



Scottish Information
Commissioner
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Decision Notice 058/2026

Activations recorded by speed cameras

Authority: Chief Constable of the Police Service of Scotland
Case Ref: 202500360

Summary

The Applicant asked the Authority for speed camera activation data. The Authority withheld the information stating that disclosure would be likely to substantially prejudice its ability to prevent or detect crime, to prejudice its ability to apprehend or prosecute offenders and be likely to endanger the physical or mental health or safety of an individual. The Commissioner investigated and found that the Authority was not entitled to withhold all of the information and required release of certain of the data held.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 2(a) and (b) (Effect of exemptions); 35(1)(a) & (b) (Law enforcement); 39(1) (Health, safety and the environment); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 13 November 2024, the Applicant made a request for information to the Authority. He asked for the following information:
 - I. Can you please tell me how many times each speed camera in Scotland has been triggered in the last year?
 - II. Can you specify the type of camera in each case (fixed/ mobile/ red light/ average speed) and location of it?
 - III. Can the figures be broken down according to the 32 local authority areas in Scotland?

IV. Are you able to state the highest speed recorded in each of those local authority areas in the last year and specify the camera location?

2. The Authority responded on 12 December 2024, releasing some information, with the following caveats:

In response to part I of the request, the Authority attached a PDF document containing all activations and their corresponding camera type split by North, West and East. With the following explanation:

“Please see the attached document which provides data for the period 01/01/2024 to 21/11/2024.

Data is taken from a live system which is subject to change and correct as of 21/11/2024.

In terms of context, I would ask that you note the following:

- *The data reflects 29 local authority areas which operate safety cameras - for the remaining three areas, Section 17 (Information not held) applies.*
- *To avoid inadvertently disclosing information in respect of specific cameras and in line with the exemptions detailed below, the location in each instance is limited to Authority area (East, North & West)*
- *Please note that the data excludes any camera activations by emergency services vehicles.*
- *The data only provides the number of times the cameras have been triggered and does not equate to the number of related offences detected”*

3. The Authority refused to provide information which would fulfil parts II. and III. of the Applicant’s request as it considered the exemptions in sections 35(1)(a) and (b) and section 39(1) to apply to the information. The Authority considered that disclosure of the location of the cameras would clearly indicate the enforcement activity of particular cameras and show patterns, thereby encouraging drivers to commit offences, based on an assumption that they are unlikely to be detected at particular sites. This would in turn increase speed on the roads, compromising road safety. Such an impact on driver behaviour would also render safety cameras ineffective as a road safety measure which would not be in the public interest.

4. The Authority provided the Applicant with information detailing the highest speed recorded in 2024, together with details of the location at which it was recorded in response to part IV. of the request.

5. On 21 December 2024, the Applicant wrote to the Authority requesting a review of its decision. The Applicant stated that he was dissatisfied with the decision because he considered that the public interest would be met without alerting drivers to locations where they may not be detected.

6. The Authority notified the Applicant of the outcome of its review on 3 March 2025, upholding its decision with modification. The Authority upheld its reliance on the exemptions in sections 35(1)(a) and (b) and section 39(1) for fixed speed camera data. However, it disclosed information in respect of the mobile cameras and aggregated average speed camera data as it was of the view that the same concerns associated with the disclosure of fixed speed

camera data do not extend to these cameras, given their activity levels are visible and are already in the public domain.

7. On 10 March 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated he was dissatisfied with the outcome of the Authority's review because he believed that the release of the full figures would not lead to a worsening of driver behaviour.

Investigation

8. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
9. On 27 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 that had been withheld from the Applicant. The Authority provided the information, and the case was allocated to an investigating officer.
10. 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. These focused on the Authority's justification for withholding the information requested under (variously) the exemptions in section 35(1)(a), section 35(1)(b) and section 39(1) of FOISA (including consideration of the public interest test where necessary). Submissions were also sought from the Authority in respect of the searches carried out to identify what recorded information it held falling within scope of the request.
11. During the course of the investigation a number of additional details were checked with the Authority. The Authority confirmed its continued reliance on section 17 for speed camera data for the three local authority areas, which it referred to in its initial response to part I.
12. The Applicant advised that he was not appealing this part of the Authority's response. Consequently, the Commissioner's Decision will not consider whether the Authority was entitled to notify the Applicant, in line with section 17, that certain information was not held by it.

