| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0613Responded to: 14 April 2023 |
| --- | --- |

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

**Could I please have the information sent back to me via email, as a year on year breakdown?**

## The number of [police staff employees and police officers] reported for social media activity/ had complaints made against social media activity since March 2018, to now (1/03/2023), including their job title and rank and year-on-year comparative figures.

Information in relation to allegations against police staff members and police officers can be found below.

Please note that neither job titles, nor the ranks of any police officer above sergeant level have been included as this information is assessed to be personal data*.*

By way of further explanation, the pool of individuals to whom the data could relate is considered sufficiently small that there exists the potential for individuals to be easily identified.

In terms of section 16 of the Act, I am therefore refusing to provide you with this information and I am therefore required 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 the information sought is held by Police Scotland and the exemption I consider to be applicable is section 38(1)(b) of the Act - personal information.

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 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, I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, disclosure of the information sought is considered unlawful.

**Allegations against Police Staff Members**

| **Year** | **Cases** | **Sites/ Apps** | **Outcome** |
| --- | --- | --- | --- |
| 2018 | 5 | 2 x Facebook1 x SnapChat1 x WhatsApp1 x Not specified | 2 x Final Warnings1 x Written Warning1 x Verbal Warning1 x Resignation |
| 2019 | 1 | Not specified | Resignation |
| 2020 | 1 | Facebook | Written Warning |
| 2021 | 1 | Facebook | Resignation |
| 2022 | 1 | Messenger | Dismissal |
| 2023 | 0 |  |  |

**Allegations against Police Officers**

| **Year/ No. of allegations** |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |  | **Officer Rank** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| 17 | 32 | 54 | 21 | 56 | 3 |  | Constable | 11 | 19 | 29 | 15 | 27 | 2 |
|  |  |  |  |  |  |  | Sergeant or above | 3 | 4 | 8 | 5 | 6 | 0 |
|  |  |  |  |  |  |  | **Grand Total** | **14** | **23** | **37** | **20** | **33** | **2** |

(Note: Officers are counted once per case. An individual officer may appear against multiple cases and be linked to multiple allegations).

| **Sites/ Apps Involved** |
| --- |
| **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| 1 x SnapChat1 x SnapChat & Instagram1 x ChatStep2 x Instagram3 x WhatsApp 4 x Facebook4 x Twitter1 x Not specified | 1 x Twitter1 x Tinder1 x SnapChat & WhatsApp1 x Discord2 x Facebook & WhatsApp3 x Instagram3 x Facebook8 x Snapchat12 x WhatsApp | 1 x Facebook & WhatsApp1 x SnapChat1 x Tik Tok1 x Telegram2 x Kik2 x Twitter & Facebook2 x Instagram3 x Chat Avenue & WhatsApp5 x Twitter6 x Facebook30 x WhatsApp | 1 x Instagram & WhatsApp1 x Not specified1 x Facebook & Instagram1 x Facebook & WhatsApp1 x Tik Tok2 x Skype2 x Twitter5 x Facebook7 x WhatsApp | 4 x Twitter6 x Facebook46 x WhatsApp | 1 x Twitter1 x Instagram1 x WhatsApp |

## The breakdown of the nature of the complaint, the social media used (e.g. Facebook/Twitter) and whether it was made by an internal member of staff or a member of the public from March 2018 to now (1/03/2023).

We are unable to provide information on the nature or status of any recorded complainer as it would be too costly to do so, requiring individual assessment of each case.

Similarly, beyond the fact that it related to the use or misuse of social media (types are listed above), each file would have to be reviewed and a summary of the allegations extracted and noted.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of section 16(4) of the Act where section 12(1) (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

To be of assistance, in relation to the allegations against police officers, I can provide the following [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/) which were listed as being involved: Authority, Respect and Courtesy, Challenging and Reporting Improper Conduct, Confidentiality, Discreditable Conduct, Duties and Responsibilities, Equality and Diversity, Honesty and Integrity and Orders and Instructions.

1. **How many faced subsequent proceedings, and what were these proceedings (investigation, suspension, expulsion, etc.)?**

The disposals in respect of the allegations outlined in response to question 1 are detailed below.

| **Allegation Disposals** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- | --- |
| Hearing - Demotion in Rank | 0 | 0 | 0 | 1 | 0 | 0 |
| Hearing - Final Written Warning | 0 | 0 | 1 | 0 | 0 | 0 |
| Hearing - Written Warning | 0 | 0 | 2 | 0 | 0 | 0 |
| Meeting - Improvement Action | 0 | 0 | 0 | 1 | 0 | 0 |
| Meeting - No Action | 1 | 1 | 0 | 0 | 0 | 0 |
| Meeting - Verbal Warning | 0 | 3 | 0 | 0 | 0 | 0 |
| Meeting - Written Warning | 0 | 2 | 1 | 0 | 0 | 0 |
| Management Action | 8 | 16 | 33 | 15 | 23 | 0 |
| Performance Regulations | 0 | 1 | 0 | 0 | 0 | 0 |
| No Action | 4 | 2 | 3 | 2 | 1 | 0 |
| Ongoing - not yet concluded | 0 | 0 | 8 | 1 | 32 | 3 |
| Retired/Resigned | 4 | 7 | 6 | 1 | 0 | 0 |
| **Grand Total** | **17** | **32** | **54** | **21** | **56** | **3** |

(Note: Each case may involve multiple allegations, therefore the number of allegations may vary from the number of subject officers.

Allegations received may remain subject to live enquiry and/or pending legal proceedings and therefore may not yet be concluded).

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](http://www.itspublicknowledge.info/Appeal), 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](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.