

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 November 2022

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

Decision (including any steps ordered)

1. The complainant made a request for information regarding cyclists and pedestrian safety. Transport for London (TfL) confirmed that it did not hold the requested information.
2. The Commissioner considers that, on the balance of probabilities, TfL was correct to confirm that it does not hold the requested information under section 1(1)(a) FOIA.
3. The Commissioner requires no steps to be taken.

Request and response

4. The complainant made the following information request on 23 February 2022:

"In the interests of pedestrian safety, what targets has TfL set for fining:
 - a. people who ride cycles in excess of the 20mph speed limit?
 - b. people who ride cycles on pedestrian only pavements and footpaths?
 - c. people riding cycles who fail to stop at pedestrian crossings?
 - d. people riding cycles who ignore traffic lights and mandatory traffic signs?
 - e. people who ride privately-owned electric scooters on public roads and footpaths?"

5. On 22 March 2022 TfL responded. It explained that it does not hold the information requested because cycle fines are enforced and recorded by the Metropolitan and City of London Police. It provided the complainant with a link to the Metropolitan and City of London Police websites which explains how FOIA requests can be made to these public authorities.
6. The complainant requested an internal review as he considered the response to his requests should be numerical. TfL provided the result of the internal review on 19 April 2022. It upheld its response confirming that as TfL does not enforce or record cycle fines it does not hold the requested information. It therefore said that the numerical answer to the requests would be zero.

Scope of the case

7. The complainant contacted the Commissioner on 28 July 2022 to complain about the way their request for information had been handled.
8. The Commissioner considered the scope of his investigation to be to determine, on the balance of probabilities, if TfL was correct to confirm that it does not hold the requested information under section 1(1)(a) FOIA.

Reasons for decision

Section 1

9. Section 1(1) FOIA provides that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”
10. When determining whether or not information is held the Commissioner applies the normal civil standard of proof, on the balance of probabilities following *Linda Bromley v the Information Commissioner and the Environment Agency EA/2006/0072*.

11. In this case TfL has explained that it does not issue cycle fines and therefore it does not have targets for issuing cycle fines. It has directed the complainant to the public authorities responsible for enforcing and recording cycle fines. On the balance of probabilities, the Commissioner is therefore satisfied that TfL was correct to confirm that it does not hold the requested information under section 1(1)(a) FOIA.

Right of appeal

12. 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

13. 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.
14. 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.....

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF