| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1338  Responded to: 08 June 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## Please provide copies of any current information-sharing agreements or protocols between Police Scotland and the Home Office, especially relating respectively to (a) immigration and (b) migrant, refugee and trafficked victims of crime.

In response, please find attached a redacted copy of Information Sharing Agreement, titled, Police Service of Scotland and Home Office Immigration Enforcement Scotland for Operation Notification Forms.

In accordance with section 16 of the Freedom of Information (Scotland) Act 2002, this letter represents a Refusal Notice for some of the information sought - that which has been redacted.

Section 16 of the Act requires Police Scotland, when refusing to provide such information because the information is exempt, 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.

The exemptions which I consider to apply are:

**Section 38(1)(b) - Personal information**

**Section 30(c) - Prejudice to the effective conduct of public affairs**

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, in particular where the data subject is a child’*

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.

Telephone numbers and email addresses throughout that are not in the public domain have been redacted in accordance with section 30(c) of the Act on the basis that it is assessed that disclosure would result in a prejudice to the effective conduct of Police Scotland.

Please be advised that at this time, there is no existing Information Sharing Agreement which is specific to migrant, refugee and trafficked victims of crime.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

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.