

**OFFICIAL**

Our Ref: IM-FOI-2022-1614  
Date: 12<sup>th</sup> August 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) A copy of the police procedure for seizing CCTV and checking the accuracy of the time shown on the footage against a known time source such as the speaking clock.**

Police Scotland holds a guide to trawling, recovering, copying and viewing CCTV in regards to major investigations.

Please find below an extract of the relevant procedure from this guide:

**CCTV RECOVERY**

DATE/TIME CHECK – Use the speaking clock (dial 123).

MAKE NOTES – Particular camera views.

NOTE MAKE/MODEL OF SYSTEM – Number of cameras, presence of CD Drive, USB etc.

VIEW RELEVANT FOOTAGE IN SITU – Make notes, establish relevance of footage, ensuring that you capture the required footage.

CONTACT CCTV COORDINATOR – Should any evidential footage be identified at an early stage of review.

DETERMINE CAMERA VIEWS AND TIME PERIOD – Required for download, identify cameras (internal and external). Do not download from every camera.

COMPLETE TRAWL QUESTIONNAIRE – In full, ensuring any relevant password noted and check what is the earliest footage available.

NOTE STATEMENT FROM STAFF MEMBER – As per Appendix G.

ENSURE ALL CCTV FOOTAGE – Is downloaded as per SIO parameters. If possible, check before leaving the premises.

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### DOWNLOADING CCTV

DISC – Only use CD-R and DVD+/-R (Not rewritable). (Disc 700 MG).

USBS – Are rewritable. Only use for download, these should not be retained as a production. A working copy will be produced onto disc by the CCTV Coordinator. (USB, 4 - 32 GB).

HARD DRIVES - Are rewritable. Only use for downloads that require a large amount of footage. (Hard drive 1 – 3 TB).

1000MG = 1GB

1000GB = 1TB

### LABELLING CCTV PRODUCTIONS

All labels should begin with the prefix 'CCTV'. This provides structure for the creation of any CCTV related productions.

LABEL NO: CCTV - HARD DRIVE – ADDRESS TAKEN FROM (LABEL ONLY)

PRODUCTION NO: CCTV - ADDRESS TAKEN FROM (MASTER)

PRODUCTION NO: CCTV – SECTION 238 CERTIFICATE - ADDRESS TAKEN FROM

PRODUCTION NO: CCTV - ADDRESS TAKEN FROM (COPY 1)

PRODUCTION NO: CCTV – EVIDENTIAL VIEWING LOG - ADDRESS TAKEN FROM

The remarks section of the label should contain details of the time difference with GMT. When the COPY was produced date/time and who by.

### PACKAGING CCTV PRODUCTIONS

DISCS – Write on disc (with dry permanent marker) the production name. Do not attach sticky labels to the disc. Place the disc into a disc cover and into a clear A4 sealable bag with the relevant paperwork (Documentary Backing Sheet, Section 283 and 279 Certificates).

USB – Place the USB, along with the relevant paperwork into a clear A4 sealable bag.

HARD DRIVE – Place the hard drive, along with the relevant paperwork into a clear A4 sealable bag.

In regards to the appendixes noted within the guidance above which are example forms/statements, the requested information is 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.

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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.

The exemption that I consider to be applicable to the information requested by you is:

### **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. These examples provide specific layouts and examples that could be altered and if they were to be released into the public domain, there is a clear risk that they could be passed off as genuine by those intent to commit crime or to otherwise use them for their own ends. Of particular concern are the S238 forms and statement forms that as there is the risk they could be used to pass off false statements or productions as genuine to cause persons distress or otherwise extort money.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively, and thereby prejudice substantially the prevention and detection of crime.

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

### **Public Interest Test**

As you will be aware, the exemption detailed above is non-absolute and requires the application of the public interest test. Public awareness would favour a disclosure as it would contribute to the public debate surrounding the use of police resources and provide additional transparency in how Police Scotland deal with procedural matters.

I would, however, contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.

### **2) A copy of the police procedure for the completion of a section 238 certificates (CCTV)**

Police Scotland holds a guide to trawling, recovering, copying and viewing CCTV in regards to major investigations.

Please find below an extract of the relevant procedure from this guide:

### **CERTIFICATION**

SECTION 283 CERTIFICATE – Relates to roles and responsibilities of the staff member who is providing/downloading the CCTV footage (their details on the form). As per Appendix C and D.

*N.B SECTION 283 CERTIFICATES are productions and must have a backing sheet attached to them.*

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I would direct you to my answer to question 1 for the reasons the appendixes noted have not been provided.

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.police.uk](mailto:foi@scotland.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.

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.