

Dear

## **Request for Information – ATISN 16540**

Thanks you for your request for information dated 2 August.

### **Information requested**

You asked for the following information regarding the introduction of 20mph speed limits in Wales –

1. 1 The number of road accidents over the last three years (or thereabouts - for whatever periods the Welsh Government collects data, such as financial years, or calendar years) which involved a vehicle hitting a person.
2. The number of fatalities over the last three years (or thereabouts - for whatever periods the Welsh Government collects data, such as financial years, or calendar years) caused by a vehicle hitting a person.
3. The number of serious injuries over the last three years (or thereabouts - for whatever periods the Welsh Government collects data, such as financial years, or calendar years) caused by a vehicle hitting a person.
4. The causes of road accidents over the last three years (or thereabouts - for whatever periods the Welsh Government collects data, such as financial years, or calendar years) which involved a vehicle hitting a person (such as the number involving drunk drivers, drug drivers, dangerous driving, speeding, no pavement, drunk pedestrians etc).
5. A breakdown of the types of locations where road accidents happened over the last three years (or thereabouts - for whatever periods the Welsh Government collects data, such as financial years, or calendar years) which involved a vehicle hitting a person (such as residential streets, trunk roads, high streets).
6. Any estimates known to the Welsh Government of the reduction in fatalities that will be seen, following introduction of a Wales-wide 20mph default limit in cities, towns and villages.
7. Any estimates known to the Welsh Government of the reduction in serious injuries that will be seen, following introduction of a Wales-wide 20mph default limit in cities, towns and villages.
8. Any estimates known to the Welsh Government of the increase in the number of drivers who will become totters (amassing 12 points or more on their driving licenses) following the introduction of a Wales-wide 20mph default limit in cities, towns and villages.
9. Any estimates known to the Welsh Government of the increase in the number of drivers who will lose their jobs on being disqualified from driving, following the introduction of a Wales-wide 20mph default limit in cities, towns and villages.

### **Our response**

I can confirm that we hold some information in relation to your response. Please also refer to the notes regarding the information we are supplying, which describe definitions and limitations of the data we hold.

For our data definitions in full, please see [our police recorded road accidents statistical release](#)

1. Pedestrian<sup>1</sup> accident data over the last three years<sup>2</sup> is as follows:

**Number of police recorded road accidents involving a pedestrian 2019-2021**

Year	Total
2019	746
2020	457
2021	497

Source: Welsh Government Analysis of Stats19 Data

2. & 3. The number of pedestrian<sup>1</sup> fatalities and serious injuries<sup>3</sup> over the last three years are as follows:

**Number of police recorded road accidents involving a pedestrian, by severity 2019-2021**

Year	Fatal	Serious	Slight	Total
2019	24	200	522	746
2020	21	136	300	457
2021	15	141	341	497

Source: Welsh Government Analysis of Stats19 Data

4. The causes of road accidents over the last three years which involved a vehicle pedestrian casualty:

I have decided that the information you have requested is exempt under FOIA Section 40, Personal Information, and is withheld. My reasons for applying this exemption are at annex 1 of this document.

Release of information under FOI is release to the world, and not just to the requestor, but sensitive data may be requested under suitable data access agreements

The information you have requested refers to “sensitive fields.” In order to be provided these, you will need to set up a data access agreement with Welsh Government.

If you would like us to set up a data access agreement, please let us know and we can provide the relevant proforma to set this up for you. One essential requirement for setting up a data access agreement is that the company requesting the data has **cyber essential certification or equivalent**. If you do not have this, your data access agreement cannot be set up and we cannot give you access to the sensitive fields of the data. If you have cyber essential certification and require the sensitive fields, please return a copy of your cyber essential certification along with your proforma form.

<sup>1</sup> The data presented reflect the personal injury road accidents recorded by police forces in Wales. While these data are the most detailed and reliable source of information on road accidents and casualties, they do not provide a complete record of all such incidents – for example, hospital, survey and compensation claims data indicate that many non-fatal accidents are not reported to or recorded by the police. Overall, the available sources show that accidents reported to, and recorded by, police forces represent only a subset of all personal injury road accidents, but that coverage of serious injuries and fatalities is good.

<sup>2</sup> Number of accidents involving pedestrians has been defined as those that resulted in a pedestrian casualty.

<sup>3</sup> Individual accidents can result in multiple casualties with different level of injury severity. Accident severity is determined by the most seriously injured casualty in the accident. For example, if there are five casualties and one fatality, the accident will be classed as fatal.

