

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 April 2025

**Public Authority:** Transport for London

**Address:** 14 Pier Walk  
London  
SE10 OES

#### **Decision (including any steps ordered)**

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1. The complainant has requested information from Transport for London ("TfL") regarding the number of Penalty Charge Notices (PCNs) issued within a certain time period. TfL refused to disclose the requested information, citing sections 31(1)(b) and (g) of FOIA as a basis for non-disclosure.
2. The Commissioner's decision is that TfL has correctly applied section 31 of FOIA to the requested information.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 29 August 2024 the complainant submitted a request for the following information:-  
  
"A previous FOI has provided this information up until November 2021 [numbers of PCN and dates]. I would like the same information for the subsequent monthly period from December 2021 until whatever month

in 2024 you can easily access the data. As a recent offender who used various satnavs all of which suggested you can turn right I am keen to know how many other drivers have been entrapped because of this and relatively poor signage. Looking at the data and penalty charge it looks as though around £25k was raised from this in 2021.”

5. TfL responded to the complainant on 18 September 2024 refusing to disclose the requested information, citing section 31 of FOIA.
6. The complainant requested an internal review on 19 September 2024 and TfL responded on 21 October 2024. The reviewer upheld the original decision.

## **Background information**

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7. In order to explain why TfL considers that this information is exempt from disclosure, it has provided the Commissioner with some background information concerning TfL’s legal responsibility. Within London, responsibility for public roads is divided between TfL and the various Borough Councils. TfL is the Highway Authority responsible for the management of the TfL Road Network (TLRN), which may be better known as the “red route”. This is a 580km network of the most important strategic roads in London. Within the red route network in London are strategic roads which make up only 5% of the roads in London but carry over 30% of the city’s traffic. The London Boroughs are responsible for the remaining public roads within their respective boundaries.
8. TfL informed the Commissioner that it has a Network Management Duty under Section 16 of the Traffic Management Act 2004 (TMA) to ensure the safe and expeditious movement of traffic (this includes all modes of transport covering pedestrians, cars, cyclists, buses etc.). Traffic regulations and controls allow TfL to meet that duty, and it is crucial that drivers obey the regulations that are in place. It would be impractical and financially imprudent for an authority to have 24/7 enforcement monitoring capabilities across the whole of a vast transport network. Every Authority therefore must rely on an overall deterrent effect through targeted enforcement, so drivers take more heed along their entire journey.

## Reasons for decision

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### Section 31 – Law enforcement

9. Section 31 of the FOIA states that: (1) "Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice- (b) the apprehension or prosecution of offenders, (g) the exercise by any public authority of its functions for any of the purposes specific in subsection (2)."
10. In order for section 31(1)(g) to be engaged, a public authority must:
  - identify the public authority that has been entrusted with a function to fulfil one of the purposes listed in subsection (2);
  - confirm that the function has been specifically designed to fulfil that purpose. The functions in question must be imposed by statute or, in the case of government departments, authorised by the Crown.
11. The Commissioner is unlikely to accept that subsection 31(1)(g) is engaged unless legislation which specifically imposes a positive duty on the relevant public authority to fulfil that purpose can be identified. In light of TfL's statutory duties, the Commissioner is satisfied that 31(1)(g) has been properly engaged.
12. Furthermore, in order for a public authority to properly engage a prejudice based exemption such as section 31, in this instance both 31(1)(b) and 31(1)(g), there must be a likelihood that disclosure would, or would be likely to, cause prejudice to the interest that the exemption protects. In the Commissioner's view, three criteria must be met in order to engage a prejudice based exemption:
  - Firstly, the actual harm which the public authority alleges would, or would be likely to, occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption;
  - Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance; and
  - Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – i.e.

disclosure 'would be likely' to result in prejudice or disclosure 'would' result in prejudice.

13. Consideration of the section 31 exemption is a two-stage process. Firstly, the exemption must be properly engaged and meet the three criteria listed above. Even if this is the case the information should still be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

### **The applicable interests**

14. TfL informed the Commissioner that it has a Network Management Duty under the Traffic Management Act 2004 to ensure the safe and expeditious movement of traffic (this includes all modes of transport covering pedestrians, cars, cyclists, buses etc.). Traffic regulations and controls allow TfL to meet that duty, and it is crucial that drivers obey the regulations that are in place.
15. It is a contravention of these controls that may give rise to the issuing of a PCN. PCNs are issued at specific locations on the red routes, known internally as Enforcement Zones (EZs) and 'banned manoeuvres' on the TLRN form part of these zones. The purpose of enforcement is to deter motorists from contravening the red route restrictions, thereby supporting TfL's Network Management Duty to ensure traffic is kept moving for the benefit of all road users. Enforcement is undertaken both by TfL's CCTV camera operators and by Police Community Support Officers, employed by the Metropolitan Police Service who, as part of their duties, may enforce the red route on behalf of TfL. TfL does not use camera cars or Civil Enforcement Officers.
15. The Commissioner is satisfied that the arguments presented by TfL outline how disclosure of the requested information would prejudice the applicable interests within the relevant exemption. TfL has a statutory duty to both ascertain if an individual has breached traffic regulations and apprehend and prosecute said offenders.

### **The nature of the prejudice**

16. The Commissioner must now consider if there is a causal link between the requested information and the prejudice that sections 31(1)(b) and 31(1)(g) are designed to protect. Although a public authority will not necessarily be able to provide evidence in support of this causal link, the Commissioner must be satisfied that disclosure is practically and logically capable of harming the interest in some way.

