

Our Ref: IM-FOI-2022-1469  
Date: 21 July 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.

**Names (including first and second names) and shoulder numbers of all Police Scotland staff (all ranks including PC, PS PI, CI, etc.) based at Falkirk Police Command, Stirling Police Command, and Clackmannanshire Police Command.**

In response to this request, please find below the names and ranks of *some* Forth Valley Division senior officers:

Forename	Surname	Post Rank	Station
Alan	Gibson	CS	Stirling Randolphfield
Mandy	Paterson	SUP	Stirling Randolphfield
Steven	Irvine	SUP	Stirling Randolphfield
Andrew	Sinclair	SUP	Stirling Randolphfield
Colin	Campbell	DCI	Falkirk West Bridge St
David	Macgregor	DCI	Larbert Central Blvd
Graeme	Lindsay	DCI	Falkirk West Bridge St

Please also be advised that information with regard Forth Valley Division is available on our website as is police officer/staff numbers:

[Forth Valley - Police Scotland](#)

[Police Scotland Officer Numbers - Police Scotland](#)

I am refusing to provide you with any further information in terms of section 16 of the Freedom of Information (Scotland) Act 2002.

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 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.

### **35(1)(a)&(b) – Law Enforcement**

The request information, if disclosed, could be used in order to impersonate police officers. Those with criminal intent would then be in a position to more easily gain access to local homes or to otherwise commit crimes of dishonesty or fraud.

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

The disclosure of the information requested may have the potential to increase the number of crimes being committed against the public with a knock of effect that it would present a risk both to operational police officers having to respond to such incidents and members of the public and the potential to present a risk to an individual's personal safety.

### **Public Interest Test**

Public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by the Service and would allow the public to more easily identify officers. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, I would maintain that rather than decreasing the likelihood of people impersonating police officers, the information gained could be used by to obtain false credibility and would in fact have the opposite effect.

## OFFICIAL

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.

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.

In order to be of some assistance however I would draw your attention to our officer verification check procedure. This is a process to provide reassurance to any member of the public who may be concerned about whether or not they are being spoken to by a genuine police officer. Whilst the process was initially implemented to allow members of the public to check lone officers were genuine, I have confirmed with our Contact Command and Control division that the same process can be used to check an officer is genuine, whether they are on their own or with a colleague.

I have included a link to further details below:

<https://www.scotland.police.uk/what-s-happening/news/2021/october/lone-police-officers-to-offer-verification-check-to-members-of-the-public/>

Should you require any further assistance please contact Information Management - Dundee at [foidundee@scotland.police.uk](mailto:foidundee@scotland.police.uk) 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.

OFFICIAL