

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 8 February 2024

Public Authority: Transport for London
Address: 5 Endeavour Square
London E20 1JN

Decision (including any steps ordered)

1. The Commissioner's decision is that Transport for London (TfL) is entitled to refuse to comply with the complainant's 16 requests for information about particular traffic cameras under regulation 12(4)(b) of the EIR, which concerns manifestly unreasonable requests. He considers that the complainant is using the EIR to work with others in a campaign to burden and disrupt TfL.
2. However, the Commissioner also finds that, in the alternative, the relevant information that's held by TfL is excepted from disclosure under regulation 12(5)(a) and 12(5)(b) of the EIR. These exceptions concern public safety and the course of justice, respectively.
3. It's not necessary for TfL to take any corrective steps.

Request and response

4. Between 28 September 2023 and 23 October 2023, the complainant submitted 16 requests for information to Transport for London (TfL) for the make and model of specific CCTV enforcement cameras in particular locations.

5. TfL's final position in its internal review dated 14 December 2023 is that the cumulative burden of complying with the requests and the indication that the complainant was involved in a campaign against it made the requests manifestly unreasonable under regulation 12(4)(b) of the EIR.

Reasons for decision

6. The matter of whether the requested information can be considered to be environmental information has been covered in previous decisions that resulted from earlier complaints the complainant brought to the Commissioner: IC-276728-P6J9, IC-277083-T6S9¹, IC-274392-K9K7² and IC-263495-N0P0³.
7. In the above decisions, the Commissioner found that the requested information about traffic cameras in specific locations was excepted from disclosure under regulation 12(5)(a) and 12(5)(b) of the EIR.
8. The Commissioner's decision will first consider whether TfL is entitled to refuse to comply with the requests in this case under regulation 12(4)(b) of the EIR. However, TfL has confirmed to the Commissioner that, although it's satisfied that regulation 12(4)(b) is engaged, the relevant information that it holds is excepted from disclosure under regulation 12(5)(a) and regulation 12(5)(b) of the EIR in any case. For completeness, the Commissioner will also consider whether the requested information engages those two exceptions.

Background and context

9. In earlier, similar cases that the Commissioner has considered, TfL provided the following background in order to explain and contextualise why it considers why information of the kind requested here shouldn't be disclosed. It also has a bearing on whether the requests in this case are manifestly unreasonable.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4028239/ic-277083-t6s9.pdf>

² <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4028193/ic-274392-k9k7.pdf>

³ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4028192/ic-263495-n0p0.pdf>

10. The ULEZ was first introduced in 2019 to cover vehicles within central London, however poor air quality is impacting the health of all Londoners and it's mainly caused by polluting vehicles. To help clear London's air, the ULEZ expanded out to inner London in 2021 and then across all London boroughs on 29 August 2023. The ULEZ was introduced alongside existing schemes which had implemented Congestion Charge and Low Emissions Zones in 2003 and 2008, respectively. Together these are London's Road User Charging Schemes.
11. Although improvements are being made, air quality which is impacted by heavy road transport is the single biggest adverse contributor to the health and wellbeing of Londoners. It contributes to the premature death of thousands of Londoners every year. It's not just a central London problem. In fact, the greatest number of deaths related to air pollution occur in outer London areas. That's why the ULEZ has expanded across all London boroughs and more than nine out of 10 cars seen driving in outer London already meet the ULEZ emissions standards.
12. TfL is the charging authority for the ULEZ Charging Scheme as set out in the Greater London Low Emission Zone Charging Order 2006. In accordance with the scheme, charges are payable in respect of vehicles which don't meet the emissions standards imposed by the Scheme and are not otherwise exempt when they're used in areas covered by the ULEZ.
13. If you drive anywhere within the ULEZ, and your vehicle doesn't meet the emissions standards, drivers could face a daily charge of £12.50. This includes residents of the ULEZ zone. But drivers don't need to pay the ULEZ charge if their vehicle meets the emissions standards as they are 'exempt.' However, non-payment of the charges will usually result in a penalty charge notice being issued. This enforcement is carried out by using Automatic Number Plate Recognition cameras which are situated across the breadth of the charging zone, which broadly covers the entirety of Greater London.
14. TfL's general concern is that there has been significant opposition to the scheme being implemented from a vociferous minority. This has included a significant and sustained campaign of criminal damage to the camera network that enforces the ULEZ. It has also involved direct threats, abuse and harassment to personnel involved in operating and enforcing the scheme. TfL has provided the Commissioner with a series of links to published news articles about incidents of camera vandalism.
15. To minimise the threat and reduce the damage to its camera network, which has been and continues to be under repeat attack, TfL says it has been refusing to disclose the locations of these ULEZ enforcement

