

Our Ref: IM-FOI-2022-1946
Date: 13 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.

How many members of i) staff and ii) officers are currently suspended on full pay within your organisation?

i) As at 22/09/2022, there are currently 15 members of police staff suspended from the service.

ii) As at 22/09/2022, there are currently 46 Police Officers suspended from the service.

Please state the length of time each staff member/ officer has been suspended, if this is not possible, please break them down by those suspended for a year or more, three months or more or one month or more.

Table 1: Length of suspension: Police staff

Length of Suspension	Number of Police staff
Less than 6 months	5
6 months to 1 year	5
More than 1 year	5
Grand Total	15

Table 2: Length of suspension: Police Officers

Length of Suspension	Number of Police Officers
0-31 days	2
32-100 days	10
101-365 days	19
Over 365 days	15
Grand Total	46

For each, can you please provide their annual salary? If this is not possible, please provide the salary range/ band along with details of pay grades within the band.

i) Police staff

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with information relating to the details of individual staff members.

Low numbers in particular bandings, when combined with related information already in the public domain, would significantly reduce the number of potential candidates, encouraging speculation on the identity of individuals and allowing conclusions to be drawn (either rightly or wrongly).

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 exemption that I consider to be applicable to the information requested by you is:

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’

I appreciate that this response may be disappointing; however, I feel that it is important to emphasise to you that the Act is in essence, applicant and purpose blind. By this I mean

that any information disclosed under the Act would be available to any person requesting it and in addition, that all responses under the Act are published on our website.

On that basis, it is my view that disclosure of the information sought would be unlawful.

ii) Police officers;

Table 3: Police Officers suspended as at 22/09/2022, by rank^{1 2,3}

Rank	Number of Police Officers
Constable	42
Sergeant or above	4
Grand Total	46

1. Data is correct as at 22/09/2022.

2. Please note that the rank of Constable includes Special Constables.

3. Sergeant and above includes the following ranks: Sergeant, Inspector, Chief Inspector, Superintendent, Chief Superintendent, Assistant Chief Constable, Deputy Chief Constable and Chief Constable.

In general terms, details on the Pay and Grading structure for Police Officers can be found via the link below:

<https://www.scotland.police.uk/about-us/finance/pay-and-grading-structure/>

If you require further assistance or 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.