

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

Date: 13 November 2024

Public Authority: Transport for London
Address: 4th Floor
5 Endeavour Square
London
E20 1JN

Decision (including any steps ordered)

1. The complainant has requested information from Transport for London (TfL) about ULEZ cameras. TfL provided explanation as to the technology it uses and ultimately confirmed that it did not hold the information. Though not specified by TfL, this falls under regulation 12(4)(a) of the EIR – information not held.
2. The Commissioner's decision is that TfL, on the balance of probabilities, does not hold the requested information. However, the Commissioner finds that TfL breached regulation 14(2) of the EIR by failing to issue a refusal notice within the statutory timescale.
3. The Commissioner does not require further steps.

Request and response

4. On 17 February 2024, the complainant wrote to TfL and requested information in the following terms:

1. Can you provide the Environmental risk assessment data over the deployment of the ULEZ Radar Guns (Camera's) extension.
2. The actual number of Radar Guns (Camera's) deployed across

the capital

3. Technical details (sic) that Include what fusion type technology is employed by the Guns for scanning vehicles & pedestrian movements. Including the specifics of the Infra Red array emissions including other lower spectrum outputs of the YUNEX hardware.
 4. Classification of the light emitting diode array.
 5. Can you provide the insurance policy covering TFL for harms caused to the enviroment and property including human exposures from these interogation radiation sources
 6. Can you also provide me with the details of the organisations who are receiving the data analytics from the mass surveillance of London experiment.”
5. TfL sent an email to the complainant on 15 March 2024 explaining that it would be unable to meet the statutory 20 working day timeframe.
 6. On 16 April 2024 it provided its response under the EIR stating that it held some information falling within scope of the request, as follows:
 1. “Firstly, I would like to clarify we use ANPR cameras to enforce the ULEZ, not radar system.” TfL also provided a link to an Integrated Impact Assessment.
 2. It confirmed how many cameras were in place across the ULEZ zone.
 3. TfL asked what the complainant meant by “fusion-type” technology, explaining that the ANPR used “vision-based detection”.
 4. TfL provided information about “The infra-red LED array” classification.
 5. Not held.
 6. “We are not sure what you mean by mass surveillance of London experiment.” Other information was provided via several links.
 7. The complainant asked for an internal review.
 8. Following an internal review on 13 May 2024, TfL wrote to the complainant. It stated:

“Concerning your second query, we are unable to ascertain what it is you are asking for with regards to “fusion type” technology and subsequently we cannot identify any information that is held within this scope. As advised the ANPR cameras use vision-based detection which we use to enforce the ULEZ. We do not use a radar system.”

Scope of the case

9. The complainant contacted the Commissioner on 24 June 2024 to complain about the way their request for information had been handled.
10. The Commissioner spoke to both the complainant and TfL in an effort to informally resolve this matter. TfL explained that the request was based on a false understanding of the technology and that it had tried to resolve this with the complainant. It was agreed that TfL would write again to the complainant, making clear its position that it did not hold any of the requested information.
11. On 4 October 2024 TfL provided another response to the complainant. In this response it stated clearly that it did not hold any of the requested information.
12. When the Commissioner spoke to the complainant they did not accept this position and provided a detailed argument about why they believed it was held and the dangers of the technology. The Commissioner explained that any decision was likely to accept TfL's position but the complainant asked that the investigation be continued. The complainant provided further argument and evidence of their position.
13. The Commissioner considers that his investigation is to decide whether TfL was correct when stating that it did not hold information falling within the scope of the request. He will also look at any procedural matters.

Reasons for decision

Would the requested information be environmental if it was held?

14. Regulation 2(1) of the EIR defines environmental information as being information on:
 - (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
 - (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a)...as well as measures or activities designed to protect those elements;
 - (d) reports on the implementation of environmental legislation;
 - (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
 - (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);
15. The public authority has explained previously¹ that:

“ULEZ is a policy designed to reduce vehicle emissions and the camera network is in place to monitor and enforce compliance with the goal being an improvement in air quality within London. Therefore, the camera network is an integral part of the scheme and intrinsically linked with the overall objective of affecting the environment through a reduction of harmful emissions from vehicles driving in London and a subsequent improvement in the overall air quality.”

16. TfL did refer to the EIR in its response to the complainant. The Commissioner is satisfied that the request falls under regulation 2(1)(c) as a measure affecting or likely to affect the elements and factors referred to in (a).

Regulation 12(4)(a) – information not held

17. Regulation 5 of the EIR requires that a public authority that holds environmental information shall make it available on request. This is subject to any exclusions or exceptions that may apply.