cameras across dozens of individual requests. However, this has meant that some of those interested in the location of the cameras have been adopting various tactics to try to circumvent this position. They have done this by submitting requests for indirectly related information which, when combined with other information, would be of value in determining what is and isn't a ULEZ camera.

16. An example of this has been requests made for information about TfL's traffic lights as a means of attempting to access information about likely ULEZ camera locations. This is because it was known at the time that a large proportion of the enforcement cameras were placed on traffic lights. They had previously received a refusal for a request directly asking for the ULEZ camera locations, as well as piecemeal requests about individual cameras and other forms of infrastructure presented without reference to ULEZ. However clearly there was an intent to establish where ULEZ cameras and other related infrastructure is operating.
17. TfL says it's already public knowledge, through previous FOIA/EIR disclosures TfL has made, that the make and model of ULEZ cameras are Siemens 'Sicore II' automatic number plate recognition (ANPR) cameras. It's therefore apparent, TfL says, that providing the make and model of specific cameras (where they aren't Siemens 'Sicore II' cameras) across London would allow somebody to immediately determine whether the camera exists for the purposes of enforcing the ULEZ.
18. TfL has advised the Commissioner that it's had scores of requests for the make and model of individual cameras since 23 August 2023 that have come from the complainant or others acting in concert with them alone. Additionally, TfL has processed at least another 116 requests since April 2023 that directly reference ULEZ cameras, the majority of which focus on attempting to ascertain their location. It continues to receive requests from the complainant's associates and the wider public, seeking to obtain this same information about the camera network, albeit at separate individual locations.
19. By confirming the make and model of any camera, TfL says it would effectively be publicly confirming whether it's a ULEZ camera or not. As discussed, this is because only one type of camera is used for the purposes of ULEZ camera enforcement, which is information TfL has already put into the public domain. In this specific example, answering the applicant's request would confirm whether certain cameras on the road network were or weren't ULEZ enforcement cameras and this would go some way to helping people to compile ULEZ camera information for nefarious purposes. It's apparent to TfL that providing this information would lead to further requests being made for the same information, as

well as requests that will eventually cover ULEZ cameras. As previously mentioned, disclosing information regarding all cameras, and only exempting requests that cover ULEZ cameras would in itself reveal whether a camera is a ULEZ camera.

