

Our Ref: IM-FOI-2022-0746
Date: 25 April 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Requests a list of all Data Protection Impact Assessments conducted by Police Scotland between 25 May 2018 and 25 March 2022.

For clarity, wherever a Police Scotland policy, project, system, process or initiative includes the processing of personal data, that processing must be compliant with data protection legislation at the point of delivery.

This is done through completion of a DPIA (Data Protection Impact Assessment), previously known as a PIA (Privacy Impact Assessment). Completing a DPIA will help to assess whether the proposed data processing delivers 'Privacy by Design and by Default' in compliance with data protection legislation.

The requested information is attached (Data 22-0746) and is comprised of 320 entries, including their current status.

Nonetheless, I must advise that the list excludes seven entries which, from their description, convey particular police activity.

The information requested is held by Police Scotland, however it is considered to be exempt in terms of Section 16 of the Freedom of Information (Scotland) Act 2002 (the Act).

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.

In all seven examples the following exemptions apply:

Section 35 (1) (a) & (b) – Law Enforcement

Law Enforcement Information is exempt information if its disclosure under this Act would, or would be likely to; prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

To disclose this information into the public domain would undermine the tactical options available and compromise the effective delivery of future operational law enforcement.

Section 39 (1) – Health, Safety and the Environment

Information is exempt information if its disclosure under this Act would, or would be likely to; endanger the physical or mental health or the safety of an individual.

The release of information requested would enable those intent on wrong doing to estimate the capability of the force. Police Scotland has a duty of care to all individuals, including members of the public, police officers and police staff members.

In one example, the following exemption is also considered relevant;

Section 31 (1) – National Security and Defence

Information is exempt information if it is required for purpose of safeguarding national security. It should be recognised that the national security landscape is increasingly complex and unpredictable at this time.

Disclosure of this information coupled with the disclosure of similar information from other forces and law enforcement agencies would give such criminals and terrorists a more detailed account of the tactical infrastructure of not only Police Scotland, but also the country as a whole. Any incident that results from such a disclosure would by default affect National Security.

These are non-absolute exemptions and requires the application of the Public Interest Test.

Police Scotland will not disclose information which could place the public at risk or undermine its capabilities in carrying out its core function of preventing and detecting crime.

The public have an expectation that the police will make the appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

Although there is a public interest in openness and transparency, there is a greater interest in protecting the public from harm. Therefore, it is our opinion that the balance lies with non-disclosure of this particular information.

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to

OFFICIAL

foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.