| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2061  Responded to: xx September 2023 |
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Your recent request for information is replicated below, together with our response.

**1. I would like to know how many officers live in Newton Stewart.**

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.

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

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

To explain, and in accordance with the Scottish Information Commissioner’s guidance, cognisance must be taken of whether the information relates to an individual’s public life (i.e. their role as an officer of Police Scotland) or their private life (which extends to their family) and whether the individuals in question could reasonably expect that this information would be disclosed under Freedom of Information legislation.

Confirming address details of officers, even in general terms, could potentially identify individuals and would therefore be a release of personal information. Disclosure of such information, either directly or inadvertently is exempt under the Freedom of Information (Scotland) Act 2002.

This is an absolute exemption which does not require a public interest test.

**2. How many people have been sent to court for too much exhaust noise or illegal fitment regarding Construction and Use Regs. in Dumfries & Galloway and Newton Stewart in the last two years?**

The role of Police Scotland is to investigate the circumstances and where sufficient evidence exists to then report the matter to the relevant Procurator Fiscal. It is a matter for the Procurator Fiscal to decide on and to progress any prosecution through the courts.

Therefore section 17(1) of the Freedom of Information (Scotland) Act 2002 applies: notice that information is not held.

By way of assistance, I have listed below contact details for the Crown Office and Procurator Fiscals Service who may be able to assist you in this matter:

Crown Office

25 Chambers Street

Edinburgh

EH1 1LA

<http://www.copfs.gov.uk/>

**3. How many people have been charged with speeding or dangerous driving in Newton Stewart town?**

The information sought is held by Police Scotland, and technically I can refuse to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

Please be advised that data regarding all offences are publicly available on the Police Scotland website, broken down into Multi-Member Ward (MMW) area:

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

You can select the relevant MMW area by council name in column 1 and the Road Traffic offence etc. in the crime column.

Notwithstanding the explanation above, I note that you mention you have computer problems, so to assist I have enclosed a printed copy of the relevant data for your convenience.

Finally, I can confirm you will receive a separate response from one of my colleagues in respect of the specific incident you referred to at the start of your letter.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.