| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-2614Responded to: 31 October 2023 |
| --- | --- |

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

**[In relation to your call you made to the police] and if the driver was contacted.**

Having considered this question 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.

* Ifthe 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, section 38(1)(a) of the Act applies insofar as you have requested *your own* personal data which is exempt from disclosure in all circumstances.

As explained previously to you, you do have a right to access any information Police Scotland holds about you in terms of Article 15 of the General Data Protection Regulation and/ or section 45 of the Data Protection Act 2018 - further details can be found on our [website](http://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests).

Please be advised that because you have asked about a call that you made to the police, we have no option but to respond in terms of Section 18 as detailed.

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.