| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0701  Responded to: 28th March 2023 |
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Your recent request for information is replicated below, together with our response.

## Can I please ask how many payments and the combined total of payments have been made for compensation claims from your police force in 2018, 2019, 2020, 2021 and 2022? Can these be sent as separate annual totals?

The table below provides the number of payments that have been made for compensation claims and also the combined total of payments that have been made for compensation claims from Police Scotland, in 2018 to 2022.

| **Year** | **Total Payments** | **Combined Total of Payments** |
| --- | --- | --- |
| 2018 | 1,188 | £2,092,008.52 |
| 2019 | 634 | £3,017,674.00 |
| 2020 | 407 | £2,792,712.25 |
| 2021 | 460 | £9,957,506.99 |
| 2022 | 345 | £4,867,415.45 |

## I'd also like this separated into police officer/staff compensation and public liability please.

The table below provides a breakdown of the above figures into police officer/ staff compensation and public liability.

| **Year** | **Police Officer/ Staff Compensation** | **Public/ Motor Liability** | **Other** |
| --- | --- | --- | --- |
| 2018 | £895,406.43 | £1,192,352.09 | £4,250 |
| 2019 | £2,082,865.68 | £934,041.32 | £767 |
| 2020 | £1,410,635.05 | £1,382,077.2 | - |
| 2021 | £1,005,999.96 | £1,374,973.06 | £2,480.00 |
| 2022 | £2,382,935.48 | £2,484,779.97 | - |

## Further, can I have the details - within the limits of privacy and protection - for any individual compensation payments over £50,000 within these years. If, for instance, a compensation has been granted for a death in custody, could the reason, gender and age of victim, prison and total compensation be cited? If any of these would violate the FOI and as such result in a rejection, please redact and proceed on the others.

The table below provides details of compensation payments over £50,000 which have been made by Police Scotland.

| **Reason** | **Total paid** |
| --- | --- |
| Employment Tribunal | £74,090.00 |
| Back Injury | £100,000.00 |
| Personal Injury sustained on Duty | £150,000.00 |
| Personal Injury sustained on duty | £58,835.00 |
| Personal Injury sustained on duty | £1,000,000.00 |
| Wrongful Arrest and Detention | £365,000.00 |
| Personal Injury sustained on duty | £70,211.49 |
| Personal Injury sustained on duty | £312,900.00 |
| Employment Tribunal | £444,513.00 |
| Motor Accident | £750,000.00 |
| Personal Injury sustained on duty | £400,000.00 |
| Personal Injury sustained on duty | £375,800.31 |
| Alleged assault by police officers | £50,415.27 |
| Personal injury following arrest | £500,000.00 |
| Motor Accident | £200,000.00 |
| Claim of Police Negligence | £150,000.00 |
| Employment Tribunal | £1,400,000.00 |
| Motor Accident | £320,500.00 |
| Motor Accident | £135,550.00 |
| Motor Accident | £50,800.00 |
| Motor Accident | £135,400.00 |
| Motor Accident | £429,600.00 |
| Motor Accident | £371,350.00 |
| Motor Accident | £50,800.00 |
| Employment Tribunal | £518,724.67 |

As you will note, details regarding the gender and age of the claimant have not been provided. In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the requested information.

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

**Section 38(1)(b) - Personal Data.**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

*‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.’*

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.

On that basis, it is my view that disclosure of the information sought would be unlawful.

By way of explanation, should the information requested be released there is a possibility that the data subjects may be able to be identified either by themselves or others.

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.