20. Significant effort has been made by campaign groups to identify and compile information about the location of ULEZ cameras. This often appears to be for two purposes – first to facilitate attempts to circumvent the ULEZ charge by planning journeys which avoid the cameras and second, to identify cameras to be targeted for criminal damage. TfL has provided the Commissioner with an example of this being discussed on social media.
21. This has resulted in a database of information being compiled by members of the public of suspected ULEZ cameras with live tracking information (a link to which TfL has provided to the Commissioner). This includes the perceived status of each camera, as well as any damage or defacement that has occurred to it.
22. One example from the tracking database (provided to the Commissioner) shows that one camera has been listed as being 'cut' [wires cut] on 29 August 2023, live on 7 October, 'blind' [covered/obscured deliberately] on 15 October, live on 22 October, 'melted' on 1 November, covered with stickers to obscure the camera on 29 November, repaired on 24 December, covered with stickers to obscure the camera again on 29 December and then cleaned up on 2 January 2024. It's highly likely that the camera will be targeted again, aided by the tracking information provided by this site.
23. This database is not verified by or affiliated in any way with TfL and is entirely the work of anti-ULEZ campaigners. Due to the significant and direct threat to its infrastructure, and especially cameras, it's vital, TfL says, that it restricts the amount of information placed into the public domain to limit the credibility and accuracy of databases such as this.
24. TfL says that if it were to provide information about particular cameras at precise locations in London, even if the camera is not ULEZ related, it would be ultimately providing valuable information to those who seek to damage and disrupt the ULEZ scheme through criminal means. This is because it would help to improve the accuracy of the information they're collating to support this activity. If TfL were only to refuse to provide information that related only to ULEZ cameras, but disclose information about all other cameras, this approach would reveal or confirm, or both, that the camera was ULEZ related and therefore defeat the purpose of the exception. For that reason, TfL considers it proportionate and appropriate to consider the wider harms of disclosure about the camera network in London in this context.

25. All requests TfL receives are individually assessed on a case-by-case basis, taking into account any mitigating factors that may be applicable at the time the request is received. TfL says it would be unduly restrictive for it not to consider the future impact that a disclosure in response to this request would have, particularly in the context of providing this specific information into the public domain. Indeed, the effect of disclosure is critical in determining whether an exception should be applied, particularly in the context of the prejudice test. The prejudice test isn't limited to the adverse effect / harm that could be caused by the requested information on its own. Account can be taken of any adverse effect / harm likely to arise if the requested information were put together with other information already available in the public domain. This is commonly known as the 'mosaic effect.' The mosaic effect considers the prejudice that would be caused if the requested information were combined with other information already available to the public.
26. It's through this mosaic effect, created by a highly motivated and organised group of activists who have already caused significant damage to its infrastructure, that TfL's concerns arise. In TfL's view, adopting an approach in which it only refuses camera information where it relates to ULEZ but provides information on all other cameras would, in effect, reveal which cameras are and are not ULEZ related. It would therefore lead to the harms TfL describes above and below from placing information into the public domain regarding ULEZ cameras. To support this point TfL had provided the Commissioner with information which he again doesn't intend to reproduce in this notice.
27. Should TfL comply with the requests in this case and disclose the information, it would lead to further continued requests concerning cameras at other precise locations. This would be for the purposes of confirming whether or not it exists for ULEZ enforcement purposes. This would enable others to build up a working knowledge of the disruption that can be caused through acts of vandalism. TfL considers that there's a very real adverse risk that disclosure would increase the confidence of anyone inclined to commit criminal damage on its network, even if that confidence were to be misguided. The result of this would be increased criminal damage to TfL's cameras and supporting infrastructure.

Regulation 12(4)(b) – manifestly unreasonable request

28. Under regulation 12(4)(b) a public authority may refuse to disclose environmental information if the request for information is manifestly unreasonable.
29. A request may be manifestly unreasonable because of the excessive burden caused by complying with it, or because the request is

vexatious. The purpose of the exception is to protect public authorities from a manifestly unjustified, inappropriate or improper use of the EIR. This exception is subject to the public interest test.