Commissioner's analysis and findings

13. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority, together with the withheld information.

Withheld information

14. The withheld data relates to types of speed cameras, their locations and the number of times they have been activated at each site from 1 January 2024 to 21 November 2024. The Authority was asked to provide some clarity about how average speed cameras and dual cameras work.
15. The Authority explained that dual cameras are not rotated but present all the time, data collected by these cameras is a combination of speed and when a motorist has jumped a red light. Similarly, average speed cameras are also not rotated and whilst on stretches of road

where these cameras are operational, drivers may be aware that not all columns contain a camera, they are not aware at which points they are being recorded.

16. Given the withheld data clearly separates red light cameras from dual cameras, the Commissioner recognises that the withheld activations data with red-light only cameras provide data for only red-light activations, as opposed to both speeding and red-light jumps.
17. The Commissioner recognises the distinction and in so doing considers the red-light camera data and dual camera data to fall out with the scope of the Applicants request. The Commissioner considers that red light cameras do not trigger as a result of speeding. Similarly, and with submissions from the Authority in mind, when considering the dual camera data being withheld it was apparent that red light triggers are indistinguishable from speeding triggers, therefore this too falls out with scope.
18. In light of this and given the Applicants request was about 'speed camera data' specifically, the Commissioners Decision Notice will go on to focus on the Authority's application of the exemptions in 35(1)(a) and (b) and 39(1) in relation to fixed and average speed cameras.

Section 35(1)(a) and (b) - Law enforcement

19. Section 35(1)(a) exempts information if its disclosure would, or would be likely to, prejudice substantially the prevention or detection of crime. As the Commissioner's guidance on the exemptions in [section 35 highlights](#)¹, the term "prevention or detection of crime" is wide ranging encompassing action taken to anticipate and prevent crime, or to establish the identity and secure prosecution of persons suspected of being responsible for committing a crime. This could mean activities in relation to specific (anticipated) crime or wider strategies for crime reduction and detection.
20. Section 35(1)(b) exempts information if its disclosure would, or would be likely to, prejudice substantially the apprehension or prosecution of offenders. As the Commissioner's guidance states, there is likely to be some overlap between information relating to "the apprehension or prosecution of offenders" and that relating to "the prevention or detection of crime". Section 35(1)(b) is narrower and focusses on the process of identifying, arresting or prosecuting those suspected of being responsible for unlawful activity. Again, this term could refer to the apprehension or prosecution of specific offenders or to more general techniques such as investigative processes used, information received, or guidance given, and strategies designed for those purposes.
21. There is no definition of "substantial prejudice" in FOISA, but the Commissioner considers that the authority would have to identify harm of real and demonstrable significance, which would be at least likely, to follow disclosure, and be more than simply a remote possibility.
22. The exemptions in section 35(1)(a) and (b) are subject to the public interest test in section 2(1)(b) of FOISA.

The Authority's submissions on section 35(1)(a) and (b)

23. In its submissions, in support of its application of the exemptions in both section 35(1)(a) and (b), the Authority explained that speed camera data has been the subject of previous appeals

¹ <https://www.foi.scot/sites/default/files/2022-04/BriefingSection35LawEnforcement.pdf>

to the Commissioner which were found in favour of the Authority. In particular, the Authority referred the Commissioner to the following Decision Notices:

