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Our Ref: IM-FOI-2022-2748
Date: 7th February 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.

This is a Freedom of Information request concerning the recent outbreak of Legionnaires disease at the Scottish Police College under the Freedom of Information (Scotland) Act 2002.

A news article from BBC News said "Traces of Legionnaires' disease have been found in shower heads at a police training college." (Source: <https://www.bbc.co.uk/news/uk-scotland-63675375>)

(1) What date was Legionnaires' disease detected at the Scottish Police College?

Legionnaires disease has not been detected at the Scottish Police college. 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.

I can however confirm that small traces of Legionella bacteria was detected as part of the routine water sampling carried out with the results being reported on 16th November 2022.

(2) Who detected the Legionnaires' disease? Was it inhouse personnel or outsourced contractors?

As stated above, Legionnaires disease has not been detected at the Scottish Police college. 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.

I can however confirm that the traces of legionella bacteria were detected as part of the routine water sampling carried out by Atalian Servest (SPA's appointed contractor for Hard FM services)

(3) How many people became ill with Legionnaires' disease symptoms after the detection?

No one became ill with legionnaires disease.

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(4) Please attach the most recent copy of the Legionnaires Disease Risk Assessment for the Scottish Police College.

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information requested.

Section 16 requires Police Scotland when refusing to provide such information because it 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.

I can confirm that Police Scotland holds the information that you have requested.

The exemption that I consider to be applicable to the information requested by you is:

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

Information is exempt under sections 30(c) if disclosure would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

In this case, the information requested is subject to an ongoing investigation and release of the information is likely to have a detrimental effect.

Public Interest Test

I do appreciate that there is a degree of interest in the release of the information you have requested and that to do so would help inform public debate on policing in Scotland and in particular in regards to an important Health and Safety matter that affected Police Scotland.

However it is essential that any release of information does not interfere or prejudice the ongoing investigation. To do so would put the investigation at risk and so would be vastly against the public interest.

(5) Who has been awarded the contract to flush the water systems at the Scottish Police College? Please state the contractor and the monetary value of the contract.

The flushing of the water services is carried out by in house staff during this period additional support has been provided via Atalian Servest (appointed FM contractor).

(6) When is the Scottish Police College expected to reopen (if it has not already)?

I can confirm the Scottish Police College reopened on 9th January 2023

(7) Despite the Scottish Police College closure, is probationer training still being delivered either remotely or at different training centres?

Probationers training continued and was delivered at arranged venues.

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Should you require any further assistance please contact Information Management quoting the reference number given.

If you 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 foi@scotland.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.