

## ***Paul Hemsley v IC & The Chief Constable of Northamptonshire***

EA/2005/0025

10<sup>th</sup> April 2006

### **Cases:**

### **Facts**

The Appellant had been convicted of driving at excess speed after being caught by a speed camera. The Appellant contested the adequacy of the signage at the site and the possible value of information derived from the operation of the safety camera. Therefore, he requested information from Northamptonshire Police regarding how many people had been caught by that camera, in which direction they were traveling and the average speed of those traveling south compared with those traveling north. Northamptonshire Police refused to provide the information on the basis of the s.31(1)(a) and (b) exemptions.

The IC upheld the authority's refusal to provide the information. He confirmed that both exemptions applied and that the public interest in maintaining those exemptions outweighed the public interest in disclosure.

### **Findings**

The Tribunal considered the following arguments in relation to maintaining the exemption:

- That the disclosures requested would or might induce irresponsible drivers to speculate, correctly or not, as to the times when the safety camera at this site was active and to drive faster when they supposed it to be inoperative.
- That such disclosure would encourage a stream of further requests in relation to other sites which would be hard to resist, given such a precedent and the same consequences, on a wider scale, would result.
- That the resultant increase in breaches of the speed limit would involve further undetected speeding offences and more road casualties. That such consequences could be met only by introducing a system of constantly active cameras, which would incur major and unacceptable public expenditure.

They also considered the following arguments in relation to disclosing the information:

- Inadequate signage of speed limits is a major safety issue of current importance.
- It is also important that motorists are not unfairly caught out at this site by inadequate signs in unfavourable weather conditions.
- The release of the requested information, coupled with available local weather records, would show whether there was a strong correlation of time, weather

and motorists travelling south at excessive speeds. Such a study would also show whether improvements in the speed signs, which took place about eighteen months before the hearing, had reduced the incidence of speeding.

- That would or might demonstrate that the existing signs were inadequate and/or that improvements to them influenced offending, thereby inducing the highway authority further to improve the signage. This would protect future motorists from possible injustice.
- More fundamentally, it would or might form the launch pad for a campaign to raise the standard of speed signage required by statute.
- The public interest in withholding such information is slight when compared to the interest in disclosure. Operation times can be changed following disclosure.

The Tribunal concluded that the public interest favoured the refusal to disclose. They noted that what was sought here was a record covering several years which, simply by reference to the site, raised fears of misuse, though certainly not by the appellant, of the kind asserted by the respondents. They also asserted that whilst every request must be dealt with on its merits, if this request were granted, it would not be hard to envisage the difficulties faced by police authorities in dealing with future requests for such information to distinguish between genuine complainants and others whose purpose was less admirable, for example the creation of a commercial website selling forecasts on the operation of safety cameras.

### **Conclusion**

The Tribunal dismissed the appeal.