[Decision 030/2006 | Scottish Information Commissioner](#)²

[Decision 010/2013 | Scottish Information Commissioner](#)³

24. The Authority argued that disclosure of the withheld data relating to fixed speed cameras would alert drivers to the probability of cameras being active at a particular camera site. This would lead to a deterioration of driver behaviour and render cameras ineffective, as a crime prevention measure.
25. The Authority explained that it is public knowledge that fixed speed cameras visible to motorists from the road are actually fixed camera housings that are intentionally visible for deterrent effects. However, the fixed camera housings do not all contain an active speed camera; the number of housings is greater than the number of actual speed cameras held by the Authority.
26. The Authority added that cameras are rotated between fixed housings to accommodate detailed traffic profiles and it is impossible from the road, to tell which housings contain a camera and which are empty. The Authority asserted that camera activations lead to detection of speeding offences, which leads to enforcement, this is a direct causal chain. The Authority believed that disclosure would increase speeding on the roads because motorists would be able to deduce from the data released the likelihood of an active camera being in a camera housing and adjust their behaviour to avoid detection.
27. The Authority commented that average speed camera columns do not all contain a camera however, there is no rotation of cameras in the average speed camera columns meaning that knowledge of the locations of the live cameras would be clearly evident from the withheld information. The Authority explained that these are also used as a deterrent and it was of the view that if this information was disclosed drivers would be aware that on particular stretches of road, there was effectively no deterrent to exceeding the speed limit where it was widely known that the Average Speed System is now the primary speed detection method relied upon to manage driver behaviour in relation to speed.
28. The Authority submits that location and activation data combined would allow motorists to manipulate their behaviour around this knowledge, reducing the deterrent effect the cameras currently have. This would lead to fewer detections of speeding and have a prejudicial effect on the cameras ability to prevent and detect crime and thus lead to fewer apprehensions.
29. The Authority also believes that disclosure of location data would increase the likelihood of vandalism to cameras currently in use.

The Applicant's Submissions on Section 35(1)(a) and (b)

30. The Applicant advised that he believed that the release of the full figures would not lead to a worsening of driver behaviour.

The Commissioner's view on Section 35(1)(a) and (b)

31. The Commissioner has fully considered all of the submissions from both parties along with the withheld information itself. He acknowledges that there is a distinction to be made in the

² <https://www.foi.scot/decision-0302006>

³ <https://www.foi.scot/decision-0102013>

functionality and management of the camera data in question and has considered this carefully.

32. The Commissioner understands that data relating to the location of all camera housings is in the public domain already, and is accessible via this link: [Safety Camera Locations — Police Scotland Safety Cameras](#)⁴
33. The Commissioner recognises that the Authority's position is that disclosure would identify which housings contain active cameras and how often. However, he also notes the historic nature of the data being withheld and the intention of the Authority to rotate active fixed cameras with varying degrees of frequency. Speed cameras operate in different environmental conditions such as road layout, traffic volume, maximum speed and signage. For this reason, the Commissioner cannot see how, in the framing of this request, it is possible to deduce the frequency of active camera use between different sites.
34. The Commissioner acknowledges that fixed speed cameras and average speed cameras are effective tools for detecting motorists who are speeding and that these tools are still effective even with the public's awareness of the location of housings and the fact that (in the case of fixed speed cameras) cameras are rotated between them.
35. The Commissioner considers that the disclosure of the activations data in relation to fixed speed cameras would not lead to the adjustment in driver behaviour suggested by the Authority or lead to the prejudice identified by the Authority. This is because of the historic nature of the data, the fact that cameras are rotated between housings and the individuality of camera sites.
36. The Commissioner does not believe that drivers would gain any advantage against law enforcement tools and practices as a consequence of the disclosure of the data relating to the fixed speed cameras. The Commissioner does not accept that the Authority have supplied sufficient evidence to suggest that drivers would speed if they were aware a camera was not present.
37. Therefore, the Commissioner cannot uphold the Authority's view that disclosure of the withheld information would, or would be likely to, prejudice substantially the prevention or detection of crime or the apprehension or prosecution of offenders in relation to the fixed speed cameras.
38. By contrast, the Commissioner accepts that disclosure of the data withheld relating to average speed cameras, where the activations are broken down by location would have a prejudicial effect on the prevention and detection of crime and the apprehension of offenders. These cameras are not rotated and are designed to act as deterrents whether an active camera is sited within each column or not along particular stretches of road. The Commissioner is satisfied that if the location and activation data relating to average speed cameras was to be disclosed this could enable a driver, by the process of elimination, to assess which columns contain cameras and which do not thereby enabling drivers to 'play' the system in the knowledge that they would not be caught.
39. The Commissioner is therefore satisfied that the Authority correctly applied sections 35(1)(a) and 35(1)(b) to the average speed camera data relating to the individual cameras, noting that aggregate data has already been disclosed to the Applicant.

