

Our Ref: IM-FOI-2022-2648
Date: 16th December 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.

Could you provide a specific description of the item or items initially identified as a 'suspicious package' during an incident at Glasgow Airport on Monday, December 5.

Police Scotland later said the item was "innocent in nature" and the phrase "everyday item" was also mentioned in reports.

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information requested.

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 31(1) – National Security and Defence
Section 35(1)(a)&(b) – Law Enforcement
Section 39(1) – Health, safety and the environment

Section 31(1) – National Security and Defence

If the information is disclosed it may assist terrorist organisations to identify, with some accuracy, the types of materials and objects which are likely to be detected by security at airports and other sensitive areas and by association suggest avenues to avoid detection of devices intended to cause harm. This would provide them with a tactical advantage when planning or perpetrating their terrorist plans and activities allowing them to cause the maximum impact of destruction and disruption.

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The security of the United Kingdom is of paramount importance and Police Scotland will not disclose further details of such information if it would impact on National Security.

This is a non-absolute exemption and requires the application of the public interest test.

35(1)(a)&(b) – Law Enforcement

The request information, if disclosed, could be used to try and work out the types of materials and objects which are likely to be detected by security at airports and other sensitive areas and by association suggest avenues to avoid detection of devices intended to cause harm. Disclosure could have a negative effect on law enforcement should the release of information be used and manipulated by criminal fraternities to try and attack sensitive areas of Scotland or to occupy resources with “false alarm” type incidents.

This is a non-absolute exemption and requires the application of the public interest test.

39(1) – Health, safety and the environment

The disclosure of the information requested may have the potential to increase the likelihood that devices intended to cause harm will be tailored to avoid detection and thereby increase the risk to the safety of the public and any officers dealing with such incidents.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

As you will be aware, the exemptions listed above are non-absolute and require the application of the Public Interest Test. I would suggest that public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate in an area of particular interest, namely the safety and security of our airports.

Furthermore, the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to national security, 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.

It is important to note that the UK does face a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, and will not reveal any information that might jeopardise this goal. To provide details of devices of concern that are detected and by association suggest avenues to avoid detection of devices intended to cause harm is likely to place individuals at serious and increased risk.

We also need to take account of the fact that by criminal organisations knowing what items may cause “false alarm” type incidents, this information could be used to divert police resources and lead to a decrease in the chance their activities would be detected.

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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.

Could you also provide all internal and external Police Scotland correspondence relating to this incident?

If I start off by just looking at the email aspect of your request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, we have previously attempted to conduct similar keyword searches to the one that would be required. In this case a search for emails containing the phrases "Glasgow Airport", "suspicious package", "innocent in nature" and "everyday item" along with potentially others would be required.

Despite extensive efforts to retrieve emails requested by keyword it has become clear that whilst we do have the facility to conduct a keyword search but we do not have the facility to limit this to a particular date range.

This means that any mention of the keywords on any date would be returned. These are returned as individual full mailbox archive files for each mailbox that contains these keywords.

Once these archives are retrieved, a manual process is required to confirm which emails within each file contain the keyword required and then whether they related to the incident at Glasgow Airport. This is further complicated by the fact that we will simply know there is at least one email within the mailbox archive that contains the keyword. There could be 1 or 100 and so each email would need to be manually checked for the topic requested.

During previous similar keyword requests we have conducted a rough estimate using one of our divisions (A Division) which accounts for a bit over 1,300 mailboxes. It is estimated that 100-200 of these may contain the keywords requested. If this is extrapolated across our other divisions this would give us a rough estimate of 2,400 to 3,600 mailbox files to review but it is expected this number may be higher due to the relative size of some of our divisions.

At an average estimate of 30 minutes to check each mailbox file concerned, this equates to around 1,200 to 1,800 hours of work to complete.

This is before we consider a review of additional correspondence such as files/notes/minutes etc held by Police Scotland which would again require a degree of

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manual searching. It is likely a full check of all documents held by the force would add thousands of additional hours to the time it would take to comply with the request.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and that your request would breach the cost threshold.

In order to be of assistance, you may wish to consider reducing the scope of your request to a group of mailboxes or staff and limiting it to a particular time period which may allow it to be progressed.

Should you require any further assistance please contact Information Management 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 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 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.