

Our Ref: IM-FOI-2022-0258
Date: 15th February 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.

Details of who was on duty at Forres Police Station from 0800hrs to 1200hrs on the date 12 August 2020?

Having considered your request, I must advise you that 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.

I can confirm that Police Scotland holds the information that you have requested and the exemptions which I consider to be applicable to the information requested by you is as follows:-

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

The information requested is exempt, as its disclosure would or would be likely to substantially prejudice the prevention or detection of crime and apprehension or prosecution of offenders. If the number of resources in a specific area were disclosed experience has shown that it would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. It would allow criminals to plan how best to engage or occupy existing police resources in an effort to maximise their chances of committing serious crime, therefore, harming the efficient and effective conduct of the service.

This is a non-absolute exemption and requires the application of the public interest test.

- **Section 39(1) – Health, Safety and the Environment**

The disclosure of the information requested may have the potential to increase the number of attacks on operational police officers by those being arrested or who have committed

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crime or who are involved in disorder. This will be particularly relevant in geographic areas with a lower number of officers.

Further, in geographic areas with lower numbers of police officers, to disclose the specific resources available may have the potential to present a risk to their personal safety.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

I would agree that public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Furthermore I would suggest that disclosure of the information may also inform the public debate on the issue of policing and contribute to the accuracy of that discussion.

However the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

On balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed, as it can ever be in the public interest to disclose information which would prejudice the prevention or detection of crime or, which would jeopardise the delivery of operational policing and the safety of officers and the wider public.

If it would be of some interest, data can be provided down to divisional level, which for Forres would be 'A' Division (North East). Figures for all Police Scotland Officer numbers are provided on the force website via the following link:-

<https://www.scotland.police.uk/about-us/how-we-do-it/police-scotland-officer-numbers/>

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.

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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.