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Our Ref: IM-FOI-2022-2649
Date: 7th February 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.

Can you tell me how many times in the last three years from December 1, 2019, to December 1, 2022, traces of the legionella bacteria have been discovered on the site of Police Scotland's headquarters at Tulliallan?

We can confirm that between December 1, 2019 and December 1, 2022 there have been no traces of legionella bacteria discovered at Police Scotland's headquarters at Tulliallan. However, our records do confirm two instances where routine sampling for legionella bacteria have provided a positive result of traces of legionella bacteria at the Scottish Police College at Tulliallan.

These traces of Legionella bacteria were from routine samples taken in August 2020 and November 2022.

Can you provide associated internal and external Police Scotland correspondence related to any findings during this period?

If the three year period requested is deemed too wide and falls foul of the £600 processing limit, can you provide associated internal and external Police Scotland correspondence related to findings related to traces of Legionella found during the month of November, 2022?

Please note that by "any findings during this period" this has been interpreted as any findings of legionella bacteria at Police Scotland's headquarters at Tulliallan/the Scottish Police College.

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

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(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 30(c) - Prejudice to the Effective Conduct of Public Affairs

Information is exempt under sections 30(c) if disclosure would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

In this case, the information requested is subject to an ongoing investigation and release of the information is likely to have a detrimental effect.

Public Interest Test

I do appreciate that there is a degree of interest in the release of the information you have requested and that to do so would help inform public debate on policing in Scotland and in particular in regards to an important Health and Safety matter that affected Police Scotland.

However it is essential that any release of information does not interfere or prejudice the ongoing investigation. To do so would put the investigation at risk and so would be vastly against the public interest.

The balance lies in withholding the information requested at this time.

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.