

Our Ref: IM-FOI-2022-0852
Date: 21 April 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 appreciate I am asking for a comment of opinion, however this opinion derives from disclosure experts with knowledge of proportionality. Any comment at all is greatly appreciated.

- 1) would information disclosure assess that information relating to a warning for a minor offence that has since been weeded from CHS can not be used for disclosure in ORI for any occupation?**
- 2) what is the reason for non disclosure? Is there a time limitation in Law under the rehabilitation of offenders act? Or to disclose is not relative nor proportionate under Police Policy?**

Freedom of Information legislation provides a right of access to *recorded information* only.

We are therefore unable to offer comment or opinion in response to queries posed.

In terms of section 17 of the Act I can confirm that there is no *recorded information* held by Police Scotland in respect of the specific scenario outlined.

To be of assistance, I can advise you that in terms of section 47 of the Protection of Vulnerable Groups Act, Police Scotland will disclose to Disclosure Scotland any information which *the chief officer [...] reasonably believes to be relevant in relation to the type of regulated work in relation to which the scheme member participates.*

Other Relevant Information (ORI) disclosure decisions taken by Police Scotland will always involve an assessment of relevance and proportionality.

For further information I would refer you to the Police Scotland [Disclosure, PVG and Part V Standard Operating Procedure](#).

- 3) If the vetting of Police Constables were carried out by information disclosure, whom have knowledge of proportionality, does information disclosure assess that a warning for a minor offence dating more than 5 years should not be used for Police vetting, to do so is not relative nor proportionate in relation to other protected employment.**

OFFICIAL

Freedom of Information legislation provides a right of access to *recorded information* only.

We are therefore unable to offer comment or opinion in response to the query posed.

In terms of section 17 of the Act I can confirm that there is no *recorded information* held by Police Scotland in respect of your question.

To be of assistance, I can advise you that Police Officer vetting *is not* carried out by Information Disclosure staff. Our dedicated vetting unit make these decisions.

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.pnn.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.