17. TfL has explained to the Commissioner that, if it were to continue to regularly publish PCN data at specified locations of cameras or sites and this information were added to information already in the public domain, individuals would be able to build up a database of enforcement functionality as well as attempt to predict when active enforcement may or may not be operational by searching for any patterns that may be perceived, thus providing knowledge of areas where enforcement action is not as heavily targeted and negating any deterrent for drivers to adhere to the regulations. This is what is commonly known as the 'mosaic effect'. TfL has explained that disclosure of this narrowed information into the public domain would be likely to lead to further continued requests concerning other specific camera enforcement locations in an effort to enhance this database.
18. TfL has explained to the Commissioner that to disclose the requested information would be to confirm the locations which TfL prioritises for enforcement activity. This would allow individuals to circumvent restrictions in specific areas in the knowledge that doing so is less likely to result in a PCN comparative to the locations which generate the most PCNs

### **Likelihood of the prejudice**

19. TfL has explained to the Commissioner that it has applied the exemption on the basis of the higher threshold of prejudice, that disclosure **would** result in prejudice. It considers that the likelihood of prejudice is particularly high because there is a separate and well-established network of information available online which deliberately seeks to undermine public authorities' legitimate enforcement of this nature.
20. TfL's principal duty is to provide an effective transport service for London. Its Network Management Duty (NMD) would be very likely to be prejudiced if the locations of its enforcement activities were uniquely identified. The global deterrent effect of the enforcement activity would substantially reduce as drivers would see where they could utilise banned turns to circumnavigate high traffic routes and TfL would be left without any practical way to apply a punitive deterrent.

### **Is the exemption engaged?**

21. Currently TfL's records show that it has 300 locations on the TLRN that have 'banned manoeuvres' in place and all are legally enforceable to ensure the safe movement of traffic and members of the public across

London. These 'banned manoeuvres' will include (but not limited to) no entry restrictions, banned U-turns, banned left turns and banned right turns. These will all be clearly sign posted to show that location has a 'banned manoeuvre' in place.

22. However, TfL is unable to operate 24/7 surveillance of every enforcement zone. It therefore needs to make use of the deterrent effect that comes from drivers not being aware of the precise location of every enforcement action to allow it to retain the legal network management duty to keep traffic moving on roads across the whole of London.
23. In the event of enforcement information regularly being made public there would be a clear impact on traffic violations, reducing motorist safety on the most important roads on our network. There would be detriment to TfL's core functionality to ensure the safe and expeditious movement of traffic. This would affect public transport vehicles as well as individual drivers.
24. Whilst TfL acknowledges that some information on this subject has previously been disclosed, it considers that the potential harm is now sufficiently strong as to engage the specified exemption.

#### **Public interest arguments in favour of disclosure**

25. TfL accepts that there is a strong public interest in transparency and accountability of public authorities.
26. The complainant states that it is in the public interest to know that revenue from PCNs is being spent on trying to prevent drivers from repeating the same mistakes.
27. However, TfL states that, as banned maneuvers on its network are legally enforceable 24 hours a day, 7 days a week, there is no ambiguity about when they may be used. Therefore, it considers that there is very limited public interest in the provision of this information other than transparency around the extent to which motorists are flouting the restrictions.

#### **Public interest arguments in favour of maintaining the exemption**

28. TfL states that there remains a very strong public interest in it being able to successfully maintain its network management duty, ensure continued compliance amongst motorists and retain the safe and smooth operation of TfL's road network which on an average day, London residents will make 6 million journeys by car.

29. TfL considers that an inevitable impact of disclosure is that its ability to ensure the safety of the public would be severely compromised, which cannot be considered to be in the public interest.

### **Balance of public interest arguments**

30. Having considered the competing public interest arguments, the Commissioner has decided that the public interest favours maintaining this exemption. The Commissioner acknowledges that the complainant is concerned with the efficiency of TfL's enforcement action rather than individual circumstances. However, the Commissioner cannot identify any compelling reason for disclosure in this case and is mindful that there is an established appeals process if an individual wishes to challenge a PCN.
31. In the Commissioner's view it is very strongly in the public interest that TfL remains able, to the best of its ability, to perform its statutory functions as outlined by the TMA 2004 and enforce proper controls enabling it to manage the road network effectively. This is of benefit to all road users, including motorists, cyclists, pedestrians and those travelling via bus.
32. It would not be in the public interest if there was an increase in dangerous and illegal driving practices caused by motorists seeking to take advantage of the disclosed information by circumventing restrictions in areas where enforcement is less likely.
33. In balancing the public interest, the Commissioner considers that these arguments carry significant weight.
34. The Commissioner also considers that there is a very strong public interest in protecting the overall deterrent effect in relation to banned manoeuvres. As TfL has previously explained, disclosure would result in the diversion of additional resources to its enforcement activities which obviously would be detrimental to its core functionality to ensure the safe and expeditious movement of traffic and compromising its ability to sustain service levels in other areas.

### **The Commissioner's conclusion**

35. The Commissioner considers that there is a very limited public interest in disclosure which is strongly outweighed by the public interest in maintaining the exemption. Therefore, the Commissioner's decision is that TfL is correct in engaging sections 31(1)(b) and 31(1)(g) and withholding the requested information.

## Right of appeal

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36. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

37. 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.
- 38.. 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 .....**

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**