| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0310  Responded to: 22nd March 2023 |
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Your recent request for information is replicated below, together with our response.

In follow-up to FOI request IM-FOI-2022-2703:

**\* Under FOI can you please tell me whether Police Scotland holds any information whatsoever relating to a report or investigation commissioned into fake or phantom police car call signs around the period 2015/16 and involving Ch Supt Paul Anderson, and if so, please release it to me.**

I can confirm that other than email correspondence in regards to your previous FOI request where efforts were made to find the report requested, Police Scotland does not hold any information in regards to a report or investigation commissioned into fake or phantom police car call signs around the period 2015/16 involving Chief Superintendent Paul Anderson. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

**\* Under FOI please tell me whether Police Scotland is aware of, or has ever been aware of any draft reports about this issue being in circulation, and if so, please provide one to me.**

I have interpreted this question as any reports held in regards to fake or phantom police car call signs but not specifically involving Chief Superintendent Paul Anderson.

I can confirm that Police Scotland hold two documents in this regard. Whilst neither would be considered a “draft report” under the spirit of the Act these have been deemed to be within the scope of your request.

Please find attached the requested information. I would however ask you to note that whilst the briefing paper makes mention of the “DUMY” call sign being used as a short cut to get incidents moved away from unactioned to cleared incident lists, this was used as a mechanism to prioritise incidents which were ultimately dispatched for officers to attend. It would be incorrect to interpret this report as referring to incidents that remained unactioned.

I must advise that it has been necessary to withhold some of the information requested, therefore, 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:

* states that it holds the information,
* states that it is claiming an exemption,
* specifies the exemption in question and
* states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

* Section 30(b)(ii) – free and frank provision of advice or exchange of views
* Section 30(c) - Prejudice to the Effective Conduct of Public Affairs
* Section 35(1)(g) with 2(b) – Law Enforcement
* Section 38(1)(b) – Personal Information

## Section 30(b)(ii) – free and frank provision of advice or exchange of views

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

## Section 35(1)(g) with 2(b) – Law Enforcement

Information is exempt under section 30(b)(ii) if disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation.

Information is exempt under section 30(c) if disclosure would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs

Information is exempt under section 35(1)(g) with 2(b) if disclosure would, or would be likely to, inhibit substantially the exercise by any public authority to ascertain whether a person is responsible for conduct which is improper.

In this case, the option of the investigator of the complaint file, the details provided by witnesses and specific details of the investigation have been withheld.

The provision of opinions, witness information and investigation conducted in regards to conduct matters is an integral part of our professional standards process. This documents our thinking and deliberation on the issues raised, details of what information was provided by each witness, the investigation steps conducted and our final decision making.

If released, this information would substantially inhibit future conduct enquiries, prejudicing the ability to respond effectively to sensitive issues and require the Service to assess correctly the harm in any potential future disclosure.

Pre-empting these decisions by releasing information into the public domain is likely to frustrate this process and would inhibit the manner in which those issues are debated, effectively undermining the ability to ensure that there is sufficient opportunity to ensure all potential concerns and viewpoints are accurately identified and addressed.

## Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

That said, disclosure would harm the efficiency and effectiveness of the Service and our ability to properly investigate conduct matters would be harmed by release of such information. If individuals were unwilling to contribute to such deliberations or put forward proposals in the future fearing their initial views were publicly attributable, or in case any non-factual information was disclosed prior to matters being finalised, any efforts to achieve honest opinions, would be hindered and as such the balance of the public interest test favours retention of the information.

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

This exemption has also been applied for a second reason namely where necessary internal telephone numbers have been redacted. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of various departments within Police Scotland. While it is acknowledged that the disclosure of this information would support transparency and better inform the public as to how the Service conducts its business, there are already established routes for the public to make contact with the police and the disclosure of these additional details would not support the effective conduct of public affairs. As a result, section 30(c) of the Freedom of Information (Scotland) Act 2002 is engaged.

**Section 38(1)(b) – Personal Information**

Any information that could lead to the identification of individuals has been redacted. This is in accordance with Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 –Personal Information.

This relates to the names of any staff member within Police Scotland. Normally those of a senior rank namely those at the rank of Superintendent or above and Head of Department are released under the public interest. In this case, doing so could identify those of a more junior rank and so they have been withheld on this occasion.

As such, the processing would be unfair and unlawful in respect of the individuals concerned and would therefore be in breach of the first principle of the Data Protection Act 2018. This is an absolute exemption, which does not require a public interest test to be conducted.

**\* Under FOI please tell me whether this report, or documents or information relating to this investigation by Ch Supt Anderson, did previously exist and/or were held within Police Scotland and have since been destroyed.**

Police Scotland do not hold any information to say this report previously existed. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@itspublicknowledge.info) 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.