

Our Ref: IM-FOI-2022-1239
Date: 29 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.

On Saturday 4th June there was a march through Irvine. Under the freedom of Information Act how many Police attended the parade?

Some of the information requested by you is, however, considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

Section 35 (1) (a) & (b) – Law Enforcement

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders. Release of number of Police Officers would adversely impact on the operational effectiveness of the Service during marches. Being aware of deployment details, planned and tactical actions would allow persons or groups intent on committing offences or causing disorder with the means to make a reasonable assessment of police resources and tactics at other similar events. This in turn would allow those individuals or groups to make an accurate assessment of the capacity of the Service to deal with incidents, compromising any tactical advantage the police may have over such persons or groups when dealing with any crime or disorder.

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

Section 39 (1) – Health, Safety and the Environment

The redacted information is exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual. As previously described, to disclose the strategic intentions of the police service would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. This would leave members of the public at an increased risk of

being the victim of crime, unruly or intimidating behaviour and jeopardise wider community safety.

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

Public Interest Test

It could be argued that releasing the redacted information would lead to a better informed public, improving their knowledge and understanding of how the Police Scotland provides a key role in protecting the public at such events. This would increase public debate and encourage accountability regarding the delivery of this area of core policing.

In general terms, releasing this information could show how such events are policed, ultimately revealing specific operational strategies. Any such release would either compromise or significantly weaken police tactics and would also undermine any future investigations, enabling targeted individuals or groups to become aware of such strategies and find ways to circumvent them.

Despite accountability being a factor for release, the need to ensure that the Police can keep the public safe, maintain community confidence and minimise disorder are more compelling factors for non-disclosure as providing the information would compromise the effective delivery of operational law enforcement. Tactics are likely to be compromised which would hinder the prevention and detection of crime resulting in more crime being committed and individuals placed at risk.

While it could be argued that public debate and accountability in terms of managing such public events would favour disclosure, the Service needs to consider the impact of the release of this information into the public domain. Given the need for police to provide an effective, proportionate and professional response to policing such events, I would argue that the need to ensure the efficient and effective conduct of the service in a key law enforcement role favours non-disclosure of the information requested and on balance, believe the exemption is upheld.

Should you require any further assistance please contact Information Management – Glasgow at foi@scotland.pnn.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 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.

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.



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