

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 2 August 2005

Name of Public Authority: Chief Officer of Police of Hampshire
Constabulary
Address of Public Authority: Police Headquarters
West Hill
Romsey Road
Winchester
SO22 5DB

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 17th January 2005 the following information was requested from the Chief Officer of Police of Hampshire Constabulary under section 1 of the Freedom of Information Act 2000 (the "Act"):

Data on the number of speeding tickets (and monetary revenue) issued per camera site across Portsmouth, Gosport, Havant and Fareham in 2004/05.

It was alleged by the complainant that he was not provided with this information.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The application of Sections 31 and 38 by the Hampshire Constabulary in order to withhold the requested information is appropriate. Also, the public interest in maintaining the exemption outweighs the public interest in disclosure. Further information is contained in the attached Statement of Reasons.

Action Required

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the Hampshire Constabulary.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 2nd day of August 2005

Signed: Richard Thomas
Information Commissioner

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Statement of Reasons

The complainant requested a breakdown of speeding tickets for each speed camera in Portsmouth, Gosport, Havant and Fareham in 2004/05 including average speeds that drivers were doing when caught on camera.

Hampshire Constabulary (HC) maintained that the release of the requested information would prejudice law enforcement and road safety and therefore applied Sections 31 and 38 of the Act. These are as follows:

31. - (1) *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,*
- (c) the administration of justice...*

38. - (1) *Information is exempt information if its disclosure under this Act would, or would be likely to-*

- (a) endanger the physical or mental health of any individual,*
or
- (b) endanger the safety of any individual...*

Both sections are qualified exemptions and are subject to the public interest test. HC asserted that the public interest in maintaining the exemptions outweighed the public interest in releasing the information.

The Information Commissioner has considered the position and agrees that the law enforcement and health and safety exemptions have been appropriately applied.

With regard to the exemption under section 31 the Commissioner recognises the concern raised by HC, that the requested information contains working practices which, if known, would have an impact on operational policing. Camera housings are located at sites that have a history of significant casualties caused by speeding. Currently, the effectiveness of the system relies on the perception that all cameras are active whereas some two thirds of housings contain dummy cameras. The perception allows the police to keep traffic speeds lower by carrying out minimal real enforcement. Site specific information such as that requested by NE would indicate the differing levels of speed enforcement that appertained throughout the area. With such information, drivers could ascertain those locations where apprehension for speeding was less likely. This could seriously affect the level of compliance owing to the likely increase in the level of speeding.

With regard to the exemption under section 38 the Commissioner acknowledges the correlation between the amount of visible enforcement, increases in speed and increases in accidents. HC's evidence in support of

withholding the information includes studies such as the three year analysis completed by University College London in 2004. This clearly shows that the presence of cameras significantly reduces injury accidents and deaths. HC's evidence from the UK Transport Research Laboratory shows that speed is the biggest single contributor to casualties on our roads. Their evidence from other UK traffic studies strongly indicates that higher speeds and increases in casualties result when the public becomes aware of sites that are never or seldom enforced. Consequently, the Commissioner is of the opinion that the release of this information would jeopardise the safety of road users due to the risk of increases in speeding and therefore agrees that the exemption under section 38 to withhold the requested information on safety grounds is appropriate.

Having agreed that the exemptions applied, the Commissioner then considered the public interest arguments for and against maintaining the exemptions. In doing so, he has taken into account the potential prejudice to law enforcement and public health and safety.

The public interest test – Prejudice to law enforcement and health and safety

The Commissioner recognises the public interest in the openness and transparency of public authorities. However with regard to section 31 the Commissioner took into account the value of current moderate levels of enforcement. Camera housings are located at sites that have a history of significant casualties caused by speeding. If drivers ignored speed limits at locations where it became known that apprehension was unlikely (because the camera was a dummy) it is highly likely that traffic accidents would increase. The necessary police response to this would most probably be the widespread installation of active cameras. The Commissioner does not consider the resulting additional cost to the public and escalation in recorded speed offences each year to be in the public interest.

With regard to section 38 the Commissioner considers that increases in injuries and deaths, resulting from drivers speeding in locations where it was ascertained that apprehension was less likely, would not be in the public interest.

With regard to the additional argument made by the complainant that one police authority (Nottinghamshire) had already released site specific information, the Commissioner has noted that this authority has since considered that release to be inappropriate. The Commissioner has formed the view that the temporary release of information by one police authority does not establish a compulsory precedent for other safety camera partnerships. The Commissioner will consider each case on its own facts.

Summary of the Commissioner's decision

The Commissioner holds the view that the release of site specific information is likely to prejudice law enforcement and endanger the safety of individuals. He has decided therefore that the public interest in withholding speed camera site specific information outweighs the public interest in disclosure.