

Our Ref: IM-FOI-2022-2251  
Date: 21 November 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.

***I am writing to ask for clarification in regard to police documents, specifically the document "Request for Disclosure of Personal Data from External Organisations" - V7--A0618.***

***I am looking for clarification as to when must this be used by constables and if this is mandatory to be provided to ALL external organisations regardless of the nature of the incident/request.***

It is not mandatory to provide to all organisations regardless of the nature of the incident/request.

When officers require to obtain information from an organisation, based on the circumstances, they can either:

- Apply their statutory and/or common law policing powers to seize the information, usually as a 'production'. Therefore, the Request for Disclosure of Personal Data from External Organisations form is not part of this process and would not be provided to the external organisation
- In certain circumstances, officers may seek a warrant or court order to compel the provision of information. The Request for Disclosure of Personal Data from External Organisations form is not part of this process and would not be provided to the external organisation
- Make a request for the information in situations where the external organisation can be reasonably expected to know why it is necessary for the police to obtain the information and therefore can make a decision on whether to provide it to the Police Officer. The examples below indicate that the organisation would reasonably know the situation and why the police need CCTV – i.e. it would not be an unexpected request. On that basis, the organisation has all of the information necessary for it to make a decision on whether to provide the officer with the requested information and therefore the form would not be routinely provided.

**OFFICIAL**  
**OFFICIAL**

***I work for an external public agency and I have tried to ask for this document to be provided specifically in relation to when a constable requests CCTV but I have been told that this document only applies when the police approach our organization to request personal data for example;***

***- An external party has had an RTC and they have contacted the police. We are then approached by officers to have the images burned to discs for their investigation.***

Police Scotland encourages partnership working and stakeholder engagement, therefore if external organisations consider that the form is being used incorrectly or inconsistently, we welcome partner discussion on the matter and also encourage staff in external organisations to engage with their Data Protection team(s).

***I have been told by PCs that if our organisation reports an incident directly to Police Scotland that they are not required to submit the named document to us for us to provide the data to them without hindrance, for example;***

***- A member of staff has been subject to verbal and threatening behaviour and the police require CCTV to identify the individual.***

***- A patient has gone missing from a ward and there are concerns for their well-being so we have contacted the police, they have then requested to view CCTV but have then requested for the images to either be burned to a disc or video/images taken on their police-issued Samsung devices.***

Again, when officers require to obtain information from an organisation, based on the circumstances, they can make a request for the information in situations where the external organisation could not be reasonably expected to know why it is necessary and therefore needs more information to help it to decide whether it has a lawful basis under Data Protection legislation to provide the information to the officer. By way of further clarification, the Request for Disclosure of Personal Data from External Organisations form is provided as an artificial construct to guide officers/staff when they have a necessity to request information from external organisations in certain circumstances, but the same information in an email or letter would be accepted by Police Scotland.

Should you require any further assistance please contact Information Management – Glasgow at [foi@glasgow.scotland.police.uk](mailto:foi@glasgow.scotland.police.uk) 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](mailto: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](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

**OFFICIAL**



**OFFICIAL**



**OFFICIAL**  
**OFFICIAL**

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.



**OFFICIAL**