¹ [ic-271220-r9q1.pdf](#)

18. Regulation 12(4)(a) of the EIR says that a public authority may refuse to disclose information to the extent that it does not hold that information when an applicant's request is received.
19. TfL has stated that it does not hold the requested information and the complainant disputes this position.
20. In cases where a dispute arises over the recorded information held by a public authority at the time of a request, the Commissioner, following the outcome of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. This means that the Commissioner will determine whether it is likely, or unlikely, that the public authority has provided all of the information it holds, in response to the complainant's request, at the time that it was received.
21. The Commissioner has considered TfL's explanation as to why the requested information isn't held and also the complainant's arguments as to why they believe it is. Generally, the Commissioner would go on to consider the actions taken by TfL to check that the information is not held but due to the unusual context here he will look at the reasons provided by TfL to explain why the information is not held and why it is inherently likely or unlikely that information is not held.

The complainant's view

22. The complainant explained to the Commissioner that they had "requested the technical hardware details of the ULEZ Ultra Low emission zone ANPR cameras". The complainant has "serious concerns of the known serious Non Ionizing and Ionizing radiation emissions from Fusion Technology to include Phased array Infra Red Lasers and Phased array radar including camera technology". They dispute TfL's statements that it does not hold the information about fusion technology as the complainant has "technical details and evidence from the LiDAR RADAR VISION I have received no ICNIRP Compliance or any safety data over the radiation emissions as they have been denied to exist even after I explained that these are Fusion technology deployment". The complainant argues that they "have the YUNEX technical data showing RADAR and LIDAR CAMERA deployment by TFL".
23. In a conversation with the Commissioner, the complainant said that TfL was lying about the technology used to enforce ULEZ. They had seen the evidence and explained that TfL (via Yunex technology) is deploying battlefield derived technology weapons systems. The complainant argues that the technology is a category 4 laser and can damage individuals' retinas, causing them to go blind. In effect it is a laser weapon. They provided pictures to the Commissioner - the exterior and

interior of one of these cameras and a warning symbol 'DANGER Invisible laser radiation' as evidence.

TfL's view

24. In response to part one of the request, TfL stated the following:

"We do not hold an environmental risk assessment over the deployment of 'ULEZ Radar Guns' as we only use Automatic Number Plate Recognition (ANPR) cameras to enforce the Ultra-Low Emission Zone."

25. TfL's response to part two (leading from its response to part one) also stated that the information was not held and explaining that it only used ANPR cameras to enforce ULEZ.

26. Part three is not held because it is based on a misunderstanding of the technology as explained earlier. It did provide links to press releases about "infrastructure used to manage the effective operation of London's road network" and to Yunex for specific detail concerning the cameras.

27. Part four stated the following:

"The infra-red LED array of the cameras used to enforce the ULEZ scheme is classified as IEC 62471 Risk Group 1, which is considered to be low risk in terms of exposure. The cameras use 850nm infra-red LEDs to illuminate the capture zone and thus illuminate the number plate which the camera is looking to capture. However, as set out above, TfL does not hold the specific technical details of the non-ULEZ camera technology referred to above."

TfL provided a link to Yunex as it had in its response to part three of the request.

28. Part five is not held and TfL provided this response to part six:

"We do not hold this information as we are not operating or producing data analytics arising from an experiment on mass surveillance of London. However, general details of TfL's use of CCTV and where data can be shared can be found at the following link: CCTV & surveillance cameras - Transport for London (tfl.gov.uk)"

The Commissioner's view

29. TfL's response to part one of the request is the crux of the matter regarding the Commissioner's determination as to whether the

requested information is held or not. The fundamental disagreement over what technology TfL utilises to enforce ULEZ means that the Commissioner must accept one position or the other. Although the Commissioner acknowledges the complainant's strongly held views, he has to accept TfL's argument that it does not hold this information because it is responsible for this technology being deployed and has explained several times that the request is based on a false premise.

30. Whilst regulation 12(4)(a) is technically subject to both the public interest test and the presumption in favour of disclosure, the Commissioner can see no public interest argument capable of requiring a public authority to disclose information it does not hold.

Procedural matters

Regulation 14 - refusal of request

31. Where no information is held, regulation 14(2) requires a refusal notice to be issued no later than 20 working days after the date of receipt of the request.
32. In this case, the request was submitted on 17 February 2024 and TfL did not issue a refusal notice until 16 April 2024. As TfL failed to issue a refusal notice within the required timescale the Commissioner finds that it breached regulation 14(2) of the EIR.

Right of appeal

33. 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

34. 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.
35. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Janine Gregory
Senior Case Officer
Information Commissioner's Office
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