30. In its initial refusal of the request of 24 October 2023, TfL advised the complainant that providing the information they've requested would impose unreasonable costs on it and require an unreasonable diversion of resources. TfL said the 16 individual requests had been received within a four-week period and that this was the culmination of a sustained pattern of excessive volumes of requests. It noted that the complainant had submitted a total of 39 individual requests since 1 August 2023. These requests were all thematic, TfL said, and specialist personnel would have to investigate them to ascertain what, if any, information TfL held and then consider whether one or more exceptions might apply.
31. TfL confirmed that it considered that the frequency and volume of these requests presented a disproportionate and unjustified level of disruption to its core functions as they diverted limited and specialist resources away from their core duties to answering the continuous requests. TfL said it was also apparent that answering these requests would only lead to more and more requests on the same subject, exacerbating the cumulative burden described. TfL quoted from the Commissioner's published guidance which discusses how the frequency of requests can make those requests manifestly unreasonable because of the aggregated burden involved in complying with them.
32. TfL concluded by noting that the Commissioner was considering complaints brought to him about 16 similar requests to which TfL had applied regulation 12(5)(a) and 12(5)(b). It recommended that the complainant allow time and space for the Commissioner to consider the matter and reach a decision on those requests before submitting repeated questions on the same subject.
33. In its internal review, TfL noted that, given its refusal of earlier and similar requests, and the complaints to the Commissioner, the complainant would already have been aware of TfL's likely position in respect of these 16 requests before they decided to submit them. Rather than wait for the Commissioner's findings, TfL said, the complainant sought to increase their requests on precisely this same subject and again exhaust the appeals process on an identical subject and appeal, going as far as to escalate a second request on exactly the same subject to the Commissioner.
34. TfL said that the complainant had exhibited this same conduct in relation to a separate request. In that case they submitted an appeal against a decision to redact a signature from a document. After having this

exception upheld at the internal review stage, the complainant opted once again to pursue the matter with the Commissioner, despite having already had this exact same issue considered and addressed through the internal review and by the Commissioner in a previous request. TfL said that this led to the decision in IC-228374-W5Z4.

35. The Commissioner notes that the complaint considered under IC-228374-W5Z4 had been submitted to him by the complainant but in that case, the requested information was different, and TfL had withheld it under regulation 13 of the EIR, which concerns personal data. However, the Commissioner understands that TfL is seeking here to demonstrate a pattern of behaviour by the complainant which it considers is unreasonable.
36. In TfL's view it was difficult to consider any other motivation for this other than a wilful attempt to place undue burden on the organisation through sheer volume of requests and appeals on the same or similar matter, even where that issue has been resolved or was under consideration by the Commissioner. TfL said it considered that a more appropriate approach would be to wait for a decision from the Commissioner before submitting more and more requests on exactly the same subject. It said that the complainant must know they will almost certainly receive exactly the same outcome but then pursues the full FOIA appeals process anyway and, as TfL had noted, a second appeal to the Commissioner had been lodged on this same set of exceptions.
37. In their request for a review, the complainant maintained that "the exact make and model of each camera is important, because if the camera is of a type not authorised for parking enforcement by the Secretary of State, then enforcement is invalid." TfL said it didn't share this view and disagreed with their interpretation of this matter. TfL advised that the specific camera forms only a part of its camera enforcement solution called the 'Digital Traffic Enforcement System.' It's this entire solution that is the approved device, approved and certified for the Secretary of State for Transport by the Vehicle Certification Agency. TfL said it was unclear whether the complainant's position was that they believed some make and models of camera are authorised, or not. However, TfL advised that there's already a very well-established appeals process through which motorists who wish to contest a Penalty Charge Notice (PCN) can set out their reasons for why they believe a PCN to be invalid or incorrect.
38. TfL noted the complainant's assertion in their request for a review that its refusal would lead to them advising other individuals to make similar requests for information which they know would be refused. The complainant had also indicated that they'd give others the probable advice to pursue the appeal further despite knowing this matter is

already the subject of an existing appeal [to the Commissioner]. In TfL's view, this was further evidence that the requests were vexatious and similar requests from other people was something that it was already experiencing.

