

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 March 2022

Public Authority: Chief Constable of North Wales Police

Address: FreedomofInformationTeam@nthwales.pnn.police.uk

Decision (including any steps ordered)

1. The complainant requested information about the operation of speed cameras. North Wales Police stated that it did not hold information relating to some parts of the request and stated that other information was exempt under section 31 – law enforcement. The complainant considered that North Wales Police held recorded information relating to parts 1 and 2 of the request. During the course of the Commissioner's investigation North Wales Police identified information held relevant to parts 1 and 2 of the request which it disclosed to the complainant. The Commissioner finds that North Wales Police breached sections 1 and 10 of the FOIA in failing to inform the complainant that the requested information was held and for failing to disclose the information within the statutory timescale. The Commissioner does not require any steps to be taken.

Request and response

2. On 10 March 2020, the complainant wrote to the North Wales Police and Crime Commissioner and requested information in the following terms:

"Will you please provide me with the following information, which is request under the freedom of information legislation:

1. The time taken by the radar/camera operated by the 'Arrive Alive/GoSafe' (or whatever it is called to record the speed of a motor vehicle.
2. The distance (in metres) travelled by a motor vehicle during that time when the vehicle is travelling at each of the following class intervals, 35, 40, 45, 50, 55, 60, 65, 70 and 75 mph.

I shall also be grateful if the Commissioner will provide me with the research that was carried out to determine that 10%+2mph in excess of a statutory speed limit is acceptable in terms of road safety and the Commissioner's prosecuting policy of the imposition of a fixed penalty and attending a training course.

I shall also be grateful if the Commissioner will let me have the qualifications of the instructors who run the course and by whom they are employed.

In the event that these requests are matters for the Chief Constable of North Wales Police or another organisation I shall be grateful if the Commissioner will forward this request to whichever is the most relevant, in accordance with Government guidelines".

3. The North Wales Police and Crime Commissioner responded on 17 March 2020 and stated that he did not hold the information requested and suggested that North Wales Police may hold it. He transferred the request to North Wales Police as a result.
4. On 26 January 2021 the complainant wrote to North Wales Police to chase a response to their request.
5. North Wales Police responded on 10 February 2021 and confirmed that a reply had been issued on 14 April 2020 but it was returned and marked as undelivered. North Wales Police provided a copy of its response which stated that it did not hold information relating to points 1 and 2 of the request or any information concerning research to determine that 10% + 2mph in excess of a statutory speed limit was acceptable. North Wales Police also confirmed that it was withholding information concerning its prosecuting policy under section 31 of the FOIA. Finally, North Wales Police provided a link to the National Driver Offender Retraining Scheme Instructor qualification page.
6. On 14 February 2021 the complainant requested an internal review of the handling of his request. They stated that they had not received a response to questions 1 and 2, explained that they were unable to access the internet and advised that they did not recall asking for a copy of the prosecuting policy.
7. North Wales Police provided the outcome of its internal review on 11 March 2021. It maintained that it did not hold any recorded information relating to parts 1 and 2 of the request or any scientific research about speeds in excess of statutory speed limits. North Wales Police confirmed that it should have stated that it did not hold information relating to the qualifications of instructors who run speed awareness courses and advised that it had provided the weblink as a gesture of goodwill. North

Wales Police provided a hard copy of the information in question in any event. Finally, North Wales Police explained that the complainant had asked for a copy of the prosecuting policy in his original request and confirmed that it considered this information to be exempt.

Scope of the case

8. The complainant contacted the Commissioner on 15 March 2021 to complain about the way their request for information had been handled.
9. In their complaint to the Commissioner the complainant did not query North Wales Police's application of section 31 to its prosecuting policy. However, the complainant disputed North Wales Police's position that it did not hold the information he had requested at points 1 and 2 of the request.
10. During the course of the Commissioner's investigation North Wales Police undertook further searches and identified information relating to parts 1 and 2 of the request, namely the time taken by a speed camera to record the speed of a vehicle and the distance in metres travelled by a car during that time at various speeds. North Wales Police disclosed this information to the complainant.
11. In light of the above, the scope of this notice is to consider whether North Wales Police has complied with procedural matters in respect of its handling of the request.

Reasons for decision

Section 1 – general right of access

Section 10 – time for compliance

12. Section 1 of 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 of the description specified in the request".
13. Section 10(1) provides that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of a request for information.
14. In this case the complainant's request for information was transferred to North Wales Police on or around 17 March 2020. In its response dated

14 April 2020 North Wales Police stated that it did not hold any recorded information relevant to parts 1 and 2 of the request. During the Commissioner's investigation, North Wales Police located information falling within the scope of parts 1 and 2 of the request which it disclosed to the complainant.

15. The Commissioner finds that GMP has breached section 10(1) by failing to comply with section 1(1)(a) within the statutory time period. In failing to confirm it held information GMP breached section 1(1)(a) of the FOIA.
16. Section 1(1)(b) requires a public authority to provide disclosable information by the completion of the internal review. As North Wales Police failed to do so, the Commissioner also finds a further breach of section 10(1) and a breach of section 1(1)(b)

Right of appeal

17. 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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. 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.
19. 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

Joanne Edwards
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