

**OFFICIAL**

Our Ref: IM-FOI-2022-0137  
Date: 14<sup>th</sup> 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.

**In a letter dated 13 July 2017 the Scottish Government Directorate for Safer Communities approved Gardners Guns Rifle Range as a club under the Firearms Act. The Secretary of the Club is given as \*Named individual removed\*, Purdoms Crook, Sandysike, Longtown, CA6 5ST with the Club location at Eskdalemuir Forestry Limited, Hart Manor, Eskdalemuir, DC13 0QQ.**

**The second part of the letter informs the Club that Police Scotland should be notified of the following changes in circumstances:**

- 1. if the club loses its range(s) or intends to use an alternative or additional range;**
- or**
- 2. if there is a change of club secretary; or**
- 3. if the club wishes to change its name.**

**As far as I'm aware, there never has been a rifle range at Hart Manor but, about the same time as the Scottish Government approved the Club, a long distance rifle range was developed at Over Cassock, some 10 kilometres to the north and I would like to know if Police Scotland was notified of this change.**

I can confirm that Police Scotland were notified of the change to the range used by this approved rifle club.

**It is understood that Gardners Guns are no longer involved with the Over Cassock Range and now operates several long distance rifle ranges as part of the Eskdalemuir 2K Training Facility.**

**It is understood that the Over Cassock Range is now being operated by the Fifty Calibre Shooters Association and I would like to know if Police Scotland has been informed that this Club has Scottish Government or Home Office Firearms Act approval.**

Yes, we are aware that this club is Home Office approved. There is no shooting being undertaken at Over Cassock at the moment as the range safety certification has not been provided to Police Scotland.

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**The terms of the 13 July 2017 approval indicates that Police Scotland should also have been notified of these changes and copies of all relevant correspondence with the Club are requested, redacted if necessary.**

Please find the documentation held by Police Scotland in regards to your request attached.

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:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) 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(c) - Prejudice to the Effective Conduct of Public Affairs  
Section 35(1)(a) – Law Enforcement  
Section 38(1)(b) – Personal Information

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

Where necessary some internal names / telephone numbers and email addresses have been redacted. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of various departments and external partner agencies. 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 35(1)(a) – Law Enforcement**

Information is exempt information if its disclosure under this Act, would or would be likely to prejudice substantially the prevention or detection of crime. In this case it relates to the internal web addresses used by the system which holds this data printed at the bottom of each page.

It is not exceptional for individuals to enquire as to the information technology in use in Police Scotland. Nonetheless, there is concern that the release of such data could provide attack opportunities.

The requested information could be used by a hostile party to plan and execute an attack on the Service's systems. Such attacks could take the form of data theft, denial of service

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or other deliberate disruptions. This could not help but have the effect of reducing the ability of the police to undertake relevant activities.

This is a non-absolute exemption and requires the application of the public interest test.

### Public Interest Test

The public interest factors favouring disclosure of the information surround the Service's accountability for public funds in terms of the cost to the public purse.

Those favouring retention of the information surround the adverse effect on the efficiency of the Service. Disclosure would provide those intent on disrupting police activities with enough information to plan and execute a targeted attack. Where systems are compromised, there is also the potential for sensitive information such as personal data, security information and other data to be made public, therefore, in this instance the factors favouring retention of the data outweigh those of disclosure

### 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 mainly relates to the name and email addresses of persons who are outside Police Scotland and any staff member within Police Scotland of a more junior role (below the rank of Superintendent or Head of Department). Those of a more senior rank have been included as it is deemed within the public interest to do so.

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.

Should you require any further assistance please contact Information Management 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.

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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.