| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-0588Responded to: 25 March 2025 |
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Your recent request for information is replicated below, together with our response.

## What exactly you have spent £22.2 million on - Please consider this to be a formal request under the Freedom of Information (Scotland) Act 2002 and we would be obliged if you could also provide a breakdown of the costs.

In response to your request, please see the table below.

Please note the caveats at the bottom of the table.

 Operation Tarn – Complete costs from inception to date\*

|  | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2019-20 to 2024-25 year to date  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Police Officer Costs | £196 | £444,834 | £971,985 | £1,275,175 | £1,377,668 | £1,092,395 | £5,162,253 |
| Police Staff Costs | £0 | £175,867 | £276,269 | £412,183 | £427,452 | £337,861 | £1,629,632 |
| Legal Costs | £0 | £342,724 | £1,148,695 | £6,388,355 | £5,025,521 | £4,426,879 | £17,332,174 |
| Other Non-Pay Costs | £0 | £16,479 | £14,609 | £38,509 | £43,724 | £40,028 | £153,349 |
| Total | £196 | £979,904 | £2,411,558 | £8,114,222 | £6,874,365 | £5,897,163 | £24,277,408 |

The value above includes an accrual estimate for 2024-25.

\*This financial position is reported as at 31 January 2025

## In addition, as a formal request under the Freedom of Information (Scotland) Act 2002, we would be obliged if you could also confirm it is true that all Kings Counsel appearing at the inquiry on behalf of individual police officers and that Police Scotland were paid by Police Scotland £5000 per day.

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm the costs paid to individual counsel regards the concerned case.

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 exemptions that I consider to be applicable to the information requested by you are:

Section 33(1)(b) - Commercial Interests

Section 38(1)(b) - Personal Data

**Section 33(1)(b) - Commercial Interests**

The information requested is a specific part of the contract details with Police Scotland and the service provider, in this case legal counsel. As you may be aware the tendering process is open to competition and if utilised, companies are invited to submit their tender bid with details of the costs and processes they would use for the successful completion of the contract. As a result, any company who submits a tender bid is required to give detailed information regarding the capabilities and financial ability of the company to complete a contract. Public disclosure of such information is likely to give competitive advantage to other similar companies and as a result would have a damaging impact on the company concerned.

Any relevant information supplied by a successful tender company is provided in the expectation that whilst remaining relevant, details within their tender bid, which is commercially sensitive, will be held by Police Scotland and not disclosed to another organisation which may gain a competitive advantage in receiving this information.

However, if the information was disclosed this may, in the future, reduce the number of companies tendering for the supply of goods and services, they being aware that the Police will disclose commercially sensitive information. This is likely to negatively impact on the tendering process used by the service to ensure it purchases the most efficient and cost-effective services in the future and prejudice the commercial interests of Police.

This is a non-absolute exemption which requires the application of the Public Interest Test.

**Public Interest Test**

Public interest arguments in support of disclosure are, that it would allow greater scrutiny of the way public funds are spent; it would increase accountability and transparency in terms of this spending, and it is in the public interest for Police Scotland to procure services competitively, to ensure best value for money.

However, public Interest arguments in support of withholding the information include, that it would be commercially unfair to our current suppliers, and it could damage Police Scotland’s relationship with the suppliers.

The purpose of the tender process is to ensure that all options are presented to Police Scotland and from there the best option in terms of service and cost is selected.

Police Scotland is a publicly funded organisation and therefore the organisation has an obligation to obtain best value for money with particular services. To do this, it is essential to maintain working relationships with these companies that tender their services.

As such, Police Scotland will not disclose any information that would impact on the ability to do both. The public interest would not be served if it were no longer possible to engage companies in a tender offer if they believed that conducting business with Police Scotland would result in their confidential financial information being released.

**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’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met.

The only potentially applicable condition is set out at Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’

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.

In this case, releasing the specific amounts paid to senior and junior council would identify the difference in rates paid to each group and may allow differences in remuneration to be calculated by those involved.

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 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](https://www.foi.scot/appeal), by email 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.