⁴ <https://www.safetycameras.gov.scot/cameras/safety-camera-locations/>

40. As the Commissioner has not upheld the application of the exemptions in sections 35(1)(a) and (b) of FOISA to the information in relation to the fixed speed cameras, he is not required to go on to consider the application of the public interest test in section 2(1)(b).
41. However, as the Commissioner is upholding the exemptions in sections 35(1)(a) and 35(1)(b) in relation to the average speed camera data, the Commissioner will go on to consider the application of the public interest test in relation to this.

Public interest test

42. As noted above, section 35(1)(a) and 35(1)(b) are subject to the public interest test required by section 2(1)(b) of FOISA. As the Commissioner has found that the exemptions in section 35(1)(a) and (b) were correctly applied to the withheld information relating to the average speed cameras, he is now required to consider whether, in all the circumstances of the case, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption.

The Applicant's comments on the public interest

43. The Applicant supplied no separate submissions on the public interest. The Applicant simply does not agree that disclosure would worsen driver behaviour.

The Authority's comments on the public interest

44. The Authority acknowledged the public interest in accountability in respect of the use of public funds and the investment in safety camera technology. It also recognised the public interest in terms of public awareness and debate, on the basis, that the use of these cameras is often debated amongst the public in terms of the perceived income generation and the appropriateness of their use.
45. However, against this the Authority believed that disclosure would directly lead to a deterioration in driver behaviour, leading to an increased risk of harm.
46. The Authority stated that the public interest would always be in favour of preventing criminal behaviour and therefore the balance lies in favour of upholding the exemption.

The Commissioner's view on the public interest

47. The Commissioner has carefully considered the submissions he has received in relation to the public interest.
48. He agrees that there is a public interest in transparency around how the Authority undertakes duties to prevent and detect crime, especially given something so ubiquitous to people and everyday life.
49. However, the Commissioner also recognises the importance of ensuring that the Authority is not undermined in the pursuit of preventing and detecting crime and in this instance the activations data relating to specific average speed cameras could indeed identify stretches of road not covered by active cameras.
50. The Commissioner agrees that disclosure would have a prejudicial effect on the Authority's ability to prevent and detect crime and apprehend or prosecute offenders in areas covered by average speed cameras if the activations data was to be disclosed, which could lead to the ability of a driver to identify those housings in the chain of average speed cameras which contain an active camera, and by elimination, those that do not.

51. In all of the circumstances, the Commissioner is therefore satisfied that the public interest in maintaining the exemptions in section 35(1)(a) and 35(1)(b) of FOISA would outweigh any public interest in disclosure of the information.
52. The Commissioner is therefore satisfied that the Authority was entitled to withhold the information relating to average speed cameras on the basis that the information was exempt under sections 35(1)(a) and 35(1)(b) of FOISA.
53. As the Commissioner is satisfied that the Authority was entitled to rely on the exemptions in sections 35(1)(a) and (b) for withholding the average speed camera data he is not required to go on to consider the application of section 39(1) in relation to this information.

