

Our Ref: IM-FOI-2022-0373
Date: 04 March 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.

For each of the years 2017, 2018, 2019, 2020 and 2021:

- **The number of Assault/ battery cases brought against the force where settlements have been reached / the amount of money paid in each case.**
- **The number of threatened Assault/ battery claims against the force where settlements have been reached / the amount of money paid in each case.**

Cases frequently incorporate a number of heads of claim and it is not possible in the majority of claims to distinguish what proportion of the sums paid relate to each head of claim. This reflects the way in which such claims are recorded.

On that basis I can provide the following information.

- In 2017 there were three cases in which sums were paid out which included a claim for assault.
- In 2018 there were no such cases recorded and in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.
- In 2019 there was one case in which sums were paid out which included a claim for assault.
- In 2020 there were two cases in which sums were paid out which included a claim for assault.
- In 2021 there was one case in which sums were paid out which included a claim for assault.

We are unable to provide any further information in relation to the value of any claim as this would result in sensitive financial information being produced about a potentially identifiable person.

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the individual cases detailed above.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

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- (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 Police Scotland holds the information that you have requested.

The exemption that I consider to be applicable to the information requested by you is 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 set out at 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 and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

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

If you require further assistance or 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.

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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.