 12(5)(b) to the same information.
16. The public interest test associated with regulation 12(5)(a) is discussed below.

Regulation 12(5)(b) – the course of justice

17. Under regulation 12(5)(b) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.
18. The Commissioner considered this exception in relation to the earlier requests. Full details of TfL's arguments are detailed in those decision notices but in short TfL provided evidence of the Metropolitan Police investigating incidents of theft and vandalism of ULEZ cameras and argued that disclosing information that could assist in mapping out the camera network could then be used by individuals intent on causing criminal damage. The Commissioner agreed with TfL that preventing crime is intrinsically linked to the administration of justice and if followed that disclosing information that contributes towards increased criminality would have an adverse effect on the general course of justice.
19. The Commissioner accepts this argument is applicable here. The complainant considers that as the camera has already been erected its location is already known. However, the information that has been requested and is being withheld is not just information confirming the location of the camera but is also information detailing more technical aspects of the camera installation.
20. As noted, the Commissioner has considered the wider circumstances and TfL's reasoning. He's accepted that the information in this case, if disclosed, could be used to identify where ULEZ cameras are located. The Commissioner also accepts that disclosing the information would benefit those intent on causing criminal damage to ULEZ cameras and associated infrastructure. This would potentially encourage further vandalism and cause the Metropolitan Police to have to devote further resources on combating crimes related to ULEZ cameras. In addition, this police resource wouldn't be available to direct on other areas of law enforcement and public protection. The Commissioner therefore considers that all the requested information also engages the exception under regulation 12(5)(b) of the EIR.
21. The public interest test associated with regulation 12(5)(b) is also discussed below.

Public interest test

22. In respect of both exceptions, TfL says that it recognises that there's an inherent public interest in openness and in particular, where this relates

to the installation and maintenance of public assets and the effective use of public funds. In this instance TfL appreciates that disclosure would satisfy a local interest about the traffic management systems in place.

23. The complainant presented the following arguments for disclosure:

- There is historical character and significance to the location chosen for the cameras.
- It does not appear that TfL has consulted with the school or heritage experts around the installation of the camera and as the location of the camera is already known to anyone with the internet TfL should not be able to avoid scrutiny on the basis that revealing the (already known) location of the camera would promote vandalism.
- There is a strong public interest in TfL respecting the character of locations of historical significance.

24. TfL maintains, as with the other cases, that there is no significant wider public interest in the information TfL holds. Either about the precise locations of these cameras and what range they have or anything else unique about these cameras that's sufficient to outweigh the public interest in protecting its wider infrastructure and preventing the mosaic effect of information being combined for the purposes of mapping the ULEZ camera enforcement network.

Balance of the public interest

25. The Commissioner has accepted, in line with his reasoning in the other decisions, that disclosing the requested information would adversely affect public safety and would adversely affect the course of justice.

26. The Commissioner recognises the EIR's presumption in favour of disclosure under regulation 12(2). However, he considers that the public interest in disclosing the requested information here would need to be significant to warrant the effects of disclosing it. The Commissioner acknowledges that the information is of interest to the complainant but, as TfL has noted, disclosure under the EIR is to the wider world and not just to the applicant.

27. The Commissioner does not find the public interest arguments the complainant has put forward to be sufficiently compelling to justify disclosing the information. He's satisfied that there's greater public interest in TfL withholding the information in order to protect the public and those involved in the ULEZ scheme, and in order not to impede the city's police service

28. The Commissioner has found that the requested information engages regulation 12(5)(a) and regulation 12(5)(b) of the EIR and that, for each exception, the public interest favours withholding the information. As such it's not necessary for the Commissioner to consider TfL's application of regulation 12(5)(e) to the same information

Right of appeal

29. 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

30. 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.
31. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Jill Hulley
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