

**Public Interest Test – 639A/23****Applicable exemptions:**

Section 31(a)(b) - Law enforcement

Section 38(1)(a)(b) - Health and safety

**Harm**

To disclose this information would alert individuals to police tactics and undermine the work of speed enforcement. If drivers were able to predict (or thought that they were able to predict) police tactics they would be more likely to exceed the speed limit as they would believe that the chances of being recorded speeding would be low. For camera enforcement to be truly effective there must be the perception that the chances of being recorded are high at all sites and at any time. Therefore, releasing this level of detail would increase the speed motorists travel at within the West Midlands force area as they feel the likelihood of being caught may be low.

**Reasons for disclosure**

Disclosing information about policing tactics would provide a greater transparency in the actions of a public authority. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently. Revealing data for each speed would show that WMP is prosecuting offenders at a level that is safe for both drivers and the public. Releasing the information would ensure the public are more informed about police tactics and ensure that WMP are operating in an appropriate manner. There is a clear public interest in ensuring that public organisations are acting within their authority by prosecuting offenders who breach the speed limit.

**Reasons for non-disclosure**

Where the current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the interest of the public. Disclosing information for each individual speed would allow the public to deduce the speeding threshold that the force adheres to. This in turn would allow motorists and the public to disregard the speed limit and adjust their driving habits as they would know whether it is likely they would be caught speeding.

We actively publish the locations that our speed cameras operate as these can act as a deterrent to speeding, however, revealing the threshold that the cameras operate to would allow the public to more accurately predict when enforcement is likely to take place.

In this case, confirming the information could negatively impact driver behaviour. It may encourage drivers to exceed the speed threshold knowing that cameras will not enforce until a certain level has been reached within a particular area.

In a report by the Slower Speeds Initiative, it is documented that for every 1mph change in average speed there will be a corresponding 5% change in the number of crashes. As well

as an increase in the risk of a Road Traffic Collision (RTC) occurring, an increase in the speed increases the consequences of these RTCs.

Releasing this information would have a negative impact on law enforcement and potentially put other drivers and the public at risk if drivers do not observe the speed limits. This has potentially dangerous consequences for drivers and members of the public. Putting the public's safety at risk is unlikely to be in the public interest.

### **Balancing Test**

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual but what will be the greater good, if released, to the community as a whole.

The issues of transparency and accountability of WMP are noted. However, on balance it is considered that the public interest in disclosing the data is outweighed by the potential impact release would have on law enforcement and driver behaviour.

Revealing the speed threshold would allow the public to disregard the speed limits in place for their safety and adjust their driving speed. This would enable the public to more accurately predict when enforcement is likely to take place, and could encourage them to exceed the speed limit when they believe that enforcement is unlikely to be taking place. This knowledge would prejudice the Police Services' abilities to prevent and detect crime and to protect the public's safety.

Having considered the arguments for and against, the public interest test favours the non-disclosure of the data requested. West Midlands Police will not disclose information that will undermine future law enforcement and put the public in danger.