

OFFICIAL

Our Ref.: IM-FOI-2022-1721
Date: 30 August 2022



Freedom of Information Request - Response

I refer to your recent request for information which has not been repeated here due to the fact that it names specific individuals.

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals' right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested *third party* personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

Furthermore, it also appears that you are seeking access to your own personal data.

Therefore, this part of your request is technically a **Subject Access Request (SAR)** and it will therefore be considered in terms of the Data Protection Act 2018/ GDPR as explained on our [website](#).

Our Data Protection team will contact you separately in relation to your SAR

Because you mentioned FOI in your request, we are required by law to provide this *additional* response in terms of the Freedom of Information (Scotland) Act 2002 specifically.

In terms of section 18 of that Act, I am therefore refusing to confirm or deny whether Police Scotland holds information about you. The public interest overwhelmingly lies in protecting your right to privacy and an individual's own personal information is exempt from disclosure in terms of the exemption at section 38(1)(a).

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I understand that the statement above may seem confusing and/ or unhelpful in the circumstances but I would stress once again that this is the response to your FOI request only - a SAR will be progressed separately.

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](#) 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](#), by [email](#) 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](#) in seven days' time.