| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-2436Responded to: 29th September 2023 |
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Your recent request for information is replicated below, together with our response.

## How much money was spent on providing security/ protection officers to then First Minister, Nicola Sturgeon from 2021 to 2023?

## How much money has been spent on providing security/protection officers to First Minister, Humza Yousaf?

Having considered your request, we have taken the decision to engage section 18 of the Act and refuse to confirm or deny whether the information sought is held by Police Scotland.

Simply confirming whether or not any named individual is subject to Police Scotland protection significantly undermines the integrity of the protective services process.

It cannot be in the public interest for Police Scotland to confirm or deny whether *any* individual receives protection as doing so, regardless of their position, provides significant intelligence that puts them at increased risk.

*If* the information was held the following exemptions would be engaged:

**Section 38(1)(b) - Personal Data**

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’*

I accept that you may have a legitimate interest with regards the disclosure of this information and I agree that disclosure could be considered necessary in the circumstances.

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

On that basis, it is my view that disclosure of the information sought would be unlawful.

**Section 31(1) - National Security**

It is important to note that the UK does face a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past.

The police service has a duty to promote the safety of all individuals, whether protected of not, and will not reveal any information that might jeopardise this goal.

Disclosure of information regarding protected individuals is likely to place them at serious and increased risk.

Policing resources and our ability to protect national security would be negatively affected should the disclosed information be manipulated by those with the capability and know-how to map operational resources.

For example, disclosure may lead to an attack on protected individuals with full knowledge of the policing resources allocated to protection duties.

As previously explained above, in this current environment of an increased threat of terrorist activity, providing any details would undermine the safeguarding of national security.

**Section 35(1)(a)&(b) - Law Enforcement**

The requested information, if held, could be used to try and work out how and when resources are allocated within the specialist areas of protection.

Those with criminal intent would then be in a position to more accurately estimate the resources allocated to protect such individuals.

The release of this information would provide them with an advantage over UK forces, as the information can indeed be viewed as operational 'intelligence' and is therefore operationally sensitive.

Disclosure would therefore be substantially prejudicial to the prevention and detection of crime and the apprehension and prosecution of offenders.

**Section 39(1) - Health and Safety**

I would first of all advise you that Police Scotland’s priority is to keep the people of Scotland safe.

As outlined about, it is assessed that disclosure of the information requested, if held, would put the First Minister, police officers and members of the public at increased risk of harm.

**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).

I can confirm that I have considered the public interest with regards disclosure of the information requested if it were held, and I am of the view that whilst accountability for public funds and better informing the public debate on a matter of significant concern may favour disclosure, ensuring the integrity of the protective services process is paramount.

Such measures are put in place to protect the communities that we serve.

As additional information is disclosed over time, a more detailed account of the tactical infrastructure of not only a force area such as Scotland, but also the UK as a whole, will emerge.

The risk of harm to the public would be elevated as whilst the public will be aware that protective arrangements are in place, they are unaware as to how many people/ who receives protection, nor the extent, reasons or locations where such activity may or may not take place.

Police Scotland will not release information which could place the safety of an individual at risk or undermine the effective delivery of day-to-day law enforcement.

**No inference should be taken from this response as to whether the information you have requested does or does not exist.**

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.