| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1906  Responded to: 18th August 2023 |
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Your recent request for information is replicated below, together with our response.

Please note that the order of your questions has been amended for ease of response.

**Do your vans fitted with a detainee cage have cctv aimed at the cage.**

This part of your request has been interpreted as seeking information in relation to the entire Police Scotland vehicle fleet. I can however confirm that focus on a particular van or group of vans (eg for a particular part of the country) would make no difference to the response.

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.
* *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.

Whilst we accept that police use of technology, particularly where there are privacy issues is a matter of significant public interest, the overwhelming public interest lies in ensuring that the effectiveness of any measures utilised by Police Scotland to prevent and detect crime and keep people safe are not prejudiced.

In this instance, sections 35(1)(a) and 39(1) of the Act apply insofar as disclosure of the information sought, if it were held, would allow individuals to gauge with some accuracy the extent to which their actions, whilst in police custody, are being monitored and can be produced as evidence.

**Were the CCTV system in Elgin custody suite serviceable.**

Our interpretation of this question is that you are seeking access to any information that would speak to whether or not the CCTV in the Elgin custody suite was operational on 28 September 2022.

Having made enquiry with colleagues in our Custody and IT support teams, I can confirm that no information is held by Police Scotland that would confirm the status of the CCTV system one way or the other. Section 17 of the Act therefore applies.

To explain, CCTV itself is only retained for a short period of time. We can therefore only base your request on any reports of faults etc.

**How many officers were in Dufftown on the 28/09/2022.**

**Which Police Stations did they deploy from.**

**Could you [provide] the location and use of the bodycams available in Dufftown on the 28/09/2022.**

**Did any officers deploy from any specialist units and did they wear bodycam.**

It is not clear whether these questions relate specifically to the alleged incident referred to below or whether they are more general in nature.

If they relate to the incident referred to then I would refer you to the response to the further questions below.

If they are more general in nature, then I’m afraid I am unable to provide you with details of how many officers and specialist officers were on duty in Dufftown on 28 September 2022 (and whether they were wearing body worn video).

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

* Section 35(1)(a)&(b) - Law Enforcement
* Section 39(1) - Health, safety and the environment

Disclosure would prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders.

It would also endanger the physical health and the safety of individuals.

If the number of police officers typically based at a station/ in a particular small area were disclosed, experience has shown that it would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection.

It would allow criminals to plan how best to engage or occupy existing police resources in an effort to maximise their chances of committing serious crime, therefore harming the efficient and effective conduct of the service.

As a consequence, disclosure would also increase the risk of harm to officers and members of the public. This will be particularly relevant in geographic areas with a lower number of officers.

The exemptions listed above require the application of the Public Interest Test.

Public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources. Likewise, disclosure would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, the applicability of the exemptions listed above, the need to ensure the effective conduct of the police in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

On balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed, as, it is doubtful if it can ever be in the public interest to disclose information which would prejudice the prevention or detection of crime or, which would jeopardise the delivery of operational policing and the safety of officers and police staff.

By way of assistance, Police Officer numbers are available online:

[Police Scotland Officer Numbers - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/police-scotland-officer-numbers/)

**Can Richard Lochhead MSP and myself view any cctv footage of the arrest of my son on an incompetent charge.**

**I request the rank of the officer who cancelled the ambulance and paramedics, who had been dispatched to treat my son Drug and Alcohol overdose and convey him safely to [redacted] Hospital for treatment for a mental health crisis combined with suicide thought. When did Police Scotland know of the reasons for the welfare check.**

**What are the medical qualifications of the officer, who diagnosed that [redacted] was not in need of medical treatment.**

**Why did Police Scotland not follow their own procedures. [Extracts from Police Scotland’s Standard Operating Procedure on the Care and Welfare of Persons in Police Custody]**

**Why did it take 22:41 hrs to notice [redacted] was ill.**

**What Medical qualifications does Inspector Euen Cowan have to write about my son’s alleged drug and alcohol overdose.**

All of these questions request personal information about a third party, namely your son, and his interactions with Police Scotland.

As we have advised you previously, third party information is exempt from disclosure in terms of FOI legislation, irrespective of any personal relationship the applicant may have with the other party.

I am therefore 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.

Parties who interact with the police are free to pursue a subject access request for access to their personal data held in connection with those interactions.

Further information is available on our website:

[Subject Access Requests - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests/)

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.