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Our Ref: IM-FOI-2022-2428
Date: 25th November 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.

Q1. Who is responsible for data protection compliance within your organisation?

Please be advised that the requested information is publicly available.

As such, 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:

- (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 and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

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

I can confirm that the information requested is available through our website. I have attached a direct link to the relevant page below which includes the contact details for our Data Protection Officer:

<https://www.scotland.police.uk/access-to-information/data-protection/>

Q2. Do they know who performs the data sanitisation processes for the organisation?

Q3. Are they aware of the Information Commissioner’s Office approved GDPR certification scheme?

Q4. If no, would they find these schemes useful to help with their compliance?

Q5. If yes, do they specify the use of GDPR certification schemes for vendor selection?

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In relation to questions 2 to 5, I must conclude that as they are yes/no questions and do not seek a copy of recorded information, they are not valid requests in terms of Section 8 of the Freedom of Information (Scotland) Act 2002.

Q6. Do you utilise an ADISA certified ITAD service provider for your IT asset disposal needs?

Our current provider meets the government and Centre for the Protection of National Infrastructure (CPNI) approved standards for secure destruction of information Assets. They do not currently hold certification for ADISA-ITAD but are working towards this and expect to gain this certification in January 2023.

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 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.

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.