

Our Ref: IM-FOI-2022-1148
Date: 16th June 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. My online Request for information from January 2022 to be actioned and a full response given as laid out within your promise as stated on your website**
- 2. PIRCS referral to a complaint I made in 2019 and referred back to Police Scotland in March 2022 to be finally completed and sent to myself as per PIRCS request as the response I await for also contains information in its answer.**
- 3. The points taken by PC [named officer] from PSD North in approximately March 2022 for my online complaint submitted in January 2022 still has not been answered nor any updates given. This oversight also contains information to a pending court case. PC [named officer] confirms passing on the points discussed.**

As previously advised, questions 1-3 are not considered to be requests under the Freedom of Information (Scotland) Act 2002 and as such, we cannot provide a response.

- 4. A copy of ALL letters from Police Scotland's CI [named officer] between January 2017 up to December 2020 sent to myself at my former address of :[specific residential address]**
- 5. Body Worn camera footage from the 2 officers who took my statement, in my house,**
- 6. What date did CI [named officer] instruct ALL officers attending my previous address (Named above) to must have body worn cameras switched on?**

In terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held.

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals' right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

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- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.

In this instance, section 38(1)(a) of the Act applies insofar as you have requested *your own* personal data which is exempt from disclosure in all circumstances.

You do however have a right to access any information Police Scotland holds about you in terms of Article 15 of the General Data Protection Regulation and/ or section 45 of the Data Protection Act 2018 - further details can be found on our [website](#).

Our Data Protection Team were copied into your request and they will be in touch separately with their response.

7. Can a crime being reported from a female , calling 101, regarding unwanted sexual attention from a nuisance neighbour/older man be ignored from Police Scotland along with the female reporting it not even giving a statement? The sexual offender not even spoken too? Is this correct action from Police Scotland to take this action without any statement nor investigations?

In response to this part of your request, I can advise you that Police Scotland do not hold any information regarding the exact scenario described above.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may however be interested in the Crime Investigation Standard Operating Procedure (SOP) available on the Police Scotland website via the following link:-

<https://www.scotland.police.uk/spa-media/uwwcamlx/crime-investigation-sop.pdf>

Should you require any further assistance please contact Information Management Dundee, 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.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalrnarnock, 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.

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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.