39. TfL said that, at the time its review, since it first refused this information on 19 September 2023 (ie in response to a request that preceded the ones being considered here) it had received no less than 38 individual requests in an identical format. 24 of the requests had come after the complainant's 16 requests which were subject of TfL's internal review. TfL advised that it considered that the requests were from individuals acting in concert with, or influenced by the complainant (or both), to disrupt the organisation unreasonably through the sheer volume of requests.
40. Perhaps more notably, TfL went on, 26 of those requests including three of the complainant's were submitted after its internal review response was issued which had upheld the decision to except the requested information from disclosure. TfL noted that there were at that point two separate appeals to the Commissioner against this same set of exceptions for this same type of information.
41. TfL considered that submitting such a frequent volume of requests on a subject matter that had already been addressed through its own appeals process and was before the Commissioner didn't appear to be especially beneficial to any ongoing PCN appeal. It only served to disrupt TfL's functions and divert limited and specialist personnel away from their core roles. First to ascertain what, if any, information TfL held and then, if it does hold information on a specific camera, to go on to reconsider a matter that has already been "concluded."
42. TfL strongly recommended that, given the requests related to live PCNs, the complainant should take full advantage of the pre-existing appeals process, under which they can set out the full basis of any appeals they wish to make. Submitting more and more requests on exactly the same subject which TfL had previously refused and were subject to the Commissioner's consideration wasn't going to be of value in pursuing a PCN appeal. It was something that TfL considered to be an indicator of vexatious behaviour, along with the very clear encouragement of others to continue this campaign of requests under a different name despite being fully aware that the requests will be refused.

The Commissioner's conclusion

43. At the time that the complainant submitted the requests in this case, the Commissioner hadn't yet considered complaints they had submitted – themselves and on behalf of others – about TfL's response to earlier

requests for similar information. He considered those requests in January 2024 and found that the requested information is excepted from disclosure under regulation 12(5)(a) and regulation 12(5)(b) of the EIR.

44. When they submitted the current series of requests, the complainant wouldn't have known that the Commissioner would find the information should be withheld. As such, and because, in the circumstances, the Commissioner didn't consider that complying with the requests would be onerous for TfL, he was initially prepared to find that the requests weren't manifestly unreasonable.
45. However, he's noted TfL's discussion of a campaign in which the complainant appears to be involved. In their request for an internal review, the complainant writes:

"I would stress that each of my clients would be entitled to request the same information for themselves (and as they have a direct interest in the information, that would be a request they would be making in their own right rather than on my behalf).

If each of my clients had to request this information in their own right, this would make no difference at all to the number of requests that TfL would receive or would have to deal with, but there would be a risk of my clients making broader requests than necessary, making duplicate requests and so on.

If an individual who happened to be advised by me requested the information about the CCTV camera that had filmed the footage for their particular PCN, I do not believe you would be able to refuse to reply either based on section 14 (as the request would be a one-off), or on the basis that the requester was not making the request on their own behalf (it would be absurd to suggest that an individual can request information about a camera that has filmed them except if that individual has taken legal advice from me).

Therefore if this information refusal is upheld, TfL will simply have to provide the information sought directly to all affected individuals and companies, rather than everything coming through me. This is likely to cause TfL an even greater workload."

46. The Commissioner agrees with TfL that the complainant's statements appear to be a warning that if TfL maintained its reliance on regulation 12(4)(b), they intended to advise others to submit requests to TfL for the same information or the same type of information, or both. TfL notes that after it had refused to disclose similar information on 19 September 2023 it received 38 further requests identical in format, with

24 of these following the complainant's 16 requests being considered here.

47. The Commissioner considers that the complainant's 16 requests considered here evidence vexatiousness because the complainant has deliberately burdened TfL with a high volume of requests over a short period. He must assume that the complainant's intention is to disrupt or harass TfL through the aggregated burden of the requests. Of more consequence however, the Commissioner's also persuaded – by the volume of requests, the timing of the requests and the similarity of the requests - that the complainant is involved in a campaign against TfL and is working with others in that campaign. The reason for the campaign may be around PCN appeals or it may be dissatisfaction with the ULEZ, but whatever's behind it, it's a campaign. Using the EIR purposely to disrupt TfL is not an appropriate use of the legislation and therefore, the Commissioner is satisfied that TfL is entitled to categorise the 16 requests as manifestly unreasonable and refuse to comply with them under regulation 12(4)(b) of the EIR.

