| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-3080  Responded to: 15 December 2023 |
| --- | --- |

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

**I am looking to request a breakdown of all “upheld” complaints from 2021 to the present date. These will relate to the on-duty conduct of serving police officers which I have submitted to Professional Standards Department for investigation.  
I would be grateful if you could provide a breakdown of the following;  
Date of complaint   
Head of complaint   
Outcome of complaint   
Investigating officer details**

Information about complaints *you* have submitted is your own personal data.

Your request is technically therefore a Subject Access Request(SAR)and it will be considered in terms of the Data Protection Act 2018/ GDPR as explained on our [website](http://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests).

Our Data Protection team will contact you separately in relation to your SAR.

Because you mentioned FOI in your request, we are required by law to provide this *additional* response in terms of the Freedom of Information (Scotland) Act 2002 specifically.

In terms of section 18 of that Act, I am therefore refusing to confirm or deny whether Police Scotland holds information about you.

The public interest overwhelmingly lies in protecting your right to privacy and an individual’s own personal information is exempt from disclosure in terms of the exemption at section 38(1)(a).

I understand that the statement above may seem confusing and/ or unhelpful in the circumstances but I would stress once again that this is the response to your FOI request only - a SAR will be progressed separately.

**Furthermore, I am looking to obtain statistics of force-wide up-held complaints from 2021 relating to the time it has taken for a complaint to be investigated by PSD or other departments by the police i.e timescales from when the complaint was submitted which has passed the standard 56 day investigation period.**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request.

I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

To explain, as outlined in the Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx), allegations are recorded in accordance with the categories listed at appendices C and D.

As you will see, there are no categories that specifically relate to the timescales involved in handling complaints and it is our assessment that relevant complaints could be recorded under a number of categories - for example:

* Neglect of Duty.
* Irregularity in Procedure - Length of time taken to investigate/ carry out enquiries.
* Quality of Service - Service Delivery - Time of Response.

On that basis, several hundred complaints would have to be individually assessed for relevance to your request, an exercise that we estimate would cost more than £600.

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.