

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 28 February 2024

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

Decision (including any steps ordered)

1. The complainant has requested information relating to damaged ULEZ cameras. Transport for London ("the public authority") refused the request, citing regulation 12(5)(b).
2. The Commissioner's decision is that the requested information is exempt from disclosure under regulation 12(5)(b).
3. The Commissioner does not require further steps.

Request and response

4. On 17 October 2023, the complainant requested:

"1) The number of ULEZ cameras in each London borough which were reported damaged/faulty between August 29, 2023 (the date the scheme was expanded across London) and October 17, 2023. This should be provided on a borough-by-borough basis.

2) The number of these cameras which are believed to have been deliberately damaged. This should again be provided on a borough-by-borough basis.

- 3) The cost or projected cost of repairing/replacing all of the damage caused between these dates. This should again be provided on a borough-by-borough basis.”
4. The public authority responded on 30 October 2023. It refused to provide the requested information, citing regulation 12(5)(a) (public safety), regulation 12(5)(b) (the course of justice) and regulation 12(5)(e) (confidentiality of commercial or industrial information).
 5. The complainant requested an internal review on 3 November 2023. They disputed that the requested information was environmental.
 6. The public authority provided the outcome to its internal review on 16 November 2023. It upheld its previous position.
 7. As part of this investigation, the Commissioner will consider whether the requested information is environmental. He'll also consider the exceptions cited. The Commissioner will start with regulation 12(5)(b) as he considers this to be the most appropriate and, depending on his findings, may go on to consider the others.

Reasons for decision

Regulation 2(1) (environmental information)

8. Regulation 2(1) of the EIR defines environmental information as information relating to:
 - (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
 - (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
 - (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a)...as well as measures or activities designed to protect those elements;'

9. The public authority has explained:

"ULEZ is a policy designed to reduce vehicle emissions and the camera network is in place to monitor and enforce compliance with the goal being an improvement in air quality within London. Therefore, the camera network is an integral part of the scheme and intrinsically linked with the overall objective of affecting the environment through a reduction of harmful emissions from vehicles driving in London and a subsequent improvement in the overall air quality."

10. The complainant disputes the information is environmental, however the Commissioner is satisfied that it is under regulation 2(1)(c). The public authority was correct to handle the request under the EIR.

Regulation 12(5)(b) – the course of justice and inquiries exception

11. Regulation 12(5)(b) states:

"(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(b) 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."

12. The public authority has explained:

"There has been significant opposition to the implementation of the ULEZ scheme from a vociferous minority, which has included a significant and sustained campaign of criminal damage to the camera network that enforces the ULEZ."

13. It has provided the Commissioner with several publicly available articles¹ which demonstrate the extent and severity of this issue.

¹ <https://www.standard.co.uk/news/london/ulez-cameras-air-pollution-vandalised-stolen-tfl-b1104151.html>; <https://www.telegraph.co.uk/news/2023/08/31/ulez-cameras-vandalism-expanded-quarter-sadiq-khan/>; <https://www.express.co.uk/news/uk/1806979/ulez-cameras-vandalised-first-day>; [96 allegations of damage to ULEZ cameras passed to police | LondonWorld](#); [ULEZ: South London residents celebrate as multiple cameras 'ripped down' and stolen overnight – MyLondon](#); [Second man charged after ULEZ cameras deliberately damaged | Richmond and Twickenham Times](#); [ULEZ vandal claims to have torn down dozens of cameras | NationalWorld](#); [ULEZ cameras 'stolen' in South London as wires appear to have been cut and devices are nowhere to be seen – MyLondon](#); <https://news.met.police.uk/news/latest-figures-on-crimes-relating-to-ulez-cameras->

14. The public authority has explained:

"To minimise the threat and reduce the damage to our camera network, which has been and continues to be under repeat attack, we have been refusing to disclose information relating to these ULEZ enforcement cameras."

15. The public authority cannot automatically withhold all information relating to ULEZ cameras because of the damage the network has suffered. In order to withhold the requested information, it needs to demonstrate that disclosure would adversely affect the course of justice.

16. The public authority is concerned that:

"Significant effort has been made by people apparently opposed to ULEZ to identify and compile information about the location of ULEZ cameras and this often appears to be for two purposes – firstly to facilitate attempts to circumvent the ULEZ charge by planning journeys which avoid the cameras and secondly to identify cameras to be targeted for criminal damage."

17. The Commissioner understands that these efforts have resulted in online databases, about the ULEZ cameras. These databases include live tracking information which identifies which cameras are operational and which have recently been damaged.