Public interest test

48. In its internal review, TfL said it recognised that releasing information would promote accountability and transparency in public services and noted that the complainant considers that the information is relevant to their [PCN] appeals.
49. However, TfL went on to say, it considered the disproportionate burden on its resources in processing and managing the complainant's campaign of requests, which appeared to wilfully ignore previously stated positions, was unreasonable. TfL didn't consider the public interest is well served by dedicating limited and specialist resource to manage the volume and frequency of these requests. The requests concern a very specific subject matter that has already been fully addressed through TfL's appeals process.
50. TfL said that, as had been set out, there's already a very well-established appeals process in place for anyone wishing to appeal against a PCN they don't consider has been appropriately applied. It's through this process that these matters should be progressed.
51. On balance, TfL concluded, it considered that the public interest favoured using the exception to ensure that its resources can be focused on its core operations and so that it can provide the best service possible to the widest section of the public.

52. The Commissioner has found regulation 12(4)(b) engaged in this case because it appears that the complainant is using the EIR as part of a campaign with others to disrupt TfL.
53. The complainant has indicated that they've requested this information in order to reduce the risk of parking appeals being wrongly decided on the basis of incomplete evidence. However, TfL has explained that there's a well-established process for appealing PCNs and that's the route the complainant should take if they dispute a PCN that's been received – and if that is in fact the purpose behind the requests, given the wider context discussed above.
54. Whilst he acknowledges the EIR's presumption in favour of disclosure under regulation 12(2), the Commissioner considers that the value of the requested information is limited to the complainant and any others on whose behalf they may be working; there's little wider public interest in this information. The Commissioner's satisfied that there's greater public interest in TfL being able to focus its resources on its core functions and not to be disrupted by a campaign against it.
55. To conclude, the Commissioner's decision is that the complainant's 16 requests engage regulation 12(4)(b) of the EIR, because they're manifestly unreasonable, and the public interest favours maintaining this exception.
56. The Commissioner notes that the complainant has been aware since January 2024 that the Commissioner has decided that the type of information in which they and others are interested is excepted from disclosure under regulation 12(5)(a) and 12(5)(b) of the EIR. If the complainant were to request similar information about another camera now, even if there was no evidence of a campaign TfL would be entitled to rely on regulation 12(4)(b) to refuse the request, in the Commissioner's view, as the complainant would be requesting information they know to be excepted from disclosure.
57. As the complainant knows, they have the option of appealing the Commissioner's decisions in their previous cases to the First-tier Tribunal (FTT) if they disagree with those decisions. That's the route the Commissioner now advises the complainant to take.
58. The Commissioner has found that the complainant's requests engage regulation 12(4)(b) of the EIR. However, for the purposes of any future appeal to the FTT, he's also considered whether the information requested in this case is excepted from disclosure under regulations 12(5)(a) and 12(5)(b). He's taken account of submissions TfL and the complainant provided to him in the earlier cases that he's considered.

