

Contact: Freedom of Information  
Direct Telephone: 0300 122 8752  
Extension: 68752  
Email: FOI@derbyshire.police.uk  
Our reference: 01/FOI/24/006297/X  
Your reference:  
Date: 29/10/2024

## **FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 01/FOI/24/006297/X**

I write in connection with your request for information which was received by Derbyshire Constabulary on 24/10/2024. I note you seek access to the following information:

*What would you like to know?:*

- 1. Speed Indicator Devices are fitted in 3 locations in Shirland parish plus.*
- 2. speed monitor on the A61 northbound entering Shirland. I would like the data (raw or analysed) which has been collected from these devices over last 6 months.  
thank you.*

### **Result of Searches**

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located information relevant to your request.

### **Decision**

#### Question 1 –

The Constabulary does not hold information on Speed Indicator Devices.

We do not hold the data for the Speed Indicator Devices (SID); therefore, this request should be redirected to the Local Authority as they are the 'owners' of this information. Please see below link for further information.

[Speed indicator devices \(SIDs\) - Derbyshire County Council](#)

#### Question 2 –

Information held.

I have today decided not to disclose the located information to you in relation to question 2.



I have today decided not to disclose the located information to you as I am engaging an exemption under of the Freedom of Information Act, namely, **Sections 31(1)(a)(b) Law Enforcement**.

Refusal of Request - Section 17

Section 17(1) provides that –

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which –

- (a) States that fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.”

Section 31 is qualified and prejudice-based exemption with a need to articulate harm and conduct a Public Interest Test.

### **Harm**

A release of the statistical data at the level sought, although purely statistical, could expose policing activity in certain locations across the County. A key priority for the Derbyshire Constabulary is the reduction of deaths associated with speeding and road traffic collisions.

[PSM-ROAD-SAFETY-0322.pptx \(live.com\)](#)

As part of that strategy fixed site cameras are deployed across the County together with mobile speed enforcement equipment. Clearly not all sites across the County will be operational at the same time and to divulge the statistical data in relation to sites located at the identified locations would disclose the tactical information linked to road safety initiatives.

This information may give some members of the public the belief that they can drive through certain localities with speed camera furniture in place at speeds above the prescribed limit. This belief could potentially give rise to more deaths on the roads of Derbyshire and an increase in accidents.

In 2023 there were 1633 fatalities following road traffic collisions nationally. The below hyper link will take you to more detailed accident data.

[Reported road casualties in Great Britain, provisional estimates: year ending June 2023 - GOV.UK \(www.gov.uk\)](#)

All has to be set against the basic premise that a disclosure under the Freedom of Information Act is a disclosure to the public at large and not just the applicant. Consequently, the public authority, if prepared to disclose, has to be aware of this and content to release to anyone who asks subsequently. It also has to be aware that data following such release may be made public by the recipient in any medium they choose. The Tribunal in the case of Guardian & Brooke v

The Information Commissioner & the BBC (EA/2006/0011 and EA/2006/0013) (following Hogan and Oxford City Council v The Information Commissioner (EA/2005/0026 and EA/2005/0030)) confirmed that, "Disclosure under FOIA is effectively an unlimited disclosure to the public as a whole, without conditions" (paragraph 52)

### **Factors favouring disclosure of information for Section 31**

This is an issue high on the public agenda and therefore the release of this information could contribute to an informed public debate. The release of this information may reassure the public that there are effective processes in place to ensure that people committing road traffic offences across Derbyshire are being educated and prosecuted where appropriate.

The release of specific data for the identified locations may provide reassurance to the residents of Derbyshire that the issue of speeding is being taken seriously and that the organisational priorities are being addressed.

### **Factors against disclosure of information for Section 31**

Disclosure of the information could result in individuals exceeding the speed limit within certain locations, potentially putting themselves at greater risk. The use of equipment designed to reduce the speed of drivers, and the associated collisions that come with driving above the prescribed limit, are part of several tactical options available to the Chief Constable. To release the level of detail sought in this request has the potential to undermine the approach to road safety across Derbyshire.

### **Balance Test**

There is a public interest in the disclosure of information relating to speed enforcement amongst the population, which would improve public debate and provide transparency of policing activity. However, this needs to be balanced against a very strong public interest in improving the safety of motorists and reducing the number of people injured. Should the public consider that the Derbyshire Constabulary does not take the issue of road safety seriously it has the potential to undermine public confidence. Therefore, at this moment in time, it is our opinion that for these issues the release of information requested is not appropriate.

The below hyper link will take you to the CREST speed enforcement web site that is run in conjunction with other agencies. This will provide further information on speeding and the measures being taken to address it.

[Home - CREST Derbyshire](#)

### **Right to Request a Review (Complaint)**

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Freedom of Information Officer

## **COMPLAINT RIGHTS and COPYRIGHT ISSUES**

If you are unhappy with how your request has been handled or you do not think the decision is correct, you have the right to require the Derbyshire Constabulary to review their decision. Prior to lodging a formal complaint, you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

### **Ask to have the decision looked at again.**

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

### **Complaint**

If you are dissatisfied with the handling procedures or the decision that Derbyshire Constabulary have made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge a complaint with the Derbyshire Constabulary to have the decision reviewed. **However, this request must be made within 20 working days from the date of our response.**

Complaints should be made in writing and addressed to **Freedom of Information Officer, Derbyshire Police Headquarters, Butterley Hall, RIPLEY, Derbyshire, DE5 3RS** or via email at [foi@derbyshire.police.uk](mailto:foi@derbyshire.police.uk)

Where possible the Derbyshire Constabulary will aim to respond to your complaint within 20 working days. However, meeting this time scale will depend upon the circumstances and complexity of the issue.

### **The Information Commissioner**

After lodging a complaint with the Derbyshire Constabulary, if you are still dissatisfied with the decision, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk). Alternatively, telephone or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF - Telephone: 0303 123 1113.

### **Important notice regarding Copyright for all disclosures**

The Derbyshire Constabulary, in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information, will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Derbyshire Constabulary Headquarters, Butterley Hall, Ripley, Derbyshire, DE5 3RS.