| Police Scotland logo | Freedom of Information Review ResponseOur reference: FOI 25-0962Responded to: 25 June 2025 |
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As requested, we have reviewed the handling of your recent FOI request in terms of section 20(1) of the Freedom of Information (Scotland) Act 2002.

As Police Scotland has failed to respond to your request within twenty working days, it therefore follows that in terms of section 21(4)(c), your request has not been handled in accordance with the Act.

Please accept our apologies for any inconvenience caused.

A response to your request is provided below:

## How many members of Police Scotland's Executive Team LIVE in Scotland? By Live, I mean ordinarily reside and pay tax in Scotland. By executive team, I mean;

## Chief constable…

In relation to the Chief Constable, the information sought is publicly available:

[Letter from Police Scotland Chief Constable to the Convener, 21 December 2023](https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2023/20-december-evidence-session-with-chief-constable-21-december-2023.pdf)

The information is therefore held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

## […] all deputy chief constables, all assistant chief constables, director of strategy and analysis, director of people and development, CDIO digital and transformation, chief financial officer.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

**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 with regards the disclosure, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s).

Accordingly, it is my view that disclosure of the requested information would be unlawful.

If you require any further assistance, please contact us quoting the reference above.

If you remain dissatisfied following the outcome of this review, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email 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.

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.