| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0198  Responded to: 23rd March 2023 |
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Your recent request for information is replicated below, together with our response.

**Please provide any internal guidance or policies or understandings your force has on the access and use of:**

**1) Her Majesty's Passport Office (HMPO) Data Verification Application (DVA) / Data Validation Application (DVA)**

**2) Her Majesty's Passport Office (HMPO) Data Stop File (DSF)**

**3) the HMPO flagging service sometimes referred to as HM Passport Office 'watch list', or 'watchlist', or 'stop list', or 'browse', or 'stop file'.**

In regards to your request, I can confirm that Police Scotland holds two documents within the scope of your request namely the Process Level Memorandum of Understanding (PMoU) between Police Scotland Specialist Crime Division and The Home Office as well as the DVA Standard User Guide.

In regards to the PMoU, please find a copy of this 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:

* states that it holds the information,
* states that it is claiming an exemption,
* specifies the exemption in question and
* 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 31(1) – National Security and Defence
* Section 35(1)(a)&(b) – Law Enforcement
* Section 38(1)(b) – Personal Information
* Section 39(1) – Health and Safety

## 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 31(1) – National Security and Defence

If the information is disclosed it may assist terrorist organisations to identify, with some accuracy, the capabilities and procedures used in regards to the Data Validation Application. This would provide them with a tactical advantage when planning or perpetrating their terrorist plans and activities allowing them to cause the maximum impact of destruction and disruption.

The security of the United Kingdom is of paramount importance and Police Scotland will not disclose further details of such information if it would impact on National Security.

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

## 35(1)(a)&(b) – Law Enforcement

The request information, if disclosed, may assist those involved in criminal activity and in particular organised crime to identify, with some accuracy, the capabilities and procedures used in regards to the Data Validation Application. Those with criminal intent would then be in a position to more accurately estimate police capabilities and response. Disclosure could have a negative effect on national security should the release of information be used and manipulated by criminal fraternities to evade detection.

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

## 39(1) – Health, safety and the environment

Disclosure of the information requested would prove extremely useful for criminals and those intent on wrongdoing, to estimate police response and capabilities and would assist them in circumventing the efficient and effective provision of law enforcement by the police service, which in turn would have an adverse impact on the safety of the officers involved and the general public.

This would increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

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

## Public Interest Test

In regards to the exemptions applied under S31(1), S35(1)(a)&(b) and S39(1), as you will be aware, the exemptions listed above are non-absolute and require the application of the Public Interest Test. I would suggest that public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by the Service and on how public funds are used. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

Furthermore, the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and, the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

It is important to note that the UK does face a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, whether protected or not, and will not reveal any information that might jeopardise this goal. To provide details of resources allocated to protecting them is likely to place individuals at serious and increased risk.

On balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed, as, it is doubtful if it can ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

## 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.

In regards to the DVA Standard User Guide, this document has been exempted in full under Sections 31(1), 35(1)(a)&(b) and 39(1). This document provides detailed instructions for using the DVA system as well as screenshots of the system itself. I would direct you to the exemptions applied to the PMoU document on these sections for the rationale behind this exemption.

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.