Section 39(1) – Health, safety and the environment

54. The Authority has relied on the exemption in section 39(1) for withholding the information relating to fixed speed cameras from the Applicant.
55. Section 39(1) of FOISA states that information is exempt information if its disclosure under FOISA would, or would be likely to, endanger the physical or mental health or the safety of an individual (which may include a group of people). This is a qualified exemption and is subject to the public interest test required by section 2(1)(b) of FOISA.
56. As the Commissioner notes in his briefing on the exemption, section 39(1) does not contain the usual harm test. Instead of the "substantial prejudice" test found in many other harm-based exemptions in Part 2 of FOISA, this exemption refers to the "endangerment" of health or safety. This test is less demanding than the "substantial prejudice" test but still requires there to be a genuine link between disclosure of the requested information and the endangerment: it cannot simply be a remote or hypothetical possibility.
57. The Commissioner's view is that the term "endanger" is broad enough to apply where there is a (direct or indirect) threat to the safety of a person which would foreseeably arise in the future, as well as immediate harm, since the exemption does not specify that any threat should be imminent before it applies.
58. The Commissioner believes that, for endangerment to be considered likely, however, there must be some well-founded apprehension of danger, such that the prospect of harm could reasonably be regarded as a distinct possibility.

The Authority's submissions on Section 39(1)

59. In its submissions, the Authority explained that the nature of the endangerment following on from disclosure of information in relation to fixed speed cameras is a risk to the physical health and safety of all road users. Including motorists and pedestrians. The Authority submitted that this risk to health and safety as a consequence of disclosure of this information is real. The Authority commented that speed is a key contributory factor in the seriousness of road traffic collisions, and its position was that any disclosure of information which leads to an increase in speeding, will undoubtedly lead to an increase in road traffic collisions and/or the severity thereof, putting members of the public at increased risk of harm.
60. The Authority referred to earlier submissions it had made in support of its application of the exemptions in section 35(1)(a) and (b) and noted that, as outlined above, safety camera sites are selected because there are known issues at those locations, whether that be speeding behaviour, road traffic collisions or both. The main function of a camera is prevention of speeding. If that function is prejudiced then speeding will increase, leading directly to increased risk of harm to all road users at those sites.

The Commissioner's view on Section 39(1)

61. The Commissioner has to be satisfied that the health or safety of individuals would, or would be likely to, be endangered as a direct result of the disclosure of the withheld information.
62. The Commissioner has considered the evidence which demonstrates a clear relationship between vehicle speed and severity of road collisions. Having done so, the Commissioner does not accept that the historic activations data for fixed speed cameras withheld in this case would have the detrimental effects on driver behaviour that the Authority has presented. The [relationship](#)⁵ between driver behaviour and speeding is more complex than this.
63. The Commissioner recognises that everyone is in favour of safe roads and safe road use, but the suggestion that disclosure of historic activations data would directly endanger road users and negate the deterrent effects of clear signage, does not, in the Commissioner's view (including for the reasons given for 35(1)(a) and (b) above) establish that there is a causal chain between disclosure of the information and a direct risk of endangerment to the health or safety of individuals.
64. Having concluded that disclosure of information related to fixed cameras in this case would not, and would not be likely to, endanger the physical health and safety of any person, the Commissioner finds that the Authority was not entitled to rely on the exemption in section 39(1).
65. Given that the exemption in section 39(1) of FOISA was wrongly applied to the fixed camera data, the Commissioner is not obliged to consider the application of the public interest test in section 2(1)(b) of FOISA.

Decision

The Commissioner finds that the Authority partially complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by the Applicant.

The Commissioner finds that the Authority was entitled to rely on the exemption in sections 35(1)(a) and (b) of FOISA for withholding the information relating to the average speed cameras.

However, the Commissioner finds that Authority was not entitled to rely on the exemptions in sections 35(1)(a) and (b) and 39(1) of FOISA for withholding information relating to fixed speed camera activations from the Applicant.

The Commissioner therefore requires the Authority to release the withheld fixed camera data, by **9 May 2026**.

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.

⁵ <https://www.trl.co.uk/uploads/trl/documents/TRL325.pdf>

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

David Hamilton

Scottish Information Commissioner

25 March 2026