

Our Ref: IM-FOI-2022-0177  
Date: 15 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.

***Specifically, my request relates to documentation, written or electronic, held by Police Scotland. I respectfully request that you provide me with:***

- 1) Any correspondence and documentation, written or electronic, to and from Ayrshire Road Policing (Traffic Management) and East Ayrshire Council / Ayrshire Roads Alliance, over the previous 24 months from the date of this request pertaining to the following points on said section of carriageway:***
  - a. Any reports pertaining to road defects or road safety concerns;***
  - b. Any reports pertaining to surface water or drainage related issues;***
  - c. Any site safety inspections undertaken, including details of findings, any remedial action or additional work required to be carried out, including schedule of repair works and timescales.***
- 2) Any reports received from members of the public on Sunday 17th January 2021, pertaining to the following points on said section of carriageway:***
  - a. Any reports pertaining to the road and/or weather conditions;***
  - b. Any subsequent action undertaken by Police Scotland pertaining to said reports.***

I have provided separately copies of emails, which were found to meet your criteria. You will note that some information has been redacted from these and this information is considered to be exempt.

The exemptions that I consider to be applicable are as follows:

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

Information which would identify an individual whose details are not in the public domain cannot be disclosed. The release of this information to a third party would breach the requirement that exists in relation to processing personal information.

This is an absolute exemption and does not require application of the Public Interest Test.

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

Information is exempt information if its disclosure under the Act would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

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In this instance it has been used in relation to telephone numbers and e-mail addresses that cannot be disclosed.

This is a non-absolute exemption which requires the application of the Public Interest Test.

**Public Interest Test**

Release of e-mail addresses and telephone numbers which are not in the public domain could negatively impact on the operational effectiveness of Police Scotland and their partners. Accordingly and to ensure that internal processes are protected this information cannot be provided.

There can be no public interest in disclosing information which would make it more difficult to offer an efficient and effective service.

Finally, to be of further assistance I would advise to contact East Ayrshire Council on details below who may be able to provide further information.

**Council Headquarters**

London Road  
Kilmarnock  
East Ayrshire  
KA3 7BU  
Contact online: [www.eastayrshi.re/contactus](http://www.eastayrshi.re/contactus)  
[www.our.east-ayrshire.gov.uk](http://www.our.east-ayrshire.gov.uk)  
Telephone: 01563 554400

Should you require any further assistance please contact Information Management – Glasgow at [foiglasgow@scotland.police.uk](mailto:foiglasgow@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.

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.

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