

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 1 July 2024

**Public Authority:** Transport for London (TfL)  
**Address:** 5 Endeavour Square  
London  
E20 1JN

#### Decision (including any steps ordered)

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1. The complainant has requested TfL to disclose the name of the company it is using for security of its ULEZ (Ultra Low Emission Zone) camera vans. TfL refused to disclose the information citing regulation 12(5)(a) of the EIR.
2. The Commissioner's decision is that TfL is entitled to rely on regulation 12(5)(a) of the EIR. He has however recorded a breach of regulation 14(2) since TfL failed to issue its refusal notice within 20 working days of the receipt of the request.
3. The Commissioner does not require further steps to be taken.

#### Request and response

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4. On 22 October 2023, the complainant wrote to TfL and requested information in the following terms:

"I am making an FOI request regarding the security individuals safeguarding the TFL ULEZ camera vans. Are the individuals being hired from a 3<sup>rd</sup> party and if so which 3<sup>rd</sup> party company are they being hired from."

5. TfL responded on 1 December 2023. It confirmed that it has deployed mobile units as part of its extensive camera network to support the effective operation of the ULEZ scheme. It confirmed that licensed security workers are used to support the mobile ANPR cameras as required. With regards to the name of the company, it refused to provide this information citing regulation 12(5)(a) of the EIR.
6. The complainant requested an internal review on 1 December 2023.
7. TfL carried out an internal review and notified the complainant of its findings on 15 January 2024. It upheld the application of regulation 12(5)(a) of the EIR.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 16 January 2024 to complain about the way their request for information had been handled. They said that the Metropolitan Police gave the information to them yet TfL continues to refuse to disclose it.
9. The Commissioner considers that the scope of his investigation is to establish whether or not TfL is entitled to refuse to disclose the requested information under regulation 12(5)(a) of the EIR.

### **Reasons for decision**

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10. The matter of whether the requested information can be considered to be environmental information has been covered in a number of previous decisions – a couple of more recent examples are IC-271220-R9Q1<sup>1</sup> and IC-277488-P1R5<sup>2</sup>.
11. In IC-277488-P1R5 the damage to the ULEZ camera network is discussed at length. TfL's real and significant concerns over disclosing information relating to this network, in light of the opposition to it, is highlighted in this notice. It refers to a significant and sustained campaign of criminal damage to the camera network, which has also involved direct threats, abuse and harassment to personnel involved in operating and enforcing the scheme (see paragraph 14). This paragraph

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<sup>1</sup> [ic-271220-r9q1.pdf \(ico.org.uk\)](https://ico.org.uk/subject-access-request/271220-r9q1.pdf)

<sup>2</sup> [ic-277488-p1r5.pdf \(ico.org.uk\)](https://ico.org.uk/subject-access-request/277488-p1r5.pdf)

also provides a link to published news articles about incidents of camera vandalism.

### **Regulation 12(5)(a)**

12. Regulation 12(5)(a) states that 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.
13. This exception is subject to the public interest test and 12(2) requires a public authority to apply a presumption in favour of disclosure.
14. TfL explained that the ULEZ camera network has been subject to extensive criminal damage. The damage being caused to cameras ranges from scaling heights to place stickers over the camera lens, cutting the wires on the camera, cutting the pole on which the camera is mounted, setting fire to the camera and, in an even more concerning recent case, using an improvised explosive device to 'blow up' the camera.
15. It said that to support the effective operation of the ULEZ scheme it has deployed mobile units to serve as an extension of its extensive camera network. However, unfortunately, staff driving these vans or providing transport for those operatives have been subject to abuse, harassment and threats and therefore it has had to additionally instruct security personnel to operate as Close Protection Officers. TfL confirmed that it is these officers to which this information request relates.
16. TfL advised, as was the case with the camera network and the mobile unit operatives, the Close Protection Officers have also been subject to attacks including threats, abuse, harassment and other forms of intimidation. It said this included in person as well as being personally targeted through other channels such as social media. It confirmed that disclosure under FOIA or the EIR must be considered to the world at large and so its considerations of harm must extend beyond the individual interest of the complainant. To that extent, it considers that there is a reasonable causal link between disclosure of the requested information and an increase in the harassment experienced by those individuals.
17. TfL argued that disclosure of the information would be used by others to increase attempts to personally target individuals for the purposes of abuse, harassment and threats and for that reason it considered the exception is engaged. It commented that if it was in a climate of no threats, harassment and abuse the exception would not apply and it would happily disclose the information. However, this is not the case and due to the current and ongoing circumstances surrounding the ULEZ

scheme and the targeting of its Close Protection Officers, it has no alternative.

