| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0670  Responded to: 04 April 2023 |
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Your recent request for information is replicated below, together with our response.

## I request a copy of the Road Traffic Accident Report on the U16 on 31 December 2020.

I can advise you that Police Scotland does not hold the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, due to no injuries an Accident Report was not processed.

## All records of minutes of liaison meetings between North Ayrshire Council and Police Scotland since 2019.

## Records of meeting between North Ayrshire Council, PC \*\*\*\* and other road users of U16 as detailed in correspondence from council (18 April 2022)

With regards to minutes of meetings I can advise you that Police Scotland does not hold the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the meetings were a general discussion and minutes were not taken.

## Records of all road inspections of U16 by Police Scotland since 2019.

With regards to records of all road inspections I can advise you that Police Scotland does not hold the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, Police Scotland do not carry out road inspections. This would be undertaken by North Ayrshire Council.

To be of assistance I would advise to contact North Ayrshire Council on details below who may be able to provide further information.

Cunningham House

Irvine

KA12 8EE

[Contact Us (north-ayrshire.gov.uk)](https://www.north-ayrshire.gov.uk/contact-us/contact-us.aspx)

## Record of PC \*\*\*\* visit to railway bridge on U16in respect of traffic violation of road restrictions (08 December 2020)

I have provided separately an email from PC \*\*\*\*\* on 8 December 2020 which confirms his attendance to the location above. However due to some personal content within this email some redactions have been applied.

Therefore Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

## Section 30(b) Prejudice to effective conduct of public affairs

Information is exempt if its disclosure under this Act would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation.

The exemptions in section 30(b) focus on the effect that disclosure of information would have (or would be likely to have) on the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.

This is a non-absolute exemption which requires the application of the Public Interest Test.

## Section 30 (c) - Prejudice to the Effective Conduct of Public Affairs

Information is exempt information if its disclosure under the Act would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

In this instance telephone numbers and e-mail addresses cannot be disclosed. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of Police Scotland and our partners. The phone numbers and email addresses are used for operational/business purposes and this information has been removed in order to ensure that internal processes are protected.

This is a non-absolute exemption which requires the application of the Public Interest Test.

## Public Interest Test

Release of e-mail addresses, telephone numbers and free and frank conversation/advice which is not in the public domain could negatively impact on the operational effectiveness of Police Scotland and their partners. Accordingly and to ensure that internal processes are protected this information cannot be provided.

There can be no public interest in disclosing information which would make it more difficult to offer an efficient and effective service.

## Section 38(1) (b) Personal Information

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is set out at Article 6(1) (f) which 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

Extracts of the information requested is exempt from disclosure as it contains personal information details. Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s).

This is an absolute exemption and does not require the application of the public interest test.

## Record of PC \*\*\*\* visit to U16 to witness the serious damage to property in relation to road accident on 31 December 2020

I can advise you that Police Scotland does not hold the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, a record is not held of this visit on 31 December 2020.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.