

**Information Governance Unit  
Information Management Branch**

31<sup>st</sup> October 2008

Dear XXXX

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: XXXX**

I write in connection with your request for information dated 24/09/2008, which was received by Greater Manchester Police (GMP) on 25/09/2008. I note you seek access to the following information:

- **Please could you provide me with the exact locations of the two speed camera sites within your area that were responsible for generating the highest number of Notices of Intended Prosecution (NIPs) for the 2007/08 financial year? Please also give the combined total of NIPs for these two sites. NOTE: Sites can be any type of camera site eg. mobile, fixed, average speed, temporary etc.**
- **NOTE: I have specifically asked for the “combined” total of the two cameras in line with the ruling of the Information Commissioner (FS50169012) and the Information Tribunal (EA/2006/0071), so that my request does NOT become subject to Sections 31 and 38 of the Freedom of Information Act.**

Your request for information has now been considered and I am not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemptions applicable to the information are Qualified stating: **Section 31(1) (b) Law Enforcement and Section 38 (1) (a) (b) Health and Safety**

**Harm**

To disclose the locations of specific speed cameras, perceived as being the most prolific for generating the highest number of Notices of Intended Prosecution (NIPs), can, potentially, hinder future law enforcement and compromise the safety of the public that GMP serve to protect. It would potentially allow those individuals intent on criminal activity to identify those sites and avoid them when a crime has been or is likely to be committed. To disclose this in-

formation may compromise the effectiveness of the police service in the prevention and detection of crime and the apprehending and prosecution of an offender.

In 2007 a site was identified on the A303 (the main road between Basingstoke in Hampshire and Honiton in Devon) within a response to a Freedom of Information request – within hours of the media release the site was attacked and criminal damage was caused.

In the Information Tribunal case of John Connor Press Associates versus the IC – <http://www.informationtribunal.gov.uk/DBFiles/Decision/i89/John%20Connor.pdf>

It was firmly established that evidence of prejudice in a disclosure needs to be 'more than a hypothetical or remote possibility' – the above example, re the A303, provides that evidence.

## **Public Interest Test**

### **Considerations Favouring Disclosure**

#### **Accountability**

Disclosure of the information will enable the public to have a better understanding of the efficiency and effectiveness of the police service and would confirm how Greater Manchester Police are using speed cameras in working towards prevention and detection of crime and apprehending and prosecuting offenders.

#### **Public Awareness**

Disclosure of information will assist individuals by raising awareness that Greater Manchester Police are using speed cameras to prevent and detect crimes to make Greater Manchester a safer place.

#### **Use of Public Funds**

Disclosure would make the public aware that Greater Manchester Police are using public funds to purchase cameras to assist in the prevention or detection of crime, the apprehension or prosecution of offenders.

## **Factors Favouring Non-Disclosure**

### **Efficient and Effective Conduct of the Police Service**

Disclosure of the information may enable individuals to identify those cameras and avoid them when a crime has been or likely to be committed. The case maybe that, by confirming the locations of these speed cameras may potentially lead to an increase of crime. This may compromise the effectiveness of the police service in the prevention and detection of crime and apprehending and prosecuting of an offender.

### **Public Safety**

It is in the interest of the public that our roads are kept safe. The ability for speed/safety camera technology to impact on road safety would be diminished by the disclosure of such information and therefore prejudice law enforcement. In regards to the Health & Safety exemption a detailed programme could put pedestrians and other drivers at risk as people would not adhere to the speed limits if they thought the chance of getting caught were minimal.

### **Balancing Test**

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most persuasive reason for disclosure is accountability, which needs to be weighed against the strongest negative reason, which, in this case is public safety. As previously stated, releasing this data could have an impact on the increase of casualties due to speeding.

In accordance with the Act, this letter represents a Refusal Notice for this particular part of your request. This action cannot be taken as confirmation or denial that Greater Manchester Police holds the information you have asked for.

### **Complaint Rights**

Your attention is drawn to the attached sheet, which details your right of complaint.

Should you have any further inquiries concerning this matter, please write or contact me on telephone number 0161 856 2529 quoting the reference number above.

Yours sincerely

Information Access Officer