

Our Ref: IM-FOI-2022-2003  
Date: 17 October 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.

**-I am keen to establish what law was in place in regards of a person possibly breaching Covid 19 laws in March and April 2021?  
-Any guidance issued to the Police by the Crown at the same time would be appreciated? Also how you interpreted that and what guidance you issued to operational officers?**

Please be advised that Police Scotland's response, enforcement and guidance with regard to the pandemic is publically 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"*

The information you are seeking is available on the Police Scotland website, via the following link: [COVID-19 – Police Scotland response - Police Scotland](https://www.scotland.police.uk/spa-media/oatjyu51/operational-guidance-version-22-external-use-redacted.docx) and <https://www.scotland.police.uk/spa-media/oatjyu51/operational-guidance-version-22-external-use-redacted.docx>

**Lord Advocate and COPFS advise of Fixed Penalty Notice? However, I wish to be advised by yourself how the force implemented this.  
An example that may assist you understand why I ask, why would an alleged serial breacher of Government advice / law not be investigated by the Police? Especially if**

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**a registered nurse , who would when risk is assessed , may have caused considerable harm to the public at that time ?**

I can advise you that there is nothing specific held with regard to this scenario. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

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.

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