| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0419  Responded to: xx March 2023 |
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Your recent request for information is replicated below, together with our response.

## Copies of all vetting clearance decisions (including rationale) issued between 5-9 September 2022 in relation to applications for police officer roles, in cases where the vetting process revealed previous spent or unspent convictions, cautions, reprimands, warnings, or inclusion on any barred lists.

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

- If the information was held, it would be exempt from disclosure in terms of one or moreof the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested third party personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

To be of assistance I can advise you the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2020 provides an exemption for police officer applicants from the requirements of rehabilitation legislation therefore no convictions are considered ‘spent or ‘protected’ and any convictions can be considered for vetting purposes.

To clarify further, the following guidance is an extract from the Vetting Manual;

**5.15 Barred and Advisory List**

**5.15.1** The Policing and Crime Act 2017 provides that, in England and Wales, where officers, Special Constables, members of staff or volunteers have been dismissed they are placed on the Barred List held by the College of Policing.

**5.15.2** The same legislation also provides that where officers, Special Constables, members of staff or volunteers have retired or resigned whilst under investigation for matters which, if proven, might result in dismissal, they are placed on the Advisory List pending enquiries.

**5.15.3** An indication that an applicant is on the Barred and Advisory list will be found on the PND as a ‘flagstone marker’.

**5.15.4** Persons on the Barred List will not be appointed or employed by Police Scotland.

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.