

## **EIR Request (received 15 February 2022) - Reference: DFI/2022-0135**

[Request contained within an appeal against/complaint about a Penalty Charge Notice (PCN) issued at High Street, Lurgan on 09 February 2022.]

1. Under the Freedom of Information Act I wish to know when the device which took photographs was calibrated with GMT and how this was done.  
The date and time shown on the Challenge a Penalty Charge Notice website would strongly suggest there was a Traffic Warden standing right beside where I parked. This would normally make me extra cautious that I was properly parked. Yet, I did not see one on either side of High Street.
2. Please provide the geographical position, which can be obtained from Google Takeout, for the Traffic Warden's official mobile phone for 20 minutes +/- from 10:08 on that date, in order to corroborate that the images were taken at 10:08.
3. Please provide images of the registration plate associated with the images taken c10:08 and provide reason the reg. plate was not photographed. N.B. the appellant is not denying the wheels are the same wheels that appear in the 10:08 and the 11:25 images.
4. Please provide the full set of metadata associated with the images taken of the car. The metadata may differ substantially from the apparent date and time shown on the images.

Once I am fully satisfied that all is in order I will decide to challenge the PCN.

## **Response (issued 11 May 2022)**

I refer to your letter of 09 February 2022 requesting information under the Freedom of Information Act relating to Penalty Charge Notice (PCN) RS64185064, which was issued on the 09 February 2022 and your subsequent email of 13 April 2022.

Firstly, please accept my sincere apologies for the delay issuing a response to your request for information. Your letter of 09 February contained both a challenge to your PCN and an information request. Although we responded to your challenge on 09 March, unfortunately your information request was overlooked when our response issued.

As your request was for information potentially pertinent to your ongoing challenge, and as you are only receiving our response now, I have asked PEPU staff to extend the discounted period on your PCN until 03 June 2022, to allow you time to consider our response to your request.

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

My response to each of your queries is as follows:

1. The Hand Held Capture (HHC) devices used by Traffic Attendants (TAs) are Android devices which automatically sync the date and time using the network provider's Network Identity and Time Zone (NITZ) setting. NITZ is used by all network providers to provide local time and date to mobile devices, and is sent constantly when registered to their network.
2. The tracking functionality in the HHC devices issued by NSL to the TAs is disabled across the contract as this impacts the performance and battery life of the devices. The Department is therefore unable to provide the information requested.
3. When a TA identifies a vehicle parked in a limited waiting zone, using their HHC they will make a record of the Vehicle Registration Mark (VRM) and photograph the wheel valve positions. This is known as the 1<sup>st</sup> observation. On their return to the same location, the TA uses the information recorded at 1<sup>st</sup> observation to determine if the vehicle has overstayed the limited waiting period before issuing a PCN. VRM photos are not taken by TAs at the 1<sup>st</sup> observation as this is not considered to be a reliable way of determining whether a vehicle has overstayed. The Department is therefore unable to provide the information requested.
4. On a daily basis TAs download all the images from their HHC devices onto the office system for processing. Once downloaded all images and the associated metadata are

deleted from the HHC devices. Once the photos are in the office system the associated metadata is irretrievable apart from the date and time metadata which is digitally stamped at the bottom of the image. This can be viewed by the PCN recipient using the following link: <https://www.nidirect.gov.uk/services/challenge-parking-ticket-penalty-charge-notice>.

The Department does not retain any other metadata associated with the images taken of the vehicle.

5. When a TA identifies a vehicle parked in a limited waiting zone, using their HHC they will make a record of the VRM and photograph the wheel valve positions. This is known as the 1<sup>st</sup> observation. On their return the TA uses the information recorded at 1<sup>st</sup> observation to determine if the vehicle has overstayed the limited waiting period. If this is the case, then the HHC prompts the TA to retake photos of the wheel valve positions from the same location as the 1<sup>st</sup> observation photos as evidence that the vehicle has not moved.

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