

Our Ref: IM-FOI-2022-0824
Date: 3 May 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.

Under the FOI Act, I would please like to know:

1. A unique reference number for each police officer (not PCSOs, specials or staff) that was named in at least one complaint case lodged by a member of the public in the period 1 Jan 2017 to 31 Dec 2021. (I am not looking for their actual collar numbers, just a unique reference number assigned by you for the purpose of this FOI)

2, For each complaint case lodged by a member of the public in the period 1 Jan 2017 to 31 Dec 2021, the unique reference numbers (corresponding to Q1) of all the officers named in that complaint case. To explain my request, I am trying to understand if certain officers are repeatedly named in the same complaints together.

I have considered your request for information and must advise you that it is problematic for a number of reasons;

Under section 1(1) of the Freedom of Information (Scotland) Act 2002 (FOISA), a person who requests information from a Scottish public authority *which holds it* is entitled to be given the information by the authority, subject to any exemptions which may apply. This is expanded further under (section 1(4) of FOISA) which states that the information to be given to a requester is the information *which the authority holds at the time the request is received*.

Accordingly, in terms of Section 17 of the Act, this letter represents a formal notice that the requested information is not held.

To clarify further, public authorities are not required to create information in order to respond to a request and for that reason I am unable to provide you with a dataset of new reference numbers generated for the purpose of answering this application.

I do acknowledge there is a distinction between creating new information, and compiling information and have gone on to consider whether your request can be answered by compiling information from the available resources held.

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To first provide some context, it may be helpful to outline how the complaints and conduct processes operate in Scotland. The complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database, Centurion.

Once complaint matters are concluded, the circumstances may be referred for a Conduct Assessment (not necessarily every aspect of the complaint, or every officer involved).

PSD manage conduct matters for Police Officers, whilst People & Development (P&D) manage conduct matters relative to Members of Police Staff.

There is therefore potential for the same officer/circumstances to appear on a complaint case and a conduct case. Due to these processes, the complaints and conduct matters cannot simply be added together.

There can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers relative to each allegation.

Conduct cases may contain multiple allegations, but are limited to one subject officer per case.

Subject officers are counted once per case; however, the same officer may be subject to multiple cases and therefore may appear more than once.

Individual reference numbers used to log complaints on the database refer to the personal identification (PSI) number of the subject officer(s) and are further cross referenced where appropriate.

Clearly it would not be possible to provide you with the *actual* PSI numbers of officers subject to complaints as the section 38(1)(b) exemption would apply on the basis that the information was third party personal data where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

You may wish to consider other related responses / statistics on this subject matter published on the Police Scotland [Disclosure Log](#) which can be searched by year and then via a keyword or another reference e.g. month, request number, area etc. via the link above. For e.g. responses 22-0636, 22-0481 may be of particular interest in this respect.

If you require further assistance or 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.

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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.