Regulation 12(5)(a) – national security or public safety

59. Under regulation 12(5)(a) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect international relations, defence, national security or public safety.
60. TfL has previously explained that the damage being caused to cameras ranges from scaling heights to place stickers over the camera lens, cutting the wires on the camera, cutting the pole on which the camera is mounted, setting fire to the camera and, in an even more concerning case, using an improvised explosive device to 'blow up' the camera.
61. As well as the very obvious threats to public safety from the latter examples, the cameras being targeted have a live electricity supply to them. Lives can be endangered by individuals tampering with the wiring, as well as the potential danger to individuals from falling from equipment or being involved in road traffic accidents whilst carrying out these activities. TfL believes that there's good reason to conclude that releasing the requested information would lead to an increase in incidents of vandalism to its cameras by helping to facilitate the flow of information about the ULEZ camera network. This, in turn, is used to encourage individuals to continue to commit the types of dangerous criminal activities described above and therefore there's a very real and evident risk to the health and safety of individuals.
62. In relation to the improvised explosive device example, two arrests have since been made on suspicion of "conspiracy to cause an explosion likely to endanger life or property, contrary to section two of the Explosive Substances Act 1883." TfL provided the Commissioner with a link to a news article about that matter.
63. In TfL's view there's a clear and direct causal link between disclosing information which helps people to compile information about the locations of ULEZ enforcement cameras and very serious risks and threats to public health and safety. This is evidenced by the above examples of criminality which have already occurred at locations in which ULEZ enforcement cameras had been identified.
64. The Commissioner has considered the wider circumstances and TfL's reasoning. He accepts that, although innocuous on the face of it, the requested information, if disclosed, could be pieced together with other information in the public domain by those so minded, and used to compile information about ULEZ cameras. The Commissioner also accepts that there's a real and significant risk that those so inclined could endanger themselves and others through vandalising and damaging ULEZ cameras newly identified as well as ULEZ cameras the locations of which are already known. The safety of individuals involved

in the ULEZ scheme is also at risk from anti-ULEZ activists if the location of further ULEZ cameras were known. The Commissioner therefore considers that all the requested information engages the exception under regulation 12(5)(a). Despite this, the Commissioner will also consider TfL's application of regulation 12(5)(b) to the same information.

65. The public interest test associated with regulation 12(5)(a) is discussed below.

Regulation 12(5)(b) - the course of justice

66. Under regulation 12(5)(b) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.
67. TfL says that the Metropolitan Police is investigating almost 1,000 incidents of theft and vandalism of ULEZ cameras and this number continues to rise. Alongside this, arrests, charges and convictions have been brought against individuals who have been behind this spate of criminal damage.
68. TfL's position is that disclosing this information would be useful when combined with other information in mapping out the ULEZ enforcement camera network. This information is then used by individuals intent on causing criminal damage and other forms of vandalism. As such, TfL considers that disclosing this information would prejudice the prevention of crime and therefore adversely affect the course of justice. The Metropolitan Police has confirmed publicly that it's dedicating a significant amount of resource to ULEZ camera crime. TfL considers any information that aids and assists current and future offenders, including through the creation of additional crimes, would also inhibit the Metropolitan Police's ability to investigate as thoroughly as possible into this and other individual criminal acts and would make it easier for these criminals to carry out their crimes.
69. TfL considers that preventing crime is intrinsically linked to the administration of justice. It logically follows that disclosing information that it considers would contribute towards increased criminality has an adverse effect on the general course of justice.
70. As noted, the Commissioner has considered the wider circumstances and TfL's reasoning. He's accepted that the information in this case, if disclosed, could be used to compile information about ULEZ cameras for nefarious purposes. The Commissioner also accepts that disclosing the

information would benefit those intent on causing criminal damage to ULEZ cameras and associated infrastructure. This would potentially encourage further vandalism and cause the Metropolitan Police to have to devote further resources on combating crimes related to ULEZ cameras. In addition, this police resource wouldn't therefore be available to direct on other areas of law enforcement and public protection. The Commissioner therefore considers that the relevant information TfL holds also engages the exception under regulation 12(5)(b) of the EIR.

