| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0336  Responded to: 21 February 2025 |
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Your recent request for information is replicated below, together with our response.

## I would like to make a Freedom of Information Request under the Freedom of Information (Scotland) Act 2002 which provides a right of access to all types of recorded information held by public authorities.

## Please can you provide me with:

## All of the available vehicle telematics data for the police vehicle with the license plate SF21 KBV for the week beginning the 20th of November 2024;

With regards to providing this, in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

## If no telematics data is available for this period, could you provide an explanation of Police Scotland’s policy when it comes to telematics data on their police vehicles, and what percentage of Police Scotland vehicles are expected to have their telematics data recorded;

I can advise that 81% of fleet vehicles have telematics installed, not all fleet vehicles are able to be fitted with telematics devices.

## The names of the officers in police vehicle SF21 KBV on the night of the 27th of November 2024, when it was involved in a collision on Morningside Road;

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with some 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.

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

**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.*

Whilst I accept that you may have a legitimate interest 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(s). On that basis, it is my view that disclosure of the information sought would be unlawful.

## Any statements given by either office in the vehicle regarding the incident on the night of the 27th of November 2024;

I can advise that Police Scotland does not hold the above requested information.

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, no formal statements have been taken from the Police Officers. This will be taken when requested by the Procurator Fiscal.

## Details of the damage caused to the vehicle on the night of the 27th of November 2024 as a result of the accident.

The damage to the Police vehicle was extensive front end damage, mainly to the nearside (front bumper, both front wing panels and bonnet – air bags deployed).

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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.