18. The Commissioner has been supplied with evidence of the targeting of these individuals, examples of the harassment, abuse and threats they have received and evidence of the damage to its camera network. He considers this is sufficient to demonstrate a causal link between disclosure of the requested information and the harm described. The Commissioner is therefore satisfied that disclosure would adversely affect public safety and the safety of its security staff. For these reasons, he is satisfied that regulation 12(5)(a) of the EIR applies.
19. The Commissioner notes that the complainant has said that they have obtained this information from the Metropolitan Police. If that is indeed the case, it is questionable why the complainant is actively pursuing this request against TfL.
20. The Commissioner put these comments to TfL. It said that it not aware of the name of the company concerned being disclosed by the Metropolitan Police. It is therefore unable to verify this claim or indeed comment on it. It is a separate public authority for the purpose of FOIA and therefore it must consider its own responsibilities under FOIA and deal with requests as it sees fit and appropriate.
21. TfL stressed that no inference should be drawn from these comments over whether the information allegedly supplied by the Metropolitan Police is correct or not. It is not willing to provide any such confirmation as it considers regulation 12(5)(a) is engaged.
22. The Commissioner has accepted TfL's stance on this and concludes that it makes no material difference to the application of regulation 12(5)(a) in this case. He will now move on to the public interest test.

### **Public interest test**

23. TfL advised that it has a duty of care to protect all of its staff, individuals working on its behalf and all users of its network to ensure they are able to work, travel and live in an environment free from physical, verbal, and online abuse and harassment. It said that it is plainly in the public interest that it exercises this duty as the health and safety of individuals is paramount.
24. TfL confirmed that it recognised that there is an interest in this subject and, of course, in the need for openness and transparency. However, it does not consider that in this specific instance the weight of public interest in disclosure of this information outweighs the public interest in protecting the physical and mental wellbeing of those working on its network at the present time.

25. It argued that with the continued threats, abuse and harassment occurring towards these individuals, both in person and on social media, it considers that there is a very weighty and greater public interest in ensuring that it does not place information into the public domain that could be used to assist with this campaign of harassment and it would be negligent of TfL to ignore the threats that have been prevalent.
26. TfL confirmed that where security personnel are used to support the vans they are all suitably licensed by the Security Industry Authority (SIA). However, should anyone have any concerns with the conduct of the security personnel it would encourage them to report these issues to TfL. Similarly, should the complainant or anyone else require access to body worn camera footage in which they were involved, they may submit a subject access request to TfL.
27. Therefore, on balance TfL concluded that the public interest favours the application of this exception.
28. The Commissioner acknowledges the public interest in openness and transparency, particularly where this relates to the operation of public assets and the operation of a scheme which has been controversial to some. Disclosure would provide some accountability over the third party TfL is using for security.
29. However, it is noted in this case and in previous cases the Commissioner has considered for varying information relating to the ULEZ Charging Scheme and the camera network that it is a controversial topic and one which has attracted significant interest from a sustained campaign against this scheme.
30. TfL has demonstrated that it has real and significant concerns over continuing criminal damage and the direction of this opposition onto personnel. It has explained how personnel have been subjected to threats, abuse and harassment and how it has had to resort to instructing the relevant personnel to operate as Close Protection Officers for their safety.
31. The Commissioner is struggling to see any significant public interest in the disclosure of the requested information, especially in light of the adverse effects it disclosure would have on public safety and the safety of TfL's personnel. The public interest arguments in favour of maintaining the exception are strong and compelling and it is the Commissioner's view that the public interest is best served by protecting the safety of TfL staff, individuals working on its behalf and all users of its network.

32. For the above reasons, the Commissioner has decided that the public interest in favour of disclosure is outweighed by the public interest in favour of maintaining the exception.

### **Procedural matters**

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33. Regulation 14(2) of the EIR requires a public authority to issue a refusal notice explaining why information is exempt and under which exception within 20 working days of the receipt of the request. TFL did not respond until 1 December 2023. It has therefore breached regulation 14(2) in this case.

## Right of appeal

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34. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

35. 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.
36. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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**SK9 5AF**