

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 February 2023

Public Authority: West Midlands Police
Address: Lloyd House
Snow Hill Queensway
Birmingham
B4 6DG

Decision (including any steps ordered)

1. The complainant has requested information with regards to traffic fines issued. West Midlands Police (WMP) provided the complainant with the figure held, then a revised figure after carrying out an internal review.
2. The Commissioner's decision is that WMP has provided the information it holds falling within the scope of the request.
3. The Commissioner does not require any steps.

Request and response

4. On 11 July 2022 the complainant made the following information request to WMP:

"The number of fines/tickets issued to drivers making a No Right Turn out of Lower Queen Street into Holland Road for the period 1st January 2022 up to 31st March 2022."
5. The complainant then contacted the Commissioner on 9 August 2022 as he had not received a response to his request. The Commissioner wrote to WMP on 17 August 2022 asking it respond to the complainant's request within 10 working days.
6. WMP responded on 23 August 2022 stating that there were five records.
7. The complainant requested an internal review on 25 August 2022 disputing the figure provided.
8. WMP provided its internal review on 15 September 2022 and amended its response, stating the figure was actually 12.

Scope of the case

9. The complainant contacted the Commissioner further disputing the figure provided to him.
10. The scope of the case is for the Commissioner to determine whether WMP has provided the complainant with the recorded figure it holds falling within the scope of the request.

Reasons for decision

Section 1 of the FOIA – Information held / not held

11. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
12. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the

civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).

13. In this case WMP has told the Commissioner that information regarding traffic offences is centrally recorded by the Criminal Justice Services (CJS) Department. The information was therefore sought from the Service Improvement Department in the CJS, as they have access to the system.
14. In order to provide the information, an electronic search was made using the date parameters and the location.
15. The complainant has told the Commissioner that he has submitted dash cam footage of 29 drivers and because of this is of the view that he has not been provided with the correct figure because WMP do not want to reveal personal information.
16. WMP has responded to the Commissioner on this stating that the complainant has submitted several information requests asking for the outcomes of the drivers that he has submitted dash cam footage evidence for and it is those requests have been refused under section 40 of the FOIA – personal data.
17. WMP has confirmed that it has checked its systems where the information is held and the figure provided in its internal review response is the information held and recorded.
18. The Commissioner has reviewed WMP's response, he is satisfied with it's explanation with where and how the requested information is recorded. The complainant may have submitted more dash cam footage incidents than the number of fines/tickets issued. But the request is for fines/tickets issued, not incidents reported.
19. On this basis, the Commissioner is satisfied that, on the balance of probabilities, WMP has provided the complainant with the information it holds falling within the scope of the request.

Right of appeal

20. 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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

21. 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.
22. 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

Daniel Perry
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