

Our Ref: IM-FOI-2022-2380
Date: 6th December 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.

Under freedom of information, please provide all correspondence sent and received by Police Scotland to/from Dundee City Council, Asda supermarket and the Scottish Fire and Rescue Service, relating to disorder/plans for policing in the Kirkton area of Dundee - following disorder on October 31 and in preparation for November 5 - sent between Monday October 31 and Sunday November 6.

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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.

Section 30(c) - Prejudice to the Effective Conduct of Public Affairs

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

Section 38(1)(b) - Personal Data

Section 39(1) - Health, safety and the environment

The information sought provides a significant insight into the police response to this incident and the action taken in the days subsequent to manage the situation and prevent any recurrence.

Disclosure would be likely to endanger the physical safety of police officers and members of the public as criminals would use the information sought to increase their chances of committing crime and causing disorder undetected.

Whilst we would of course hope that the event is a one off, it is sadly not the first time officers have responded to a large scale disorder event in Dundee involving fireworks.

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It is therefore crucial that the collaborative discussion and work with partner agencies and community contacts is not impeded by a watering down of free and frank discussion of the issues involved.

Accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by Police Scotland. Likewise, disclosure of the information would also inform the public debate on the issue of policing and resource levels for local communities.

However, the applicability of the exemptions listed above, the need to ensure the effective conduct of Police Scotland in relation to prevention and detection of crime and the public safety considerations clearly favour non-disclosure of the information requested - as does the need to protect the integrity of the partnership working between Police Scotland and other agencies.

On balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed as it cannot be in the public interest to prejudice the prevention or detection of crime or endanger officers and the public.

Should you require any further assistance please contact Information Management - Dundee quoting the reference number given.

If you 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.

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.

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