18. The public authority is concerned that:

"provision of this information would lead to further requests being made for the same information, across cumulative time periods, that would help build up a wider picture of disruption which would be utilised by those either committing the damage or supporting the damage to publicise their activities and embolden others to carry out attacks of their own."

[474617#:~:text=From%201%20April%20to%2031,and%20767%20cameras%20being%20damaged; https://www.standard.co.uk/news/crime/ulez-cameras-stolen-damaged-sadiq-khan-b1117366.html](https://www.standard.co.uk/news/crime/ulez-cameras-stolen-damaged-sadiq-khan-b1117366.html)

19. The public authority is concerned that, if it were to disclose information that, when combined with other information (such as the online databases) this information will then be used by individuals intent on causing and maximising criminal damage and other forms of vandalism.
20. For example, the withheld information would confirm which London boroughs have been most targeted, in terms of ULEZ camera damage, and cost, and increase 'competition' with other boroughs. It would also provide the online databases with information they need to verify how accurate their own online tracking is. This will make the online databases more reliable and allow more targeted action to be taken against the ULEZ cameras.
21. Considering how the withheld information would be used, in conjunction with information already in the public domain or information that is to be released into the public domain, is known as the mosaic effect. The Commissioner considers it highly significant that online databases exist to facilitate and encourage individuals to gather and verify as much information about the ULEZ cameras as possible.
22. The public authority has pointed the Commissioner to one online database in question. Whilst the Commissioner notes the database doesn't condone 'any vandalism to public property', it's likely such databases are invaluable tools for those who intend² on vandalising ULEZ cameras.
23. The Commissioner understands that the MET has dedicated³ significant resources to ULEZ camera crime. The Commissioner is satisfied that any information that aids and assists current and future offenders, would inhibit the Police's ability to investigate and prosecute offenders, therefore adversely affecting the course of justice.
24. With this in mind, the Commissioner is satisfied that the information requested in parts 1 and 3 of the request engage the exception. Therefore, the Commissioner will go onto consider where the balance of the public interest lies. The information requested in part 2 cannot be provided without part 1.

² [Ulez 'Blade Runner' vigilante: I've destroyed 150 cameras and won't stop until expansion is scrapped | Evening Standard](#)

³ [Met Police dedicating 'significant amount' of resources to Ulez camera crime | The Independent](#)

The public interest test

Public interest in disclosure

25. The public authority acknowledges the public interest in openness and transparency, 'particularly where this relates to the operation of public assets and the effective use of public funds.'
26. The ULEZ has been controversial and the public authority recognises the specific public interest in the reaction to ULEZ and the damage to the camera network.
27. When requesting their internal review, the complainant stated:

"The public interest in disclosure of the requested information is overwhelming. This is a matter of huge public debate that involves both the spending of public money and the recovery of money from the public."

Public interest in maintaining the exception

28. The public authority has explained:

"It is clearly in the public interest to ensure the ability to deter and prevent criminal activity is unhindered and one way of doing this is to restrict access to information which can be used to aid and assist with the consideration, incitement and preparation of such criminal activity."
29. It expanded:

"the publication of this information would be likely to increase the number and the extent of vandalism and attacks on our infrastructure and this has considerable cost implications for TfL."

Balance of the public interest

30. The Commissioner has decided that the public interest lies in maintaining the exception.
31. The Commissioner notes the request doesn't ask for the total number of damaged cameras or the total cost of repairing the damage. It asks for a break down by borough which is precisely the information that would aid those whose aim is to disrupt the ULEZ camera network.
32. It's clear from the footnotes in this decision notice that there is information about the extent of the problem in the public domain and this, to a certain extent, meets the public interest in the request.

33. However, the Commissioner agrees with the public authority when it says that the public interest would be better served by maintaining the exception.
34. The public authority is concerned that:

“Government funding for TfL has been reduced and any increased expenditure on repairs, maintenance and increased security measures would require funding that would no longer be available for delivering other services.”
35. The Commissioner acknowledges the complainant’s point; the request concerns a significant amount of tax-payer’s money that goes into repairing the vandalised cameras. With this comes the need for transparency.
36. However, with this also comes the need to protect the public authority, and the police’s, resources. It wouldn’t be in the public interest to increase the costs incurred on the public authority or the police, by disclosing information that will aid those who wish to damage ULEZ cameras.
37. Since the Commissioner has determined that the requested information can be withheld under regulation 12(5)(b), he doesn’t need to go on to determine the public authority’s application of the other exceptions.

Right of appeal

38. 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

39. 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.
40. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF