



Scottish Information
Commissioner
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Decision Notice 235/2025

Locations of Low Emission Zone (LEZ) cameras

Authority: City of Edinburgh Council
Case Ref: 202500318

Summary

The Applicant asked the Authority for details of the locations of all cameras enforcing the Low Emission Zone within the Authority area. The Authority withheld the information because it considered that disclosure would, or would be likely to, prejudice substantially public safety. The Commissioner investigated and found that the Authority complied with the EIRs in its handling of the request.

Relevant statutory provisions

Environmental Information (Scotland) Regulations 2004 (the EIRs) regulations 2(1) (definition of “the Act”, “applicant”, “the Commissioner” and “environmental information”) (Interpretation); 5(1) (Duty to make environmental information available on request); 10(1), (2), (5)(a) (Exceptions from duty to make environmental information available); 17(1), (2)(a) and (b) (Enforcement and appeal provisions).

Background

1. On 6 January 2025, the Applicant made a request for information to the Authority. In relation to [the Low Emission Zone](https://www.edinburgh.gov.uk/low-emission-zone)¹ (LEZ), he asked for a map and written locations of all operational LEZ cameras and camera scheduled to become operational within 2025.

¹ <https://www.edinburgh.gov.uk/low-emission-zone>

2. The Authority responded on 30 January 2025, informing the Applicant that the information covered by his request was exempt under regulation 10(5)(a) of the EIRs, because disclosure would, or would be likely to, prejudice substantially public safety.
3. Later that same day, on 30 January 2025, the Applicant wrote to the Authority requesting a review of its decision. The Applicant stated that he was dissatisfied with the decision because his tax had paid for these cameras and he considered that the Authority should be transparent about the LEZ scheme. He acknowledged that disclosure of the locations would present a risk but noted that the same information exists in the public domain for speed cameras and bus lane cameras. He also stated that this information was available for other major cities in the UK.
4. The Authority notified the Applicant of the outcome of its review on 27 February 2025, upholding its response in full, without modification.
5. On 28 February 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. By virtue of regulation 17 of the EIRs, Part 4 of FOISA applies to the enforcement of the EIRs as it applies to the enforcement of FOISA, subject to specified modifications. The Applicant stated he was dissatisfied with the outcome of the Authority's review because he had not received the information he had asked for.

Investigation

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 4 March 2025, the Authority was notified in writing that the Applicant had made a valid application. The Authority was asked to send the Commissioner the information withheld from the Applicant. The Authority provided the information and the case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions about its reasons for withholding the information that was captured by the request and its application of the public interest test.

Commissioner's analysis and findings

9. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority. He is satisfied that no matter of relevance has been overlooked.

Handling in terms of the EIRs

10. The Authority considered the Applicant's request under the EIRs, having concluded that the information requested was environmental information as defined in [regulation 2\(1\) of the EIRs](#)².

² <https://www.legislation.gov.uk/ssi/2004/520/regulation/2/made>

11. The Applicant has not disputed the Authority's decision to deal with the request under the EIRs and the Commissioner is satisfied, in the circumstances, that the information requested by the Applicant falls within the definition of environmental information set out in regulation 2(1), in particular, paragraphs (a), (b), (c) and (f) of that definition.
12. The Commissioner will consider the handling of the Applicant's request in what follows solely in terms of the EIRs.

Regulation 5(1) of the EIRs – Duty to make environmental information available

13. Regulation 5(1) of the EIRs requires a Scottish public authority which holds environmental information to make it available when requested to do so by any applicant. This obligation relates to information held by the authority when it receives a request.
14. On receipt of a request for environmental information, therefore, the authority must ascertain what information it holds falling within the scope of the request. Having done so, regulation 5(1) requires the authority to provide that information to the requester, unless a qualification in regulations 6 to 12 applies (regulation 5(2)(b)).
15. Under the EIRs, a public authority may refuse to make environmental information available if one or more of the exceptions in regulation 10 applies but only if, in all the circumstances, the public interest in making the information available is outweighed by that in maintaining the exception.

Regulation 10(5)(a) of the EIRs – (public safety)

16. Regulation 10(5)(a) of the EIRs provides that a Scottish public authority may refuse to make environmental information available to the extent that its disclosure would, or would be likely to, prejudice substantially, international relations, defence, national security or public safety. In this case, the Authority considered that disclosure of the information requested would prejudice substantially, or would be likely to prejudice substantially, public safety.
17. As with all of the exceptions under regulation 10, a Scottish public authority applying this exception must interpret it in a restrictive way and apply a presumption in favour of disclosure (regulation 10(2)). Even where the exception applies, the information must be disclosed unless, in all the circumstances, the public interest in making the information available is outweighed by that in maintaining the exception (regulation 10(1)(b)).
18. There is no definition of "substantial prejudice" in the EIRs. However, the standard to be met in applying the test is high. The word "substantial" is important here: the harm caused, or likely to be caused, by disclosure must be of real and demonstrable significance. The risk of harm must be real or very likely, not simply a remote or hypothetical possibility.

The Applicant's comments on regulation 10(5)(a)

19. The Applicant argued that other authorities had disclosed similar information about the location of cameras for the LEZ schemes in those authorities and he provided the Commissioner with web links in relation to [Kent](https://www.kentlive.news/news/kent-news/maps-shows-exact-ulez-camera-8714730)³ and [Hertfordshire](https://www.hertfordshiremercury.co.uk/news/hertfordshire-news/maps-shows-exact-ulez-camera-8727806.amp)⁴.
20. The Applicant also argued that he had seen no evidence to support the Authority's claim that any cameras had been subject to vandalism.

³ <https://www.kentlive.news/news/kent-news/maps-shows-exact-ulez-camera-8714730>

⁴ <https://www.hertfordshiremercury.co.uk/news/hertfordshire-news/maps-shows-exact-ulez-camera-8727806.amp>

He submitted that the location of speed cameras and bus lane cameras was widely available in the public domain and that these cameras had not been abused by bad actors. The Applicant argued that the same standard should apply to LEZ cameras which, in their basic state provide the same service as bus lane or “bus only” cameras - to gatekeep prohibited vehicles from certain routes or areas.

21. The Applicant disagreed with the Authority’s withholding of the information he had asked for, and he did not consider that the Authority had made any basis for refusing his request in its review outcome. He stated that the Authority had no legal right to withhold the information.
22. The Applicant submitted that the cameras had been purchased and installed using his tax money and, for that reason, he considered that he had a right to know every intricate detail about them.

The Authority’s comments on regulation 10(5)(a)

23. The Authority submitted that publishing a map and list of current and prospective enforcement camera locations would provide the public with access to information regarding where the LEZ is (and is not) actively enforced currently, and where it may be enforced in the future. It argued that this may reduce the effectiveness of the scheme as a means of improving air quality and reducing harmful emissions.
24. The Authority explained that initial external studies on the scheme indicated that the LEZ had led to travel pattern changes, with more people using public transport or active travel methods, as opposed to using personal cars that are not compliant with the requirements of the scheme. The Authority submitted that this was substantiated by the reduction in the number of penalty charge notices issued by the Council for LEZ contraventions and served to indicate that the LEZ was effectively reducing the number of highly polluting vehicles in the city centre.
25. The Authority commented that poor air quality negatively impacts public health, with children, the elderly and those with pre-existing health conditions being most vulnerable. The Authority submitted that, by publicly disclosing the locations of the LEZ cameras and (by implication) indicating where there were no cameras, it would highlight routes through the LEZ which drivers could avoid detection when driving non-compliant vehicles. It argued that this would present a risk to public health by significantly increasing the number of vehicles that emit dangerous pollutants to drive freely in and around the city centre, thereby undermining the LEZ scheme and increasingly the likelihood of congestion or idling of potentially highly polluting vehicles and slower moving traffic within the zone generally.
26. In relation to the Applicant’s comments regarding bus lane cameras, the Authority explained that unlike bus lanes, the LEZ operated 24 hours a day, 365 days a year and was demarked by boundary signage at all entrances, with a [boundary map](https://www.edinburgh.gov.uk/low-emission-zone/lez-works)⁵ also available on the Authority’s website. It submitted that, as drivers of non-compliant vehicles were considered to have committed a contravention by entering the zone, highlighting the location of the cameras within the zone would not indicate where restrictions were applied; it would only indicate where contraventions could be detected.

⁵ <https://www.edinburgh.gov.uk/low-emission-zone/lez-works>

27. The Authority stated that it had received credible threats of vandalism in relation to the cameras enforcing the LEZ scheme, and it noted that vandalism of its bus lane enforcement cameras had presented a risk to public safety in the recent past though the exposure of live electrical cables as a result of deliberate damage to the camera poles.
28. The Authority also noted that cameras had fallen or become unsecure on mountings, thus presenting a risk of injury to passersby. It submitted that disclosure of the information requested could enable persons so inclined to use the information to attack, or otherwise obstruct, this enforcement infrastructure, particularly in relation to those cameras where the highest number of contraventions were detected. The Authority explained that it had experienced this type of criminal damage in the past, in relation to its most effective bus lane enforcement cameras.
29. The Authority argued that the publication of the locations of planned enforcement camera installations would provide the public with insight into its enforcement strategy and could allow for any other future camera locations to be pre-empted, either by deduction or through the recognition of patterns in enforcement decision making.
30. It submitted that if the routes by which drivers could avoid detection were highlighted, there would be a risk that these routes would see significantly increased traffic volumes, in stark contrast to the reduced volumes that would have resulted from enforcement of the LEZ. The Authority argued that increased traffic volumes on these routes could result in significant congestion within the LEZ, leading to highly polluting vehicles idling and general traffic spending longer within the LEZ than would normally be required to pass through. If this occurred, the Authority contended that it would negatively impact on air quality and public health.
31. The Authority disputed the Applicant's assertion that other major cities in Scotland had published similar information in relation to their LEZ schemes. It stated that no other authority in Scotland had published this information (at the time of the request).

The Commissioner's view on regulation 10(5)(a)

32. In determining whether the information would fall within the scope of this exception, the Commissioner must be mindful of the explanation given in [The Aarhus Convention: An Implementation Guide](#)⁶ where the principles behind the Convention provision on which the exception is based are set out in the following way (page 86):

"If release of the requested information would adversely affect international relations, national defence or public security, the public authority may consider whether to deny the request."

The Guide goes on to explain that:

"The Convention does not define the terms "international relations", "national defence" or "public security", but it is implicit that the definition of such terms should be determined by the Parties in accordance with their generally accepted meaning in international law. Many national Governments already have similar exceptions in place and have interpreted them narrowly. Some countries have chosen to require information concerning the environment to be made publicly accessible, regardless of how it affects international relations, national defence or public security. ..."

⁶ https://unece.org/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf

33. The Commissioner notes that the Authority, in this case, is claiming that regulation 10(5)(a) applies to the withheld information, on the basis that its disclosure would, or would be likely to, prejudice substantially public safety [security].
34. In determining whether the exception in regulation 10(5)(a) applies, the Commissioner is required to consider the potential impact that disclosure of the information would likely have on public safety, and not solely the nature, content and/or sensitivity of the information being withheld under this exception.
35. The Commissioner has considered the Applicant's evidence of similar information having been disclosed by authorities elsewhere. However, there is no strong evidence that the LEZ camera locations shown in the media articles presented by the Applicant were disclosed by the relevant authorities who operate them. The information presented in the articles is hosted on a website, www.ULEZ.co.uk⁷, which appears to be an informal advice website about the ULEZ which operates in the wider metropolitan area of London. The camera locations do not appear to be published on the [ULEZ pages](#)⁸ of the official website of Transport for London.
36. The Commissioner finds the Authority's contention that disclosure of the information risks vandalism of the infrastructure that is in place for enforcement of the LEZ requirements persuasive. Contrary to the Applicant's assertions, the Authority's view that there is a risk of vandalism and damage stems from recent experience, as widely reported in the media, in relation to its own infrastructure^{9,10}. The Commissioner is aware of other media articles which demonstrate that vandalism and damage of LEZ cameras has occurred in other areas of the United Kingdom¹¹. He acknowledges that some direct risk to public safety is likely to accompany such vandalism, although he would question whether this, by itself, would meet the threshold for substantial prejudice.
37. That said, the Commissioner notes that the establishment of LEZ in Scotland's four biggest cities is a key feature of the Scottish Government's air quality strategy, [Cleaner Air For Scotland 2 – Towards a Better Place for Everyone](#)¹² (CAFS), committing national and local governments to work together in the implementation of this strategy. The Commissioner considers that this strategy supports the Authority's argument that the LEZ has been developed and implemented with the aim of reducing negative impacts on public health from harmful transport emissions and reducing the number of highly polluting vehicles in the city centre within the area in which the zone operates.
38. He acknowledges that the LEZ can be distinguished from bus lanes, or speed restrictions, in that it encompasses the whole of a substantial part of central Edinburgh and not simply routes on which enforcement cameras are placed. In the circumstances, he accepts the risks of evasion as real, with the consequent risks to public health claimed by the Authority.

⁷ <https://ulez.co.uk/>

⁸ <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/ulez-where-and-when?intcmp=52227#on-this-page-3>

⁹ <https://www.edinburghnews.scotsman.com/news/vandals-who-target-edinburgh-bus-lane-cameras-cost-the-ps300k-4821112>

¹⁰ <https://news.stv.tv/east-central/edinburgh-bus-lane-cameras-cut-down-by-vandals-after-attacks-on-controversial-traffic-gate>

¹¹ <https://www.standard.co.uk/news/uk/ulez-cameras-where-location-tfl-fines-b1107686.html>

¹² <https://www.gov.scot/publications/cleaner-air-scotland-2-towards-better-place-everyone/>

He is also satisfied that the real risk of vandalism he has acknowledged above carries with it a real risk of the scheme's objectives being undermined, through prejudice to the Authority's ability to enforce it, with consequent impact on public health.

39. The Commissioner accepts that matters of public health are matters of public safety. "Public safety" is not defined in the EIRs, but refers to the welfare and protection of the general public. "Safety" suggests freedom from danger as well as protection from the risk of harm or injury.
40. In these circumstances, the Commissioner finds the Authority submissions, taken together, compelling. He accepts that there are real and tangible risks to public health and public safety if the information requested was to be disclosed, and he is, therefore, satisfied that the exception in regulation 10(5)(a) applies to the information captured by the request. He must bear in mind in this context that, whatever the Applicant's intentions for the information, disclosure under FOISA is disclosure to the world at large (and that is the context in which the scope for harm must be assessed).

The public interest test

41. Having agreed that the exception in regulation 10(5)(a) applies, the Commissioner is required to consider the public interest test required by regulation 10(1)(b) of the EIRs. The test specifies that a public authority may only withhold information to which an exception applies where, in all the circumstances, the public interest in making the information available is outweighed by the public interest in maintaining the exception.
42. In every case, the public interest factors favouring disclosure will include both general and specific arguments relating to transparency, accountability, participation in the democratic process and decision-making on environmental issues. Generally, there will always be a public interest in the disclosure of information which promotes transparency and accountability of public authorities, greater public awareness and understanding of environmental matters, a free exchange of views, and more effective public participation in environmental decision making; all of these ultimately contribute to a better environment.
43. The Commissioner must also consider the public interest factors relating more specifically to the information in question, and the likely effects of its disclosure. He must balance the factors favouring disclosure against those weighing against it.

The Authority's comments on the public interest

44. The Authority recognised that there was public interest in the transparency of information that illustrated how it had deployed its resources to enforce the LEZ. However, it argued that this was met by national reporting requirements which required it to produce annual reports at the end of each LEZ operational year, detailing the full financial and environmental impacts of the scheme. The Authority submitted that these reports provided interested parties with insight into the operation and effectiveness of the LEZ.
45. The Authority disputed the Applicant's assertion that other major cities in Scotland had published similar information in relation to their LEZ schemes. It argued that disclosing the information that the Applicant had asked for would hamper the ability of other authorities to withhold the locations of their LEZ cameras which, in turn, could negatively impact the efficacy of the environmental policies of the Scottish Government and the Country's four LEZ local authorities.

The Applicant's comments about the public interest

46. The Applicant submitted that public money had been spent on implementing the LEZ scheme, but yet the public had been told they did not need to know about it. He stated that his request and related appeal wasn't about signage, warnings, evasion or criminal intent; it was fundamentally about the freedom to have access to information.
47. The Applicant argued that if the Authority did not want to disclose this information, it should not have used public money to fund the scheme. By doing so, he submitted, the Authority had forfeited its "right to privacy and the bill payers (me) want every bit of information regarding the scheme."
48. The Applicant stated that the test was whether the information captured by his request was desired by the general public; in his view it was.
49. The Applicant also commented that it was the Commissioner's job to ensure that bill payers have access to the information they require and that the Commissioner should be championing transparency in this case.

The Commissioner's view on the public interest

50. The objective of the [Aarhus Convention](#)¹³, in Article 1 states:

"In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention."

The Convention is clear that access to environmental information is a right which is afforded with the purpose of ensuring access to environmental justice and in ensuring that members of the public can participate in decisions about the environment in relation to health and wellbeing and protection of the environment itself.

51. The EIRs do not define the public interest, but it has been described elsewhere as "something which is of serious concern and benefit to the public", not merely something of individual interest. It has also been described as "something that is "in the interest of the public", not merely "of interest to the public." In other words, it serves the interests of the public
52. Whilst the Commissioner accepts the Applicant's argument that the expenditure of public money on LEZ schemes must allow for transparency in relation to those schemes, he cannot agree that this right exists to the exclusion of all other rights regarding the protection of the environment and public health; rights that the LEZ, and the locations of those cameras involved in enforcement of it, seek to protect.
53. The Commissioner notes the national annual reporting requirements of the CAFS strategy and he accepts the Authority's argument that local reporting mechanisms exist to support transparency of the scheme and its effectiveness. He is satisfied that the public interest in transparency is met by these reporting mechanisms.

¹³ <https://unece.org/DAM/env/pp/documents/cep43e.pdf>

54. The Commissioner has considered the claimed publication of similar information by other authorities; however, he can find no firm evidence that this is the case. While the links provided by the Applicant in relation to two authorities operating similar schemes in the south of England appear to show the locations of enforcement cameras, the source of this information is not at all clear; the information does not appear to have been published by those authorities themselves.
55. The Commissioner notes that no other authority in Scotland, has published details about the locations of their LEZ scheme cameras and he acknowledges the Authority's real, tangible concerns around the risk of vandalism and circumvention of the scheme. He is persuaded by the Authority's argument that there is strong public interest in maintaining the integrity of the LEZ scheme and its infrastructure, such that the LEZ scheme serves its intended purpose.
56. In all the circumstances of the case, therefore, the Commissioner concludes that the public interest in maintaining the exception in regulation 10(5)(a) outweighs that in disclosure of the withheld information under consideration here. He is satisfied that the Authority has complied with the EIRs in its handling of the request.

Decision

The Commissioner finds that the Authority complied with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in responding to the information request made by the Applicant.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Euan McCulloch
Head of Enforcement

30 September 2025