

Our Ref: IM-FOI-2022-0677
Date: 04 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.

- 1. How many threat to life notices your force has issued in the last three reporting years for which figures are available? If you do not have three years of data, or if providing three years would take too long to collate, please provide the latest 12 month period for which figures are available. I don't mind whether it's financial years, calendar years, or other 12 month periods.**

The police have an obligation to take all reasonable steps to protect the lives of people where there is a “real and immediate” risk to them from the criminal acts of another.

To clarify further, such incidents which are classed as being a ‘real and immediate’ risk; and where the serving of notices is deemed appropriate are documented, for example:

- Threat to life warning notice – Would be considered for issue to a potential “victim” where it is assessed there is credible intelligence that there is a viable threat to that person’s life.
- Personal safety advice warning notice – Would be considered where it is assessed there is credible intelligence that a person may be at risk of personal injury.
- Disruption notice and Disruption Interview Notices – Would be considered for issue to potential perpetrators where there is credible intelligence that persons may be involved in a criminal act.

In response to your request, it is important to ensure that the terminology ‘*Osman Warnings*’ is interpreted accurately i.e. as a Threat to Life (TTL) warning notice when intelligence exists that there is a viable threat to life.

For absolute clarity on this matter, TTL Warning Notices and Personal Safety Advice Warning Notices are only issued to potential *victims* who have been fully identified.

Having examined the type and number of warnings notified to the National Intelligence Bureau per the Threat to Life Standard Operating Procedure I can confirm the total number issued in each full calendar year 2019 to 2021 incl. is as follows:

	Threat to Life Warnings	Personal Safety Advice Notices	Threat to Life Disruption Notices
2019	17	162	181
2020	18	161	186
2021	20	152	165

Note: A recent review of our recording processes across many business areas may result in some minor differences between this and previously published data.

2. How many notices included in (1) have been issued to people aged under 18?

I must advise you that specific information such as the age group of those individuals in receipt of such notices will not be discussed in the public domain.

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 accordance with the conditions above, Police Scotland can neither confirm nor deny that it holds the information you have requested by virtue of the following exemptions:

Firstly, In this instance, sections 38(1)(b) and 38(1)(2A) of the Act may 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.

The following exemptions are also considered relevant:

- Section 35(1)(a)&(b) - Law enforcement
- Section 39(1) - Health and safety
- Section 34(1) - Investigations

The Freedom of Information (Scotland) Act 2002 makes it a legal requirement that an authority has to not only provide information (unless it is exempt), but to also confirm whether or not that information is held, unless to do so would be contrary to the public interest and the information, if it was held, would be exempt from disclosure.

The primary objectives of such measures are to preserve the lives of all assessed as immediately involved and ensure public safety.

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It is acknowledged that matters relating to the use of Threat to Life Disruption Notices are of public interest and such awareness may favour confirming or otherwise the existence of further information of relevance, as it would contribute to the public debate surrounding the issue.

However I would argue that the integrity of any protective measures would be significantly undermined if we were to confirm the extent of information held, through FOI or otherwise, and any such disclosure would substantially prejudice the ability of Police Scotland with regards the prevention and detection of crime and the apprehension or prosecution of offenders.

Section 2(1) & (2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

Public Interest

The key test when considering where the balance of public interest lies is to establish whether, in all the circumstances of the request, the public interest in confirming or denying the information is held is not outweighed by maintaining the exemption(s).

Although I consider that public awareness would favour a disclosure as it would contribute to the public debate surrounding the application of these measures, we must ensure that the release of this level of detail is not inadvertently providing potentially harmful information and placing an individual at risk. This is a matter of principle which applies equally to any member of the public who could find themselves subject to this or other protective measures in a variety of circumstances.

In conclusion, it simply cannot be in the public interest for Police Scotland or any police force to confirm details of those individuals who are currently, or have been in the past, subject to this process.

This explanation should not be taken as indicative or conclusive evidence that the information you have requested exists or does not exist.

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 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.

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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.