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Our Ref: IM-FOI-2022-1990
Date: 14 October 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.

1. The total number of vehicles on your fleet.

2. The number of vehicles on your fleet in each of the following drivetrain categories, split into response and non-response vehicles:

- Battery electric
- Plug-in hybrid electric
- Mild or full hybrid electric
- Hydrogen fuel cell electric
- Hydrogen fuel cell range-extended electric
- Petrol internal combustion engine
- Diesel internal combustion engine
- Other drivetrains (please describe)

In response to both questions above please note that Police Scotland have a marked vehicle fleet, that is to say vehicles that have police livery or markings and an unmarked fleet that does not have any identifiable markings. Whilst we are able to release details of our marked fleet, we cannot release details of our unmarked fleet for the reasons noted below.

As you have asked for a split by response and non-response and both marked and unmarked vehicles can be within either category, we are unable to provide the breakdown requested.

As such, 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.

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I consider the following exemptions applicable.

Section 35 – Law enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

Disclosure of the unmarked fleet would highlight vehicle resources and capabilities. Revealing this information would substantially weaken the effective use of vehicle resources with a corresponding risk to law enforcement and to the safety of both the public and officers.

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

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

The release of this information would circumvent the efficient and effective provision of law enforcement by the police service for the reasons described above. This would in turn increase the risk to the personal safety of individuals and to the safety of the police officers responding to incidents.

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

Public Interest Test

I recognise that public awareness would favour a disclosure as it would contribute to the public debate surrounding the overall nature of vehicle resources available for deployment by the Police.

I would, however, contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.

However, by way of assistance please see the link below which will direct you to the publicly available information regarding Police Scotland's marked fleet which does include a breakdown by fuel type.

<https://www.scotland.police.uk/access-to-information/freedom-of-information/fleet-information/>

Should you require any further assistance please contact Information Management 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

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foi@scotland.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.