71. The public interest test associated with regulation 12(5)(b) is also discussed below.

Public interest test

72. In a previous complaint to the Commissioner the complainant noted two parking appeals that TfL has lost before the parking adjudicator. They said that in the absence of any factual evidence one way or the other, if TfL says its camera device is authorised and it produces a certificate issued by the Secretary of State, the adjudicator won't "entrain" any challenge to the camera's approval status. The complainant said that they requested the information about the camera under FOIA/EIR to reduce the risk of parking appeals being wrongly decided on the basis of incomplete evidence.
73. In its submission in that case TfL addressed this argument. It acknowledged that there's a wider public interest in transparency around the issuing of PCNs and the enforcement process that supports this. In particular, where this relates to confirming the validity of PCNs that are issued to members of the public and the perception that this information is of value in appealing PCNs. TfL considered that perception to be misguided and inaccurate.
74. TfL said it ensures that it provides a copy of its 'Approved Device' certificate issued by the Vehicle Certification Agency in each PCN appeal as evidence. This is so that the appellant is already equipped with all the information they need to be satisfied the PCN was issued using an approved device. As explained above, this certificate, which is provided alongside every PCN, confirms unambiguously that the PCN has been generated through use of an approved device. As such the certificate already meets the complainant's stated purpose behind the request, namely, to confirm that certification and approval is in place. As a result, TfL said, there's very limited additional value in providing this information for the specific purpose the complainant has stated because,

through the 'Approved Device' certificate, information would already be available that address the concern they've raised about PCNs.

75. However, TfL went on to provide further public interest arguments that it considered supported its view that the exceptions should be maintained.
76. Given that the primary purpose of the request is already met by the certificate that is already issued with each PCN, TfL said it's not aware of any additional circumstance or public benefit to provision of this information that is sufficient to overcome the significant public interest in protecting its wider infrastructure and preventing the mosaic effect of information being combined for the purposes of mapping the ULEZ camera enforcement network.
77. In respect of both exceptions, TfL said that it recognises that there's an inherent public interest in openness and in particular, where this relates to the installation and maintenance of public assets and the effective use of public funds. TfL appreciated that disclosure would satisfy a local interest about the traffic management systems in place.
78. However, TfL said it doesn't consider there to be any significant wider public interest in the information TfL holds, either about these specific cameras, or anything especially unique about these specific cameras, that's sufficient to outweigh the significant public interest in protecting its wider infrastructure and preventing the mosaic effect of information being combined for the purposes of mapping the ULEZ camera enforcement network.
79. In fulfilling its transparency and fairness obligations under data protection legislation, TfL said it has made extensive information publicly available, including directly to affected data subjects, about the processing of personal data collected by the cameras used for the operation of ULEZ. TfL didn't consider that there's any further aspect of those obligations which would be met by providing the information requested in that case.
80. In respect of regulation 12(5)(a), TfL said it has demonstrated that anti-ULEZ activists have gone to extreme lengths to disrupt the camera network. This has included harassing, abusing and threatening individuals involved in the enforcement of the scheme and setting of explosive devices which have the very real potential to result in a loss of life. It's plainly in the public interest that TfL takes measures to prevent any recurrence of incidents such as this and therefore the overwhelming public interest favours protecting its staff and the general public's safety.

81. In respect of regulation 12(5)(b), TfL considered that it's clearly in the public interest to ensure the ability to deter and prevent criminal activity is unhindered and one way of doing this is to restrict access to information which can be used to aid and assist with the consideration and preparation of such criminal activity.

The balance of the public interest

82. The Commissioner has found that disclosing the requested information would adversely affect public safety and would adversely affect the course of justice.

83. The Commissioner recognises the EIR's presumption in favour of disclosure under regulation 12(2). However, he considers that the public interest in disclosing the relevant information TfL holds would need to be significant to warrant the effects of disclosing it. The Commissioner notes why the information is of interest to the complainant but, as TfL has noted, disclosure under the EIR is to the wider world and not just to an applicant.

84. The Commissioner does not find there to be a public interest argument sufficiently compelling to justify disclosing the information. He's satisfied that there's greater public interest in TfL withholding the information in order to protect the public and those involved in the ULEZ scheme, and in order not to impede the city's police service.

85. The Commissioner has found that the relevant information TfL holds engages regulation 12(5)(a) and regulation 12(5)(b) of the EIR and that, for each exception, the public interest favours withholding the information TfL within scope of the 16 requests.

Right of appeal

86. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

87. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
88. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Cressida Woodall
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Information Commissioner's Office
Wycliffe House
Water Lane
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SK9 5AF