5 A breakdown of the types of locations where road accidents happened over the last three years that involved a vehicle hitting a person is as follows:

**Number of police recorded road accidents involving a pedestrian, by severity and junction type 2019-2021**

Year	Fatal	Serious	Slight	Total
<b>2019</b>	<b>24</b>	<b>200</b>	<b>522</b>	<b>746</b>
Crossroads		7	32	39
Junction - mote than 4 arms (not a roundabout)		6	6	12
Mini roundabout		1	5	6
Not at or within 20 metres of a Junction	18	113	245	376
Other juntion	2	17	31	50
Roundabout		4	19	23
Slip road			2	2
T or staggered junction	4	49	163	216
Using private drive or entrance		3	19	22
<b>2020</b>	<b>21</b>	<b>136</b>	<b>300</b>	<b>457</b>
Crossroads		6	16	22
Junction - mote than 4 arms (not a roundabout)		3		3
Mini roundabout			3	3
Not at or within 20 metres of a Junction	15	69	144	228
Other juntion		9	22	31
Roundabout		4	10	14
Slip road	1	1	2	4
T or staggered junction	5	42	93	140
Using private drive or entrance		2	10	12
<b>2021</b>	<b>15</b>	<b>141</b>	<b>341</b>	<b>497</b>
Crossroads	1	10	18	29
Junction - mote than 4 arms (not a roundabout)		2	7	9
Mini roundabout		2	3	5
Not at or within 20 metres of a Junction	11	70	166	247
Other juntion	1	16	27	44
Roundabout		6	12	18
T or staggered junction	2	29	101	132
Using private drive or entrance		6	7	13

Source: Welsh Government Analysis of Stats19 Data

**Number of police recorded road accidents involving a pedestrian, by severity and road type 2019-2021**

Year	Fatal	Serious	Slight	Total
<b>2019</b>	<b>24</b>	<b>200</b>	<b>522</b>	<b>746</b>
Dual carriageway	5	9	37	51
One Way Street		12	39	51
Roundabout		4	6	10
Single carriageway	19	174	433	626
Unknown		1	7	8
<b>2020</b>	<b>21</b>	<b>136</b>	<b>300</b>	<b>457</b>
Dual carriageway	8	9	17	34
One Way Street	2	4	18	24
Roundabout		3	6	9
Single carriageway	11	120	258	389
Unknown			1	1
<b>2021</b>	<b>15</b>	<b>141</b>	<b>341</b>	<b>497</b>
Dual carriageway	5	14	12	31
One Way Street	1	8	14	23
Roundabout		3	5	8
Single carriageway	9	112	306	427
Slip Road		1	1	2
Unknown		3	3	6

Source: Welsh Government Analysis of Stats19 Data

6. Any estimates known to the Welsh Government of the reduction in fatalities that will be seen, following introduction of a Wales-wide 20mph default limit in cities, towns and villages.

*The estimated reduction in fatalities following introduction of a Wales-wide 20mph default limit has been published in the Explanatory Memorandum Regulatory Impact Assessment: <https://senedd.wales/media/fo3ibze5/sub-ld15187-em-e.pdf>*

7. Any estimates known to the Welsh Government of the reduction in serious injuries that will be seen, following introduction of a Wales-wide 20mph default limit in cities, towns and villages

*The estimated reduction in serious injuries following introduction of a Wales-wide 20mph default limit has been published in the Explanatory Memorandum Regulatory Impact Assessment: <https://senedd.wales/media/fo3ibze5/sub-ld15187-em-e.pdf>*

8. Any estimates known to the Welsh Government of the increase in the number of drivers who will amass 12 points or more on their driving licenses following the introduction of a Wales-wide 20mph default limit in cities, towns and villages

*Welsh Government does not hold any recorded information on this.*

9. Any estimates known to the Welsh Government of the increase in the number of drivers who will lose their jobs on being disqualified from driving, following the introduction of a Wales-wide 20mph default limit in cities, towns and villages.

*Welsh Government does not hold any recorded information on this.*

### **Next steps**

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ  
or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales). Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

## Annex 1

### Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

The causes of road accidents over the last three years which involved a vehicle pedestrian casualty

This Annex sets out the reasons for the engagement of section 40(2) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

### Engagement of section 40(2) (Personal Information) of the Freedom of Information Act

Section 40(2) of the FOIA together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 2018 (DPA 2018) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data. The data contains details that would lead to the identification of casualties and other third parties, and is categorised as sensitive personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the General Data Protection Regulation (GDPR). We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

*“processed lawfully, fairly and in a transparent manner in relation to the data subject”*

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

*“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.*

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

### **1. Legitimate interests**

We accept that there are legitimate interests in understanding the causes of accidents, e.g., for research and for prevention of accidents. The legitimate interests are closely aligned with the reasons that Welsh Government collates the data, and there are a number of ways that such data may be used for legitimate purposes.

### **2. Is disclosure necessary?**

The question under FOI is whether release of the information is necessary to the world. Although there are legitimate reasons in having access to the sensitive personal data, these legitimate interests are specific to certain purposes (e.g. research or accident prevention). Welsh Government allows anyone with legitimate interests to make data access agreements to access the data under suitable information management controls. Because access is available under these circumstances, I do not find that disclosure to the world under FOI is necessary.

### **3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms**

In creating the accident data set that we hold, with suitable means to access sensitive data where a legitimate interest exists in the data, but where the information is otherwise withheld from the public, constitutes a fair balance of the legitimate interests in disclosure of the data and the interests of the data subjects.

Thus, we believe release of this information into the public domain would be unfair processing of the data we hold, and incompatible with the purpose for